

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 15th November, 2018  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 15th November, 2018 at 6.30  
pm

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

Notice in writing of the subject matter must be given to the Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:

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

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 12

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** 13 - 14
- To consider reports on planning applications for development permission:
- a) **APP/2018/0384 - Former Office Building, Wytham Street & Workshop & adjacent house Albion Street, Padiham** 15 - 26  
Demolish office building, convert former workshop to 10 flats with attached dwelling and formation of associated car park
  - b) **APP/2018/0479 - Thorney Bank Industrial Estate, Burnley Road, Hapton** 27 - 36  
Use of land for siting of storage containers (resubmission of APP/2017/0485)
  - c) **APP/2018/0407 - Musty Haulgh Farm, Granville Street, Briercliffe, Burnley** 37 - 44  
Retention of 2no. portacabins used for storage.
  - d) **APP/2018/0450 - Land Adjacent No 3 (Car Park) Fair View Road, Burnley** 45 - 54  
Proposed pair of semi-detached houses.
  - e) **APP/2018/0435 - 32 Holyoake Street, Burnley** 55 - 66  
Proposed erection of 2no. semi-detached dwellings (following demolition of former barn, shed and garage).
  - f) **APP/2018/0306 - Rear of 542 Brunshaw Road, Burnley** 67 - 78  
Proposed bungalow in garden (revised scheme).
  - g) **APP/2018/0398 - 20 Mansergh Street, Burnley** 79 - 84  
Proposed kitchen extension.
  - h) **APP/2018/0413 - 9 Mellor Close, Burnley** 85 - 92  
Demolition of existing garage/utility room and erection of single storey side and rear extension.
  - i) **APP/2018/0418 - 49 Wellfield Drive, Burnley** 93 - 98  
Erection of boundary fence.
  - j) **APP/2018/0223 - 13 The Crescent, Worsthorne, Burnley** 99 - 106  
Proposed demolition of garage, rear conservatory and erection of a two storey side and rear extension, including balcony to first floor, re-submission of planning application (APP/2018/0007).

- k) **APP/2018/0488 - Extwistle Cottage, Todmorden Road, Briercliffe, Burnley** 107 - 114

Proposed two storey side and rear extension above existing side extension with a single storey garden room extension to the side and site associated works.

**7. Decisions taken under the Scheme of Delegation** 115 - 120

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

**MEMBERSHIP OF COMMITTEE**

Councillor Arif Khan (Chair)	Councillor Alan Hosker
Councillor Frank Cant (Vice-Chair)	Councillor Mohammed Ishtiaq
Councillor Afrasiab Anwar	Councillor Marcus Johnstone
Councillor Gordon Birtwistle	Councillor Neil Mottershead
Councillor Margaret Brindle	Councillor Mark Payne
Councillor Saeed Chaudhary	Councillor Asif Raja
Councillor Sue Graham	Councillor Jeff Sumner
Councillor John Harbour	Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 7 November 2018



## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 18th October, 2018 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, G Birtwistle, M Brindle, S Graham, J Harbour, A Hosker, M Johnstone, N Mottershead, M Payne, A Raja and C Towneley

### OFFICERS

Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

#### 45. Minutes

The Minutes of the last meeting held on 20<sup>th</sup> September 2018 were approved as a correct record and signed by the Chair.

#### 46. Declaration of Interest

Councillor Cosima Towneley declared an Other (personal) interest in item APP/2018/0385 – Worsthorpe Recreation Ground, Lennox Street, Worsthorpe.

#### 47. 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:

Daniel Harper (against)	APP/2018/0385 – Worsthorne Recreation Ground
<b>Simon Goff (for)</b>	<b>APP/2018/0385 – Worsthorne Recreation Ground</b>
<b>Mr McKay - (for)</b>	<b>APP/2018/0385 – Worsthorne Recreation Ground</b>

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

**48. APP/2018/0385 - Worsthorne Recreation Ground, Lennox Street, Worsthorne**

**Full Planning Application**

**Proposed improvements to recreation ground including clubhouse, changing facilities, car parking/games area, drainage/pitch improvements, creation of swale, new footpath and outdoor fitness equipment**

**WORSTHORNE RECREATION GROUND LENNOX STREET WORSTHORNE**

**Decision:** That the Head of Housing and Development Control be delegated to grant planning permission subject to the receipt of no further objections from Sport England and subject to the following conditions and any other conditions deemed appropriate by Sport England and/or the Head of Housing and Development Control.

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:3000 location plan), CX1505/WRG2/K, 18-036-01A, 18-036-02A, 18-036-03, 18-036-04A and TBP5700 Sheet 1 of 1, received on 7 August 2018; WRG10 (Works to access track), received on 3 October 2018, new plan 18-036-02B (New Cabin Buildings) and amended plan CX1503/L01 Rev. M received 17<sup>th</sup> October 2018.
3. No part of the development hereby approved shall be commenced until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved, in writing, by the Local Planning Authority.
4. No part of the development hereby approved shall be occupied or first brought into use for organised matches until the approved scheme referred to in Condition 3 has been constructed and completed in accordance with the scheme details.
5. The improved playing pitches as indicated on the approved plans shall not be used for football matches other than in accordance with the details which specify the football season, the playing days, the number, frequency and intervals between matches contained within the Design and Access Statement submitted with this application. No

knockout competitions or round robin style games shall at any time be played on the site.

6. None of the proposed playing pitches shall be first brought into use until all the proposed on-site car parking facilities indicated on the approved plans have been constructed, marked out and made available for use. The approved on-site parking facilities shall thereafter be retained at all times.
7. None of the proposed playing pitches shall be first brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall provide details of all on and off-site parking arrangements and/or agreements and measures to prevent players/parents from parking on-street in the vicinity of the site and this shall be updated prior to the start of each season to reflect any changes in circumstances and submitted to and approved in writing by the Local Planning Authority prior to the start of a new football season.
8. 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 measures contained within the approved Statement shall be carried out in their entirety and be adhered to throughout the construction period. The Statement shall provide for the following:
  - a) The parking of vehicles of site operatives and visitors
  - b) The loading and unloading of plant and materials
  - c) The storage of plant and materials used in constructing the development
  - d) The erection and maintenance of security hoarding
  - e) Wheel washing facilities
  - f) Measures to control the emission of dust and dirt during construction
  - g) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - h) Details of working hours
  - i) Routing of delivery vehicles to/from site.
9. Prior to the construction of the proposed swale/pond, sections to show its depth and gentle shelving and planting details shall be submitted to and approved in writing by the Local Planning Authority. The swale/pond shall thereafter be constructed and maintained in accordance with the approved details.
10. Tree protection measures shall be carried out and remain in situ throughout the construction period until its completion in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to any development being commenced.
11. All planting in the approved details of landscaping as indicated on drawing number CX1505/WRG2/K (received on 7 August 2018) shall be carried out in the first planting and seeding seasons following the first use of the approved playing pitches or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

12. The approved clubhouse and changing rooms shall not be first brought into use until the external elevations of each respectively has been treated and finished in accordance with the details on the application forms.
13. The clubhouse shall be used for purposes ancillary to the use of the playing pitches and recreation ground only and shall not be used for any other purpose.
14. There shall not at any time be any floodlighting of the playing pitches or facilities on the recreation ground.

#### ***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 improvements to the site access which are necessary to mitigate against the traffic generation of the development are agreed, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that a satisfactory scheme can be secured, without which, the development would have a significant impact on highway safety and would be unacceptable.
4. To ensure that the necessary highway improvements agreed under condition 3 are carried out at the appropriate time, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
5. To ensure the satisfactory implementation of the proposal, in order to manage and control traffic generation to the site, in the interests of highway safety and residential amenity, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).
6. To ensure adequate on-site parking is provided in order to prevent the need for on-street parking nearby, in the interests of highway safety and residential amenity, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).
7. To ensure that potentially complex parking arrangements are adequately provided and appropriately used to prevent congestion and on-street parking in the vicinity of the site, in the interests of highway safety and residential amenity, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).
8. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Method Statement is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.



9. To ensure the drainage and water/habitat feature is suitable for its intended purpose at this location within an area of public open space, in accordance with Policies CC5 and SP5 of Burnley's Local Plan (July 2018).
10. To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the agreed measures are carried out at the appropriate time.
11. To ensure adequate compensation for trees that are affected by the development, in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018).
12. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. To ensure the satisfactory implementation of the proposal and to safeguard the residential amenities of nearby dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
14. To protect the open countryside from excessive illumination and protect residential amenities from lighting glare, in accordance with Policies NE5 and SP5 of Burnley's Local Plan (July 2018).

<b>49. APP/2018/0358 - Land adjacent Angle Street, Burnley</b>
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**Full Planning Application  
Proposed erection of retail unit  
LAND ADJ 7 ANGLE STREET BURNLEY**

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

**Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 437/01 and 437/04 received 25 July 2018. Drawing Nos. 437/02A and 437/03A received 15 October 2018.
3. The parking and manoeuvring area shown on the approved plan, Drawing no. 437/02 received 25 July 2018, shall be surfaced in a porous material and marked out to indicate the proposed disabled parking bay together with a designated pedestrian

route from the highway to the front entrance to the building, before the retail unit hereby approved is brought into use.

4. The parking and manoeuvring area shown on the approved plan, Drawing no. 437/02 received 25 July 2018, shall be retained at all times for the parking and loading / unloading of goods. There shall be no storage of goods or equipment on this area.
5. The off-site highway works to provide vehicular access from North Street shall be carried out in full accordance with Section 278 of the Highways Act, in consultation with the Highway Authority, before the retail unit hereby approved is brought into use.
6. No development shall take place including the removal of the existing walls and structures, 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. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in the constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities and road sweeping as required
  - vi) Measures to control the emission of dirt and dust during construction
  - vii) Details of working hours
  - ix) Routing of delivery vehicles to/from the site
  - x) Contact details of the site manager
7. There shall be no construction works taking place on the development hereby approved, outside the hours of 0800 hours to 1800 hours Monday to Friday; 0800 hours to 1300 hours on Saturdays and not at any time on Sundays and Bank Holidays.
8. The two landscaped areas indicated on the approved plan, Drawing no. 437/02 received 25 July 2018 shall be provided to the satisfaction of the local planning authority and each area shall contain a tree such as a Japanese Maple, Cherry, Magnolia, or similar suitable for a small garden. The areas shall thereafter be maintained in accordance with good horticultural practice.
9. The retail unit shall not open outside the hours of 0800 to 1900, Monday to Saturday; 1000 to 1600 on Sundays and Bank Holidays and no deliveries shall take place outside these hours.

### *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 /4/5 In the interests of highway safety to ensure that adequate facilities are available whilst the use is in operation, having regard to Policy IC3 of Burnley's Local Plan July 2018.

6. The construction method statement is required before the development commences to ensure that the site is managed in such a way as to avoid any impacts on highway safety from the start of the works and throughout the period of construction.
7. In the interests of highway safety and residential amenity, to avoid undue disturbance in the surrounding area during the construction period.
8. To compensate for the loss of planting on the site and to ensure the development harmonises with the surrounding area, having regard to Policy NE4 of Burnley's Local Plan July 2018.
9. To avoid disturbance to neighbouring residential properties at unsocial hours having regard to Policy TC6 of Burnley's Local Plan July 2018.

<b>50. APP/2018/0345 - 5 Clockhouse Court, Burnley</b>
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**Full Planning Application  
Proposed 1st floor side extension  
5 CLOCKHOUSE COURT BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawing showing existing and proposed plans and elevations; and layout of 3 car parking spaces, received 18 July 2018.
3. Notwithstanding any submitted details on drawings referred to in Condition 2, any vehicle hardstanding shall be formed of permeable material, and means (curbs of other device) shall be provided to prevent any excess surface water (as may arise in storm conditions) from flowing onto the highway or other adjoining land.
4. The facing brick and roof tiles used in the development shall match the corresponding materials of the existing building.

**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 provision for sustainable drainage, thereby helping to avoid localised surface water flooding and addition to flooding downstream of the site, in accordance with Policy CC5 of the Burnley Local Plan (2018) and in the interests of Highway Safety.

4. In the interests of visual amenity and high quality development in accordance with Policy HS5 of the Burnley Local Plan (2018).

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

Members received for information a list of decision taken under delegation for the period 3<sup>rd</sup> to 30<sup>th</sup> September 2018.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

15<sup>th</sup> November 2018

Housing and Development

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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0384

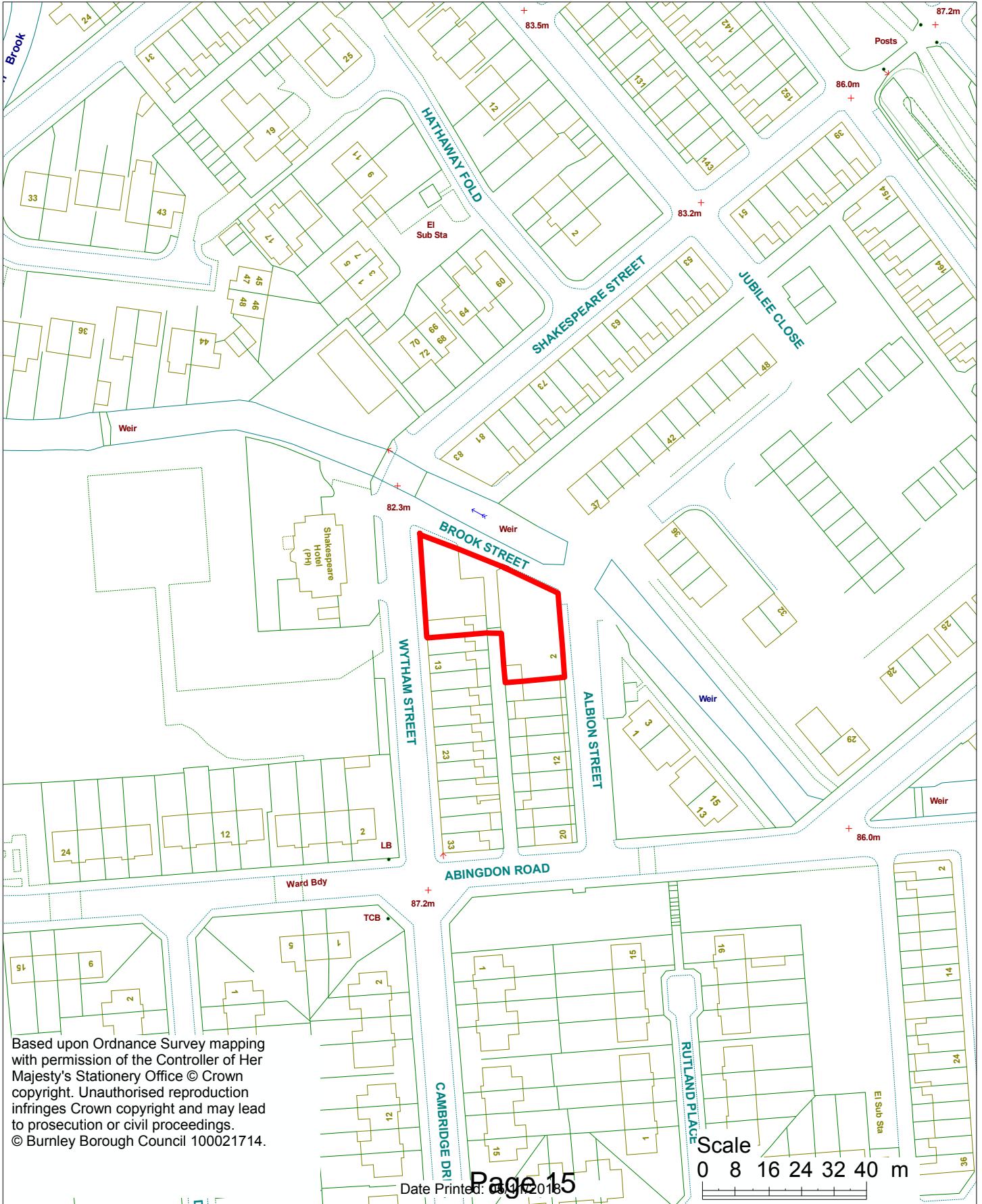
Paul Gatrell Head of Housing and Development

Location:



## Buildings on Wytham Street & Albion Street, Padiham

1:1250



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Full Planning application

Demolish office building, convert former workshop to 10 flats with attached dwelling and formation of associated car park

FORMER OFFICE BUILDING WYTHAM STREET & WORKSHOP & ADJ HOUSE ON ALBION STREET PADIHAM

**Background:**

The proposal relates to buildings that were formerly used as offices and for industrial uses in association with Perseverance Mill which has been demolished and is being developed for residential purposes. The proposal is to demolish the two storey building which forms part of the terrace fronting Wytham Street and to convert the two storey building on the corner of Brook Street and Albion Street to form 10no. flats and a single dwelling.

Former offices on Wytham Street



Former workshop building including adjoining terraced property  
Front



Rear



The proposals involve forming a residents' car park on the cleared land fronting Wytham Street and improving the red brick building and adjoining stone terraced

property to accommodate 10no. one bedroom flats and an adjoining two bedroom dwelling.

Proposed ground floor layout and car park

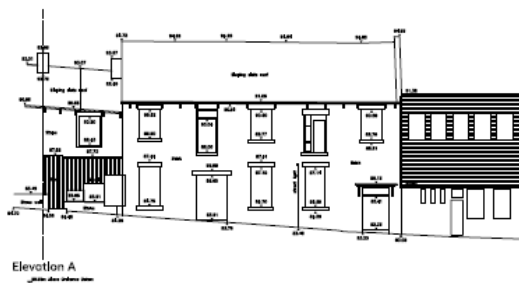


**Proposed Ground Floor Layout**

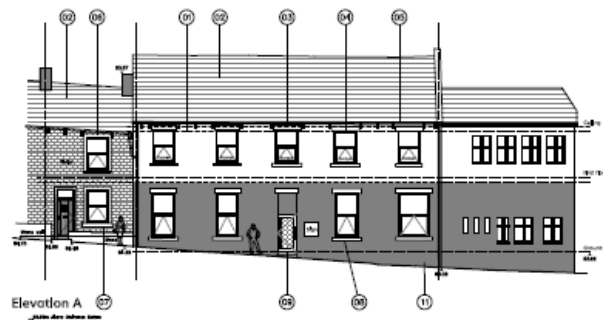
The proposed car park would provide almost one space per unit and would be shared for all occupants of the development. A screened bin store is sited away from existing houses and peripheral landscaping and a small number of trees are also proposed.

Existing front elevation

Existing Elevations

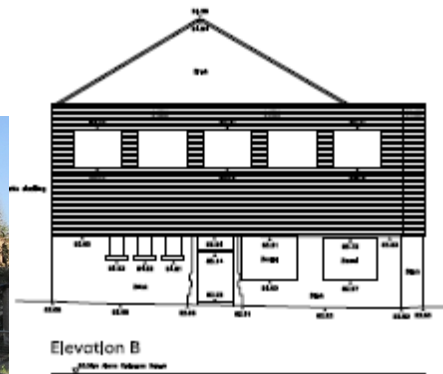


Proposed Front Elevation

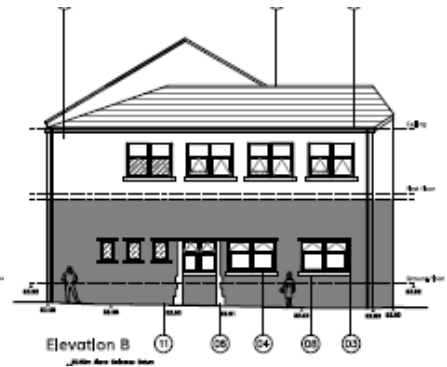


The external faces of the building would be tidied and some openings modified or removed to form a regular pattern of new windows and a central door to the front. Red brick would remain on the lower walls with render to the first floor and the existing tiles roof would be retained and replaced where necessary.

Existing side elevation

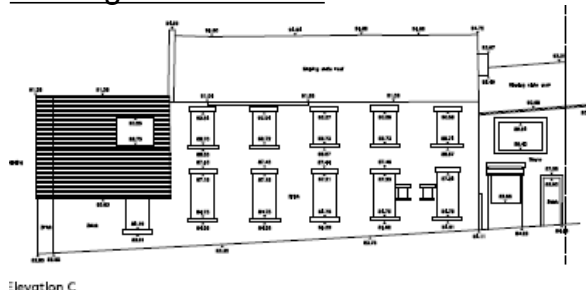


Proposed side elevation

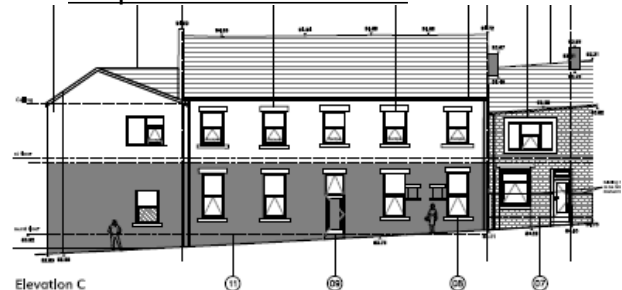


The roof over the existing side extension which fronts Brook Street would be raised to accommodate a first floor corner flat.

Existing rear elevation



Proposed rear elevation



Similarly the rear elevation would be improved, utilising existing window openings.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS2 – Affordable housing provision
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

The National Planning Policy Framework

**Site History:**

Previous applications relating to the offices/industrial use of the premises.

**Consultation Responses:**

LCC Highways

No objections. Request that additional footway is constructed surrounding the dwellings and a suitable scheme for street lighting on Brook Street, Albion Street and

the section of the rear lane adjacent to the new off-street car parking area and recommend conditions to achieve this.

#### Environmental Health

No objections. Recommend conditions to restrict construction hours and to require an electric charging point for cars.

#### Contaminated Land Officer

Recommend that an intrusive investigation be carried out and any remediation work that is necessary be carried out in order to deal with potential contamination.

#### Greater Manchester Ecology Unit

The findings of the bat survey submitted with the application are accepted which found that the buildings to be converted and demolished have negligible bat roosting potential. However, as bats are highly mobile creatures, advise that an informative is placed on any permission to ensure that the developer is aware of the need to cease work if any evidence of bats is found.

#### Environment Agency

The application is for more vulnerable development (residential) that extends into Flood Zone 2 and less vulnerable development (car park) that extends into Flood Zone 3. The submitted Flood Risk Assessment (FRA) has been reviewed and it is accepted that it demonstrates that the proposed development would not be at an unacceptable risk of flooding or exacerbate flooding elsewhere. There are no objections in principle subject to a condition to require the development to proceed in strict accordance with the FRA and the mitigation measures identified.

#### Schools Planning Team

An education contribution is not required.

#### Designing out Crime Officer

Recommend that the development is built to the police preferred security specification Secured by Design 'Homes 2016'. Guidance has been supplied for the benefit of the applicant.

#### Publicity

A letter of objection has been received from a neighbouring property which makes the following points in respect of the proposal:-

- Albion Street is a busy by-pass for the Abingdon Road/Cambridge Drive junction and road is narrow at its bottom
- Proposal will increase traffic and parking on Albion Street
- People have been nearly knocked down from traffic and this danger will be increased.

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

#### Principle of proposal

Policy SP4 identifies Padiham as a Key Service Centre at the second tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to

take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. Policy SP2 sets out the housing requirement for the plan period up to 2032 which takes into account that there will be brownfield windfalls that will contribute to the delivery of housing in this period. Given that the site is an accessible site within the existing urban area of Padiham and seeks to bring back into use an existing and derelict building, the proposal would, in principle, comply with Policy SP4 subject to detailed considerations, set out below.

#### Impact on traffic and parking

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring one car parking space for one bedroom dwelling and two spaces for a two bedroom dwelling (reduced to 1.5 spaces for shared parking). The site is well placed to make use of existing infrastructure and services and within walking distance of public transport services. On-street parking occurs on surrounding streets due to the terraced nature of the local area. In this instance, a significant part of the existing built-up site would be given up to provide off-street parking (total of 10 spaces) that on a shared basis would provide for the needs of the development (11 units), particularly given that the ten of the eleven units are one bedroom and are located at a sustainable location.

An objection has been received based on the impact of additional traffic and parking. The amount of traffic and parking generated by this proposal is however lower than could potentially be generated by the re-use of the existing office and industrial workshop buildings. Notably, LCC has no objections to the proposal but recommends a condition to allow for off-site improvements to be agreed which, if possible, will include a pavement around the side of the building Brook Street and street lighting.

The impacts on traffic and parking are therefore unlikely to be significant and can be adequately mitigated by conditions as recommended by LCC Highways.

#### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development, having regard to overlooking and daylight. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity or other existing land users.

The proposed first floor flats would have an interface distance with the rear elevation of nos. 11 and 13 Wytham Street of 9m which is considerably short of the 20m standard that is contained within Policy HS4 and is normally applied to new development. In this instance, no new windows would be created but the residential use of the building would give rise to potential overlooking from habitable rooms. Whilst this would be a disadvantage to the affected properties, there would also be an improvement in the outlook onto the rear of this building that has fallen into disrepair and notably, there would previously have been daytime overlooking and noise and disturbance associated with the use of the building. The impact of overlooking in this case is therefore likely to be mitigated by the building's re-use for residential purposes and a general improvement in its appearance and immediate environs.

An amended plan has been received to re-site the proposed bin store away from the nearest neighbouring property on Wytham Street to protect the amenity of the private rear yard space.

Taking into account the constraints from the close proximity of the existing building to other properties, the overall impact of the development would not significantly affect existing residential benefits and in most cases would result in a positive impact.

#### Impact on visual amenities

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to have regard to materials. The proposed conversion would retain the red brick of the building with render to the upper walls and stone on the adjoining terrace. Whereas surrounding development is characterised by the use of stone, the tidying up and improvement to the existing brick building would improve the visual amenities of the site and its surroundings. The stone terrace on Wytham Street which was formerly used as offices is a traditional terrace and its loss would have some negative impact on the character of the area. The removal of the building would however facilitate the re-development of the site as a whole and the proposed car park would be appropriately surfaced and edged with landscaping to integrate into its surroundings. The visual impact of the proposed development would therefore be acceptable.

#### Affordable housing

Policy HS2 requires the provision of affordable housing for developments over 10 units. In this case, it is accepted that the development of 11 units sits on this threshold figure and in this instance would give rise to significant benefits from the re-use of the site and would provide housing by a registered social provider. The proposed scheme therefore would achieve the objectives of providing affordable housing.

#### Impact on flooding

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. Part of the site falls within Flood Zone 2 where there is some risk from flooding. At the adjoining former mill site, the culvert and has been opened up which has brought significant benefits in reducing flooding risks in the local area and Padiham. The Environment Agency is satisfied with the FRA that has been submitted with the application subject to a condition to require its compliance. With this provision, the proposal would have no significant impact on flooding at the site or elsewhere.

#### Other issues

A condition to require a further contamination investigation and remediation is necessary due to the past use of the site. No bats have been detected at the premises and no further action is required in this respect.

#### Conclusion

The proposal would re-use an existing derelict site at a sustainable location for new housing. The proposal complies with the development plan and there are no material considerations which outweigh this finding.

**Recommendation: Approve with conditions**

## Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1812/100.01 (1:1250 location plan), 1812/100.02 (1:500 site plan), 1812/201.02RevD, 1812/201.03 and 1812/202RevB, received on 6 August 2018; and, 1812/207Rev A, 1812/201.01RevE and 1812/208RevA, received on 1 November 2018.
3. The external materials of construction to be used on the walls and roof of the development shall be as indicated on the approved plans and application forms unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. No development shall be commenced until a scheme for off-site works of highway improvement to include provision where practicable for additional footway and street lighting to Brook Street, Albion Street and Back Albion Street (adjacent to the proposed car park) has been submitted to and approved in writing by the Local Planning Authority.
5. No flat or dwelling shall be first occupied until the scheme approved under condition 4 has been carried out and completed in accordance with the approved details.
6. The car park hereby approved shall be used as a private car park by residents/visitors of the approved development only.
7. No flat or dwelling hereby approved shall be first occupied until the approved car park has been constructed, surfaced, marked out and is available for use in accordance with the approved plans. The car park shall thereafter be retained and remain available for use at all times for parking by residents/visitors of the approved development.
8. No flat hereby approved shall be first occupied until the screened refuse and recycling storage facility for the approved flats has been constructed, completed and is available for use in accordance with the approved plans. The approved refuse and recycling storage facility shall thereafter be retained and remain available at all times for use by the approved flats.
9. Prior to the commencement of development, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Phase I Geo-Environmental Site Assessment (report prepared by e3p, reference 11-617-r1, dated December 2016) to further assess the extent of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme and evidence verifying these works, including

validation certificates, shall be submitted to and approved in writing by the Local Planning Authority before any flat or dwelling is first occupied.

In the event that previously unidentified contamination is discovered during intrusive investigations, or site works, it must be reported in writing immediately to the Local Planning Authority and a further investigation and risk assessment shall be undertaken to determine the extent of contamination. A report of the investigation, including any additional remediation scheme required shall be submitted to the Local Planning Authority for approval before works continue. Once remedial works have been completed, a verification report shall then be submitted to and approved in writing by the Local Planning Authority prior to any part of the approved development being first occupied.

10. The development shall be carried out and completed in full accordance with all the recommendations contained within the Flood Risk Assessment submitted with the application (prepared by the Alan Johnston Partnership LLP, reference 218-072, ASP-AJP-ZZ-XX-RP-C-3000, dated 1 March 2018).
11. All planting, seeding or turfing comprised in the approved details of landscaping, as indicated on drawing number 1812/207RevA, shall be carried out in the first planting and seeding seasons following the first occupation of any flat or dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
12. 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.

## **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 a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the highways immediately affected by the development are improved to an acceptable standard to cater for the needs of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.



5. To cater for the traffic generated by the development in order to provide acceptable conditions in respect of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To ensure the satisfactory implementation of the proposal and the provision of adequate off-street parking to meet the needs of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
7. To ensure adequate off-street parking to meet the needs of the development and to avoid excessive on-street parking at a location where there is already a significant reliance on on-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
8. To ensure adequate refuse and recycling storage for the approved flats in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
9. In order to deal appropriately and safely with the risks posed to the site and for future users from past industrial uses, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of development to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.
10. To ensure that the development does not pose an unacceptable risk to flooding for occupiers of the development or elsewhere, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
11. 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 HS4 and SP5 of Burnley's Local Plan (July 2018).
12. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

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05/11/2018

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Housing & Development  
19 Parker Lane

Ref.

**APP/2018/0479**

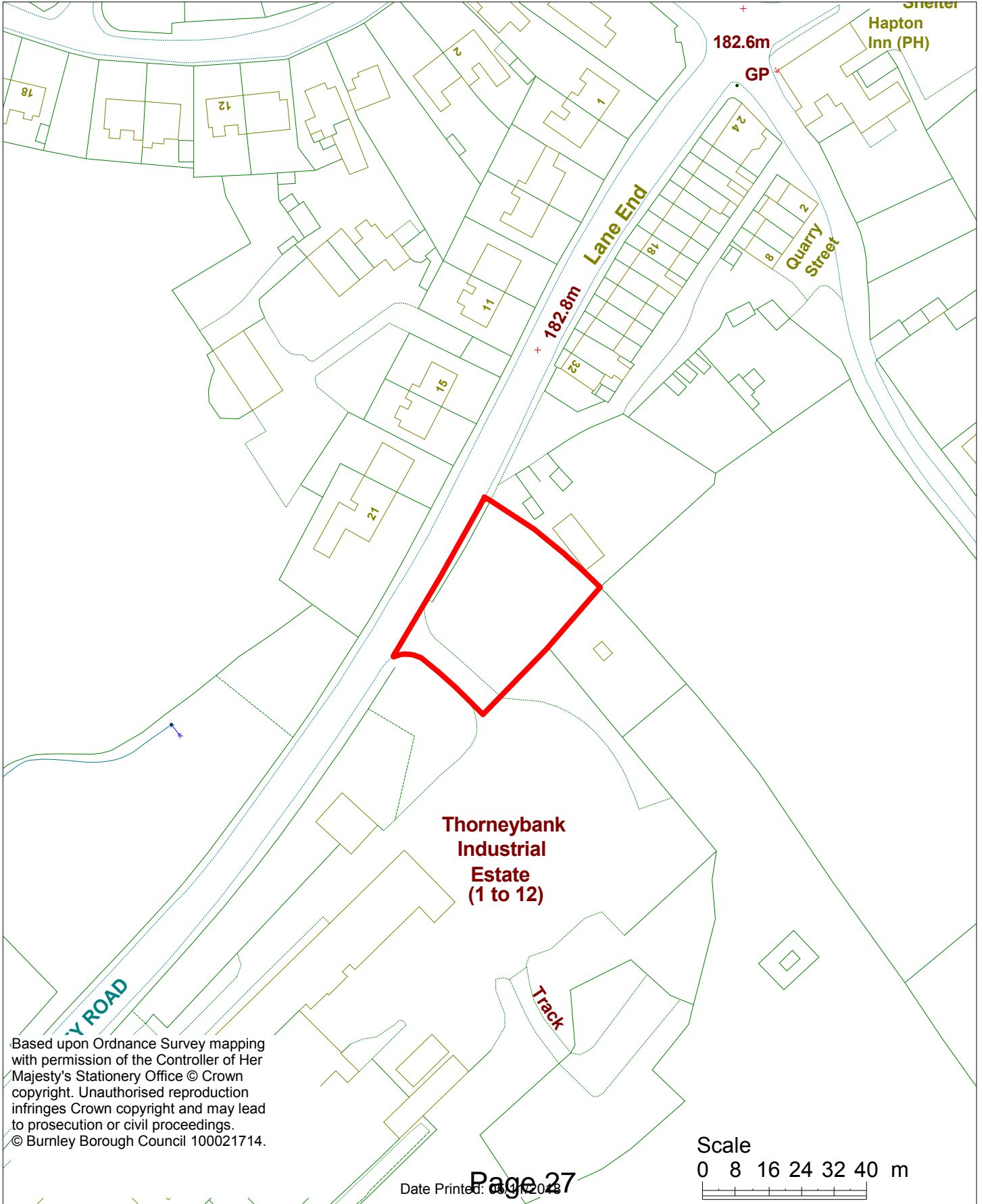
Paul Gatrell Head of Housing and Development

Location:

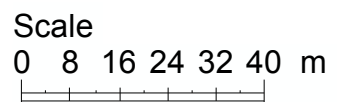


## Thorney Bank Industrial Estate, Burnley Road, Hapton

1:1250



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Full Planning Application  
Use of land for siting of storage containers (resubmission of APP/2017/0485)  
THORNEY BANK INDUSTRIAL ESTATE BURNLEY ROAD HAPTON

**Background:**

The application is brought to the Committee under the Development Control Call-in Procedure

The application relates to development already carried out in mid-2017 without planning permission.



An application was submitted to regularise the planning position. Following negotiations the applicant was requested to redesign the scheme, setting back the front line of the containers by a substantial distance, rear of dense landscape planting.

The applicant declined to amend the scheme and the application was refused in May 2018. The applicant was requested to remove the containers to avoid enforcement action; the response to that request has been awaited for some time; and, the present application has now been received.

**Officers are firmly of the opinion that this matter can and should be resolved by negotiation and suitable amendment to the development. The support of the Committee is sought in the recommendation to delegate authority to negotiate a better scheme or refuse the application.**

**Relevant Policies:**

Burnley's Local Plan (2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

EMP5: Rural Business & Diversification

CC5: Surface Water Management and Sustainable Drainage Systems

IC3: Car Parking Standards

**Site History:**

7/7/6016- C/U from colliery to motor vehicle testing station – Granted

7/7/6278 – AORM (Access and Landscaping) – Granted

7/7/7865 – C/U from garage store to bearing distribution – Granted

7/7/7905 – C/U from Depot stores to light engineering

7/7/7906 – Tyre store to joiners shop – Granted

12/78/0156: Change of use from motor vehicle testing station to motor vehicle testing station, general road haulage storage and distribution and trailer manufacture and repair, together with landscaping of site – Granted

12/98/0535: Use of units for paint manufacturing, ancillary storage and offices in compliance with Condition 9 [*restriction of use*] of 12/78/0156 – Granted

12/01/0505: Construction of bund wall and storage tanks in yard at existing factory – Granted

12/2002/0634: Use of land for residential development (all matters reserved for future approval) – Refused; Appeal Dismissed [see note re brown field land]

APP/2006/0200: Outline. Erection of new industrial building class B1/B8 using existing access to the site and including details of siting (design, external appearance and landscaping reserved for future approval) – Granted

APP/2006/0640: Proposed industrial unit (Class B1/B8) with associated car parking and landscaping – Granted

*Partly overlapping present site:*

APP/2007/0490: Proposed erection of 4 industrial units – Granted [Not carried out; now lapsed]

**Consultation Responses:**

Highway Authority – No objections. Concern that the planting shown may encroach into a visibility splay; a visibility splay measuring 2.4m x 70m (1m above carriageway height) should be provided.

Neighbouring residents - Letter from resident making objections, summarised as follows:

1. Increased commercial traffic onto A679; increased LGV and HGV to site; need for clear road sign.
2. Increased noise.
3. Increased flood risk from lack of adequate drainage.
4. Overshadowing of bungalows opposite.
5. Storage containers contents unspecified;
6. Hours of access unspecified.
7. Inadequate screening.

*Relating to previous application*

Neighbouring Residents – Letters from 3 neighbouring residents making objections as follows (summarised):

1. Concern that the development has caused increased surface water flooding
2. Concern about materials stored and possible fire risk
3. Likely noise and disturbance from users of the site.
4. No control of hours of operation.
5. View of large containers from dwelling is unacceptable.

**Planning and Environmental Considerations:**

Thorney Bank Industrial Estate (TBIE) has a long planning history.

The application site has its western part within TBIE and its eastern part on greenfield land. Those parts are roughly equal in area.

The whole site is outside the Development Boundary set by the adopted development plan

Additionally, the westerly part is on land required to be kept landscaped under the terms of a previous planning permission. The development is, therefore, actionably in breach of that condition.

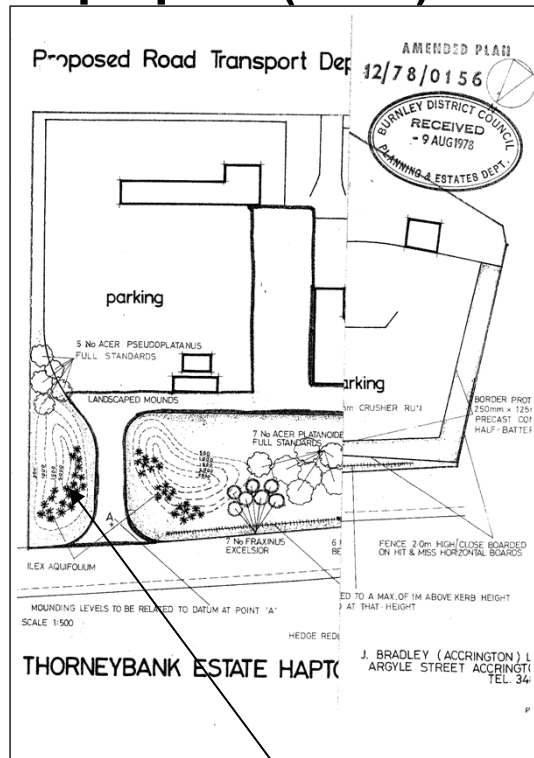
*Resume of planning history*

Following on from its use as a coal mine and National Coal Board Offices, it came into use for a variety of commercial vehicle and road haulage purposes.

**The 1978 permission** was granted subject to the following condition, which continues to apply to the land:

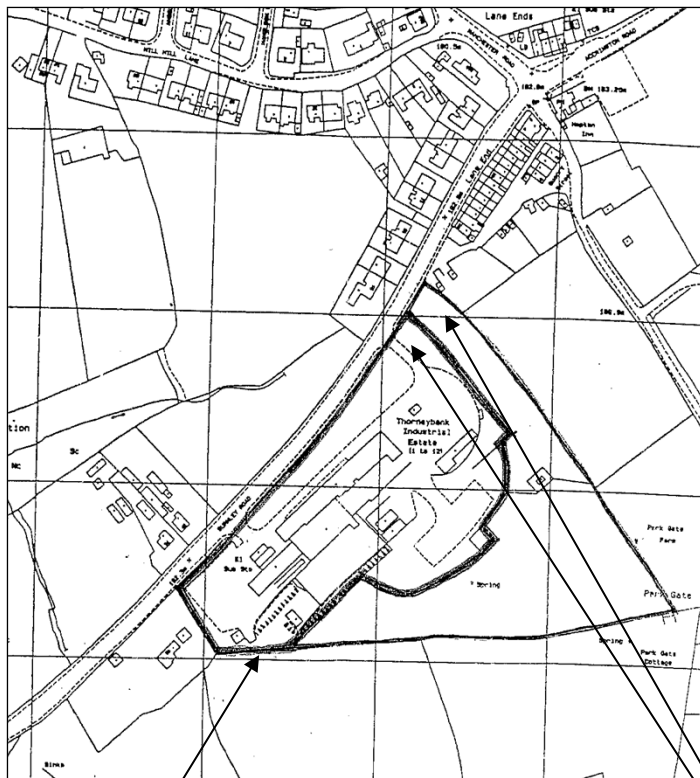
*Within 9 months of the date of this permission, the landscaping of the application site, including earth mounding, the planting of trees and shrubs and the erection of screen fencing, shall be carried out in complete accordance with the scheme shown on the approve plan and shall thereafter be maintained and trees and shrubs replanted where necessary in accordance with good horticultural practice*

# Copy of landscape plan (1978)



**Application site (west part)**

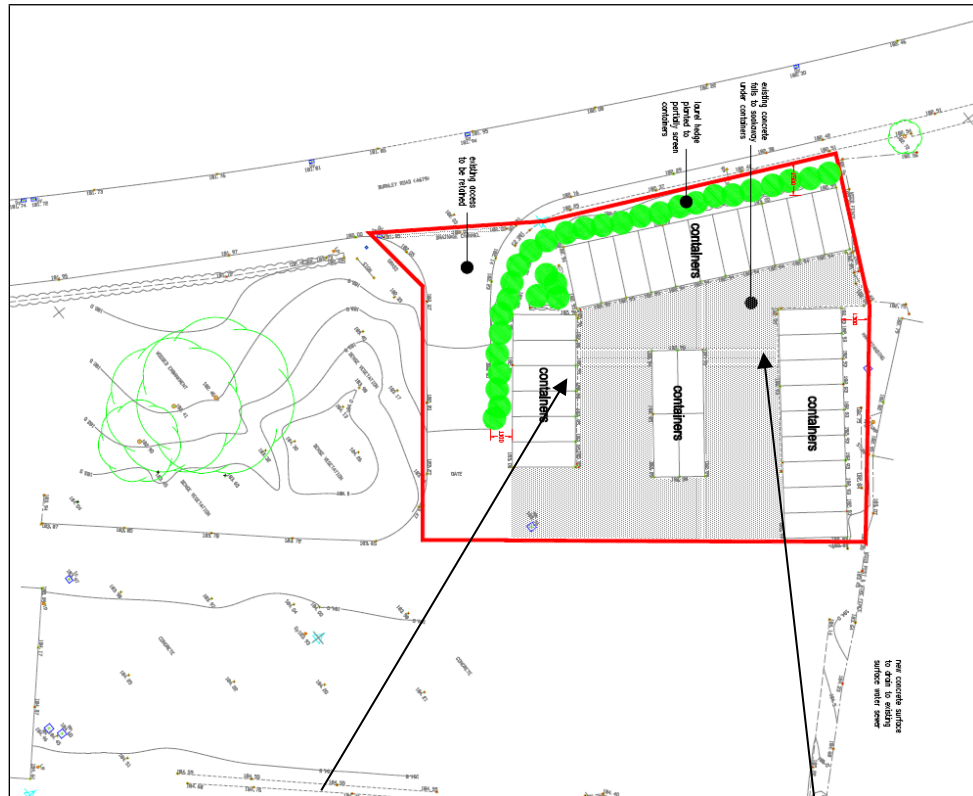
In 2012, a planning appeal established that the land comprised in the Thorney Bank Industrial Estate was previously developed/'brownfield' land, and this clarified the boundaries of the planning unit. The appeal plan is copied below.



**Planning Boundary of Industrial Estate.**

**The application site lies both sides of this boundary**





**Part of site within Industrial Estate      Part of site on greenfield land**

*Policies and Assessment*

**Policy EMP5** supports new/expanding business in the open countryside where they (as relevant to this application):

- a) *Support the retention or growth of an existing business or the establishment of a new enterprise and are at a scale that is appropriate to and in keeping with the area in which they are located;*
- b) *In the design of any buildings, access and car parking arrangements are in keeping in terms of their scale and character with the surrounding landscape and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and*
- c) *Do not have an unacceptably negative impact on residential amenity.*

The scheme as it is carried out/shown in the application is not appropriate as roadside development because of the stark, industrial appearance of the containers.

There is no identified concern about undue traffic generation, other than the concern about driver visibility at the Burnley Road access.

There is unacceptable impact on residential amenity. This part of Burnley Road has a mix of residential and commercial development and each should be expected to play a reasonable part in providing an amenable street scene. The containers, as they stand, are a harsh intrusion.

However, it needs be said that the containers are of good quality and the development is generally well formed, as indicated by the following images.



Properly sited, properly screened and drained, the development would be acceptable and the recommendation is made on that basis.

**Recommendation:**

That provided the application is amended to show the front line of the containers set back a substantial distance (around 8 – 10 m) from the highway, behind dense landscape planting, together with information sufficient to resolve concern about surface water management, the Head of Housing and Development Control is delegated to grant planning permission subject to any appropriate conditions; or, if negotiations are unsuccessful, to refuse the application for reasons of its conflict with the development plan in respect of building on land beyond the Development Boundary (policy SP4) adverse impact on visual amenity (policy SP5).

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7.11.2018



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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0407

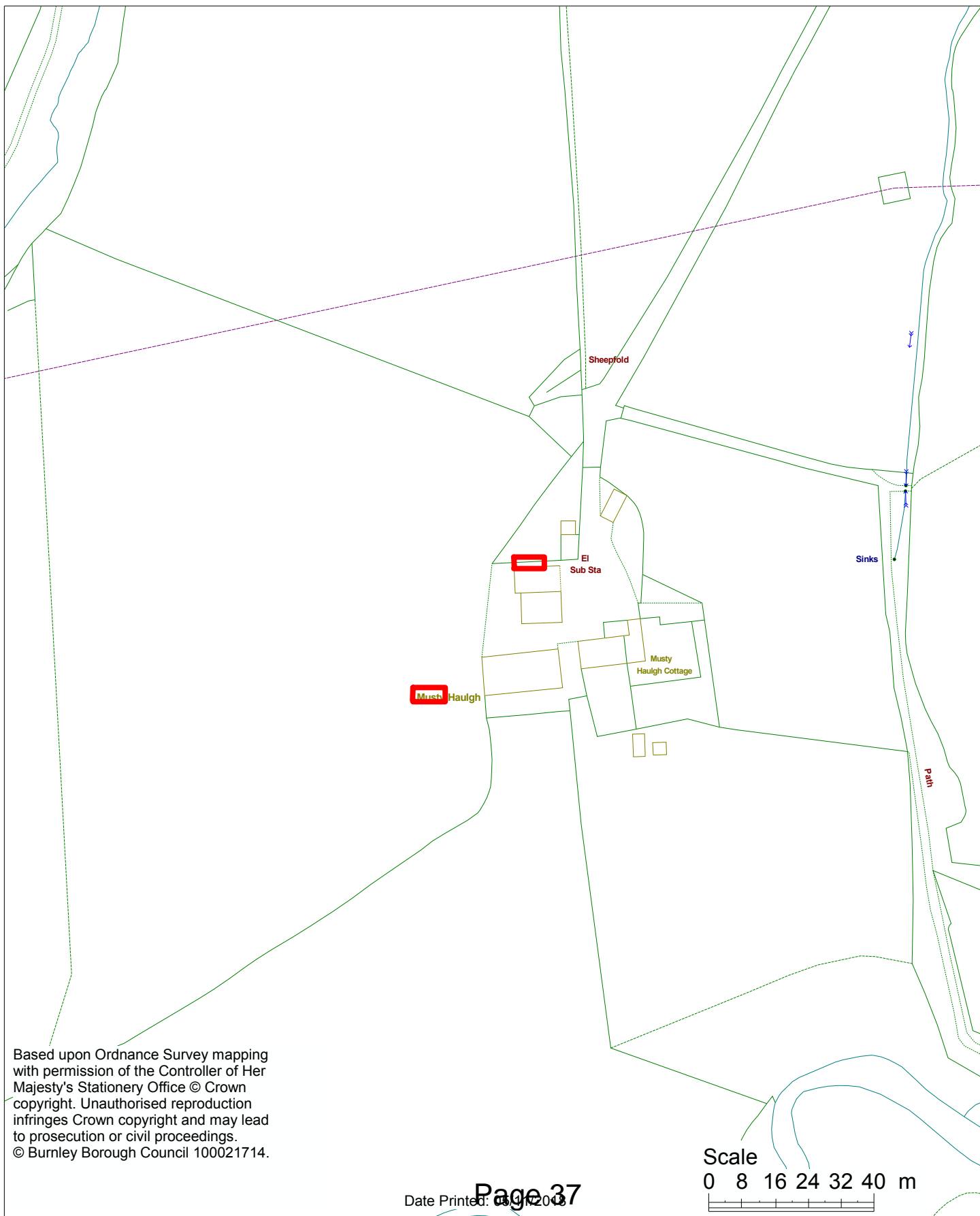
Paul Gattrell Head of Housing and Development

Location:

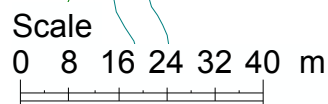


## Musty Haulgh Farm, Granville Street, Briercliffe

1:1250



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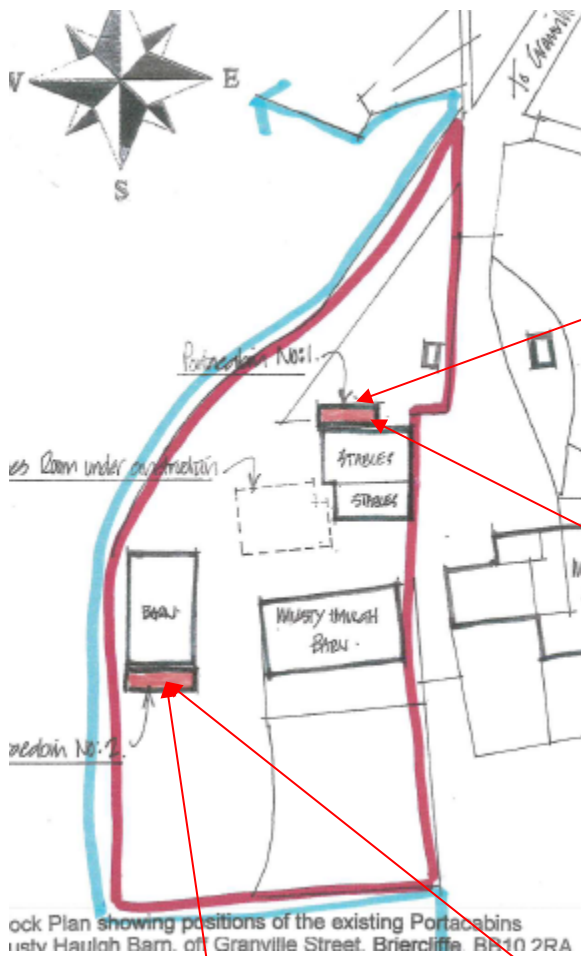


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Full Planning Application  
Retention of 2no. portacabins used for storage  
MUSTY HAULGH BARN GRANVILLE STREET BRIERCLIFFE

**Background:**

The proposal is for retrospective permission for the siting of two portacabin structures which have been in situ since the beginning of 2016 at Musty Haulgh Barn in the countryside, approximately 110m to the east side of Heasandford Industrial Estate.



**Portacabin next to stables**



The portacabin adjacent to the existing stables (7.3m long x 3.0m wide) is used to keep hay and straw in association with the use of stables on the site. A letter from a veterinary practitioner is submitted with the application to explain the need to keep the hay and straw out of the stable building to aid air flow and air quality. The white coloured portacabin on the south side of an existing agricultural building (9.7m long x 3.0m wide) is used for private storage for the applicant.

### **Relevant Policies:**

#### Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

EMP7 – Equestrian development

IC1 – Sustainable travel

The National Planning Policy Framework

### **Site History:**

12/88/0559 - Conversion of barn and outbuilding to form private dwelling. Refused October 1988.

12/89/0534 – Conversion of barn and outbuilding to form private dwelling. Approved August 1989.

NOT/2000/0101 – Prior approval application for the erection of agricultural building for the storage of machinery. Approved March 2000.

APP/2004/1231 - Proposed conservatory to rear. Refused December 2004.

APP/2008/0687 - Proposed commercial riding arena & stables. Approved November 2008.

APP/2016/0090 – Proposed conversion and extension of existing garage to create games/leisure room/gym. Approved April 2016.

APP/2017/0168 – Lawful development certificate relating commercial riding arena. Withdrawn.

APP/2018/0351 - Rebuilding and extension of existing garage to create games/leisure room/gym. Approved September 2018.

### **Consultation Responses:**

#### LCC Public Rights of Way Officer

No comments received to date.

#### Councillor Dack

A letter of support has been received on the grounds that the buildings once painted would be unobtrusive to their surroundings and are justified for the purposes of hay storage for horses which suffer from colic.

#### Publicity



A letter of objection has been received from a neighbour to the site, making reference to works that's have previously been carried out at the site and to the use of a large building on the site and to the obstruction of a public right of way through the site.

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

#### Principle of proposal

The application site is situated outside of development boundaries and in open countryside as identified on the Policies Map of Burnley's Local Plan (adopted July 2018). Policy SP4 states that in the open countryside development will be strictly controlled. In this case, the proposal is partly required to support an existing stable use and in part to provide ancillary private storage for the applicant. The main considerations relate to the visual impact of the development on the rural area.

#### Visual impact in the countryside

Policy EMP3 relates to equestrian development and permits stables and equestrian facilities where, amongst other things, they are closely related to existing farm buildings. In this case, one of the two portacabins is used to store hay and straw to be used at the stable building it stands against. Separate storage has been found necessary for the well-being of the horses and the portacabin has been conveniently positioned next to the stables for ease of use. Whilst the portacabin structure has an untidy appearance from the flaking of blue paint, it is reasonably well screened by trees and appears to form part of the existing cluster of buildings adjacent to Musty Haulgh Barn. Its poor appearance can be improved by painting the elevations in a dark green colour.

The second portacabin is used for general private storage by the applicant. Given that the portacabin sits adjoining existing structures (an agricultural building and a polytunnel) as well as the garden and property at Musty Haulgh Barn, it does not appear prominent or significantly affect the openness or character of the rural area. The use of a dark green colour to the elevations of the portacabin would similarly minimise its visual impact against a backdrop of other buildings.

#### Impact on residential amenities

Policy SP5 seeks to ensure that development protects existing residential amenities. The siting of the portacabins and their use for keeping hay/straw and private storage would have no significant impact on the outlook or amenities of neighbouring properties.

#### Public Right of Way

Policy IC1 seeks to ensure that existing rights of way are retained and where appropriate, improved or rerouted. Public Footpath No.163 passes through the site. A stoned path maintains a public right of way through the site and around an agricultural building and continues around the white portacabin shown in the photos below and continues around a polytunnel and horse arena. The siting of the portacabin has not significantly affected the existing path although the line of this path appears to be a diversion of the definitive route. The Ramblers Association has been consulted and no comments have been received. Given that the stoned path provides a convenient path around the site, it is unlikely that walkers would be significantly affected by the siting of the portacabin. Comments have, however, been sought from the Public Rights of Way Officer at Lancashire County Council and will be reported in late correspondence.

## Public Footpath routed around existing buildings and portacabin



### Other issues

The site is adjacent to but outside the River Don-Brun Valley Biological Heritage Site (BHS) and is unlikely to have any ecological impacts on the BHS and wildlife corridor.

### Conclusions

The proposed portacabins are a modest size and sited within an existing group of buildings. The use of the portacabins for keeping hay/straw and private storage does not introduce new uses to the site and subject to the painting of the portacabins to match the existing dark green buildings, their visual impact on the countryside would not be significant. The proposal is therefore acceptable subject to conditions and a note regarding the public right of way through the site.

### **Recommendation: Approve with conditions**

#### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 18/109/4, 18/109/3, 18/109/2 and 18/109/1, received on 23 August 2018.
2. The portacabins shall be used for private storage ancillary to Musty Haulgh Barn only, including the storage of hay and feedstuffs associated with the keeping of private horses and shall not be used for any commercial purpose.
3. Within two calendar months from the date of this permission the external elevations of the portacabins shall be painted in a dark green colour. The portacabins shall thereafter be repainted in a similar colour as necessary to retain a neat, tidy and dark green appearance.

#### **Reasons**

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To ensure the satisfactory implementation of the proposal and to safeguard the residential use of the site, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

3. To ensure a satisfactory appearance to the development within an area of countryside, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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5/11/2018

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Ref.

Housing & Development  
19 Parker Lane

## APP/2018/0450

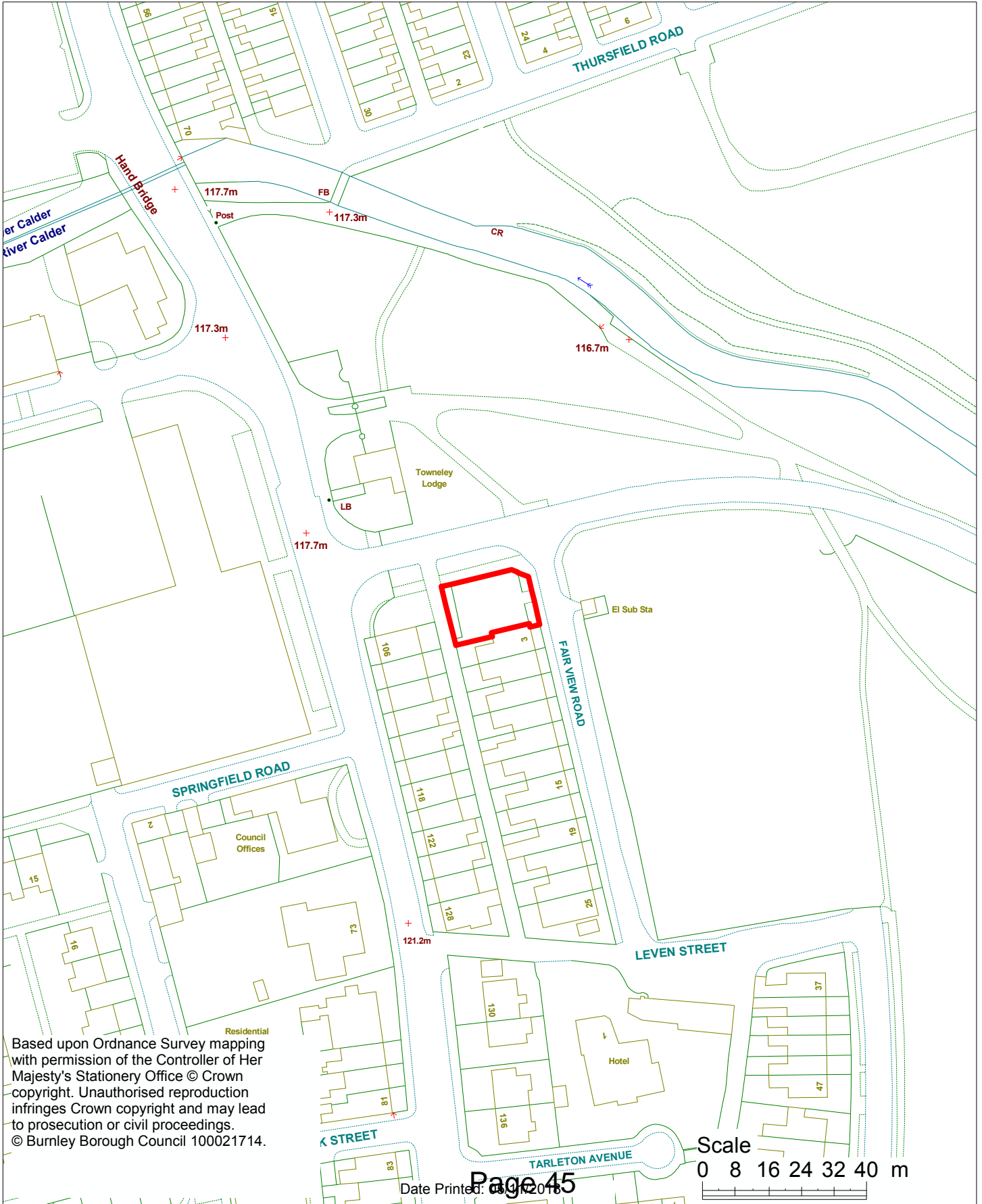
Paul Gatrell Head of Housing and Development

Location:



## Land Adj. 3 (Car Park), Fair View Road, Burnley

1:1250



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Full Planning Application  
Proposed pair of semi-detached houses  
LAND ADJACENT NO 3 (CAR PARK) FAIR VIEW ROAD BURNLEY

**Background:**

The proposal is to construct a pair of semi-detached houses on vacant land at the end of a terrace row facing Fairview Road, the site of a formerly demolished house and last used as a car parking area.

The site is within Burnley Wood Conservation Area and is close to Towneley Lodge a Grade II Listed Building, at the vehicular entrance to Towneley Park.



The proposed houses would have three bedrooms and would be two storey. They would be constructed in natural stone and blue slate with traditional detailing.



### Proposed layout and elevations

The application has been submitted in response to a previous refusal on the site for three storey properties.

Objections have been received.

### **Relevant Policies:**

#### National Planning Policy Framework (NPPF)

#### Burnley Local's Plan July 2018

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Developments

IC3 – Car parking standards

HE1 – Identifying and Protecting Burnley's Historic Environment

HE2 – Designated Heritage Assets

NE5 – Environmental Protection

### **Site History:**

APP/2018/0006 – Proposed 2 three storey semi-detached houses with garages - refused

### **Consultation Responses:**

1. Highway Authority (LCC) – The proposal is for 2 semi-detached dwellings and the submitted plan indicates that 2 parking spaces per dwelling are sufficient for this proposal.

Further clarification is needed as follows:

- The 1800mm high stone wall proposed to be erected between the two dwellings which would act as a dividing wall between the two and would contribute to a reduction in visibility while creating manoeuvrability and access issues to the parking bays
- The telegraph pole at the rear of the two dwellings would need to be relocated and would reduce visibility as well as safe manoeuvring

A dropped kerb will need to be installed to the rear.



*An amended plan has been received which addresses the Highway Authority concerns. The wall between the parking areas has been removed and the telegraph pole has been repositioned. Wrought iron railings to the boundary wall have been provided instead of the vertical timber panels.*

*The Highway Authority is satisfied with the amendments.*

2. Environmental Protection – recommend that the standard condition relating to hours of construction working should be imposed.
3. Three letters of objection have been received from nearby residents objecting on the following grounds:
  - The existing gable wall is unsafe and there are subsidence issues which would need attention before the construction of the properties (*This would be a private legal matter between the parties*).
  - There would be overlooking of existing dwellings and loss of light and privacy
  - Car parking in the area inadequate
  - There is evidence of ongoing subsidence on the site
  - There is nothing in the proposed plan that preserves or enhances the character or appearance of the Conservation Area
  - Increased noise and disturbance from construction and use of the car parking spaces
  - The development would adversely impact on the Gate House at the entrance of Towneley Holmes Road and the view of Towneley Park as they enter.
  - The plot originally only contained one dwelling

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

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 site is in a sustainable location within the urban boundary and close to public transport networks and services. 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 for two dwellings would not have an adverse impact of housing supply in the Borough as a whole and the proposal is acceptable in principle.

The main issues for consideration relate to the design of the proposal, its impact on the character and appearance of the Conservation Area and nearby Listed Building, the impact on the residential amenity of the occupants and neighbouring properties and the highway implications of the scheme.

*Design and Impact on the character and appearance of the Conservation Area and the Listed Building.*

The site is within Burnley Wood Conservation Area and is approximately 30 metres away from Towneley Lodge which is a Grade II Listed Building. The site is close to the main entrance to Towneley Park Historic Park and Garden.

The Local Planning Authority has a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building or its setting. Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area.

Policy HE2 of the Local Plan sets out that proposals affecting designated heritage assets and/or their setting will be assessed with regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its Conservation. All levels of harm should be avoided.

As the development is only 30 metres away from the Listed Building and they would be viewed together from various positions around the site. The setting of the Listed Building and the Character and Appearance of Burnley Wood Conservation Area would need to be given consideration.

In terms of the setting, the site is approximately 30 metres away from Towneley Lodge. Whilst there would be no direct impact on the Listed Building there would be some impact on its setting. As there are already residential properties close to the Lodge and there has previously been a property on this site, the erection of a new property would not be out of keeping with the setting of the building in principle providing the proposal was in keeping with the character of the surrounding area.

The acceptability of the design of the property in the surrounding area is considered below in this report.

In terms of the impact on the Conservation Area, the site is at the northern end of the Conservation Area and the immediately adjacent properties in the area comprise larger than average two storey terraced housing, although there are larger properties of lower density set in more spacious gardens in the wider area. The materials throughout the area are predominantly stone and Welsh blue slate.

The proposed dwelling would be set at the end of a terrace of two storey dwellings.

The front and rear elevations of the proposed dwellings line in with the front and rear elevations of the adjacent terrace. There is a gap of approximately one metre between the end gable of the terrace and the proposed new dwelling. The new properties would be slightly lower, by approximately 0.6 metres, than the adjacent dwelling at No. 3 Fairview Road.

In terms of detailing, the elevations of the existing terrace have vertical emphasis and a balanced window to wall ratio and a door, window, door, window rhythm to the elevations. The proposal reflects this arrangement and the development is designed in keeping with the scale, height, massing and materials of the surrounding area.

Both properties maintain a frontage to Fairview Road with Plot 1 directly access from Fairview Road. Plot 2 has its main access and elevation facing Towneley Holmes Road, which provides an active frontage and interest at the entrance to the Park.

There is a small area of amenity space at the front of the dwellings and a rear yard which accommodates the parking area and space for refuse storage. Whilst there is little private amenity space attached to the dwellings, this is characteristic of the dwellings in the locality and the site is immediately adjacent to Towneley Park.

The existing boundary wall will be retained and supplemented with wrought iron railings to a height of around 2 metres. The existing trees along Towneley Holmes Road will be retained.

The proposed design and layout of the scheme are acceptable and the proposal will serve to conserve and enhance the character and appearance of the Conservation Area.

*Residential Amenity of future and existing residents.*

The proposed houses provide for a good standard of residential amenity for the occupants in terms of living accommodation.

Policy HS4 of the Local Plan sets out that appropriate levels of privacy and outlook for occupants and existing adjacent residents should be provided in new housing developments..

In terms of the impact on the amenities of the neighbouring residents, the adjacent property at No. 3 Fairview Road has living room windows adjacent to and facing the rear yards of the proposed houses.



No. 3 Fairview Road showing the position of windows

The proposed houses would not extend beyond the main rear wall of No.3, so there would be no facing rear windows which would impact on the privacy of the dwelling. There would be no change in outlook from the property and sunlight and daylight will not be affected.

No.106 Todmorden Road backs onto the rear of the properties. There would be windows in the rear of the new properties which would come within 17.4 metres of the existing windows of No. 106 Todmorden Road. Policy HS4 sets out that unless an alternative approach is justified, the privacy distance should be 20 metres between facing habitable rooms.

In this case, the existing form and layout of the adjacent terraces provide less than 20 metres, at around 13 metres between the properties. The original house on the site would have been at a similar distance. It would be appropriate to allow a lesser distance, as proposed at 17.4 metres in this location. This would not compromise privacy for the existing or proposed dwellings to an unacceptable degree.

The car parking spaces are at the rear of the building and it is unlikely that the coming and going of vehicles to the properties would cause undue disturbance or nuisance to the surrounding residents given the residential character of the area.

It is proposed to include a condition on any planning permission granted to limit the construction hours to normal working hours.

On balance the proposal would not have an adverse impact on the residential amenity of the future and existing occupiers.

#### *Highway Implications*

The proposal provides for parking for two vehicles in the rear yard for each of the dwellings, which is in line with the adopted standards for three bedroomed properties.

The spaces will be accessed from the back street and modifications to bring the proposal in line with the highway authority requirements have been made, including the removal of the dividing wall and the relocation of the telegraph pole.

The Highway Authority has advised that the arrangements are acceptable.

#### *Other matters*

The application is supported by a contamination report and it is advised that intrusive site investigations are carried out to determine whether any special precautions in respect on contamination are required. A condition relating this requirement is suggested.

The Party Wall Act may apply. This is a separate requirement, outside the control of the Council.

The foundations and the stability of the buildings are a matter which will be controlled under the Building Regulations.

#### **Conclusions**

The proposal is acceptable in principle on this site. It is in a sustainable location and the NPPF supports such development. The proposal is acceptable in terms of its design; its impact on the Conservation Area and setting of the nearby Listed Building;

its impact on residential amenity of existing and future residents; and its highway implications. It is in line with Local and National Planning Policy.

**Recommendation:**

That planning permission be granted for the development 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 plans: Location Plan and Drawing No. 2/10/2018 received 14 September 2018; Amended Drawing No. 1/10/2018 received 9 October 2018.
3. The off-site highway works, including the relocation of the lamp post shall be carried out to the satisfaction of the Local Planning Authority before either of the dwellings is occupied.
4. The two parking spaces shall be provided for each dwelling as set out on the approved plan, drawing no. 1/10/2018 received 9 October 18, before their occupation.
5. No construction work shall take place on the development hereby approved outside the hours of 8 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 1 p.m. on Saturday and not at any time on Sundays and Bank Holidays.
6. The development shall not begin until:
  - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - b. An investigation has been carried out in accordance with the approved strategy;
  - c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

7. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied

has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.

The investigation report shall:

1. describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations
2. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.

If remediation measures are recommended as a result of the investigations required above, these measures shall be incorporated into the development, before any buildings are 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. In the interests of highway safety.
4. To ensure adequate parking space is available in line with Policy IC3 of Burnley's Local Plan adopted July 2018.
5. To protect the amenities of nearby residents in accordance with Policy NE5 of Burnley's Local Plan adopted July 2018.
6. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
7. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas and to ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with Policy NE5 of Burnley's Local Plan adopted July 2018.

# Part One Plan

Housing & Development  
19 Parker Lane

# Agenda Item 6e

Ref.

**APP/2018/0435**

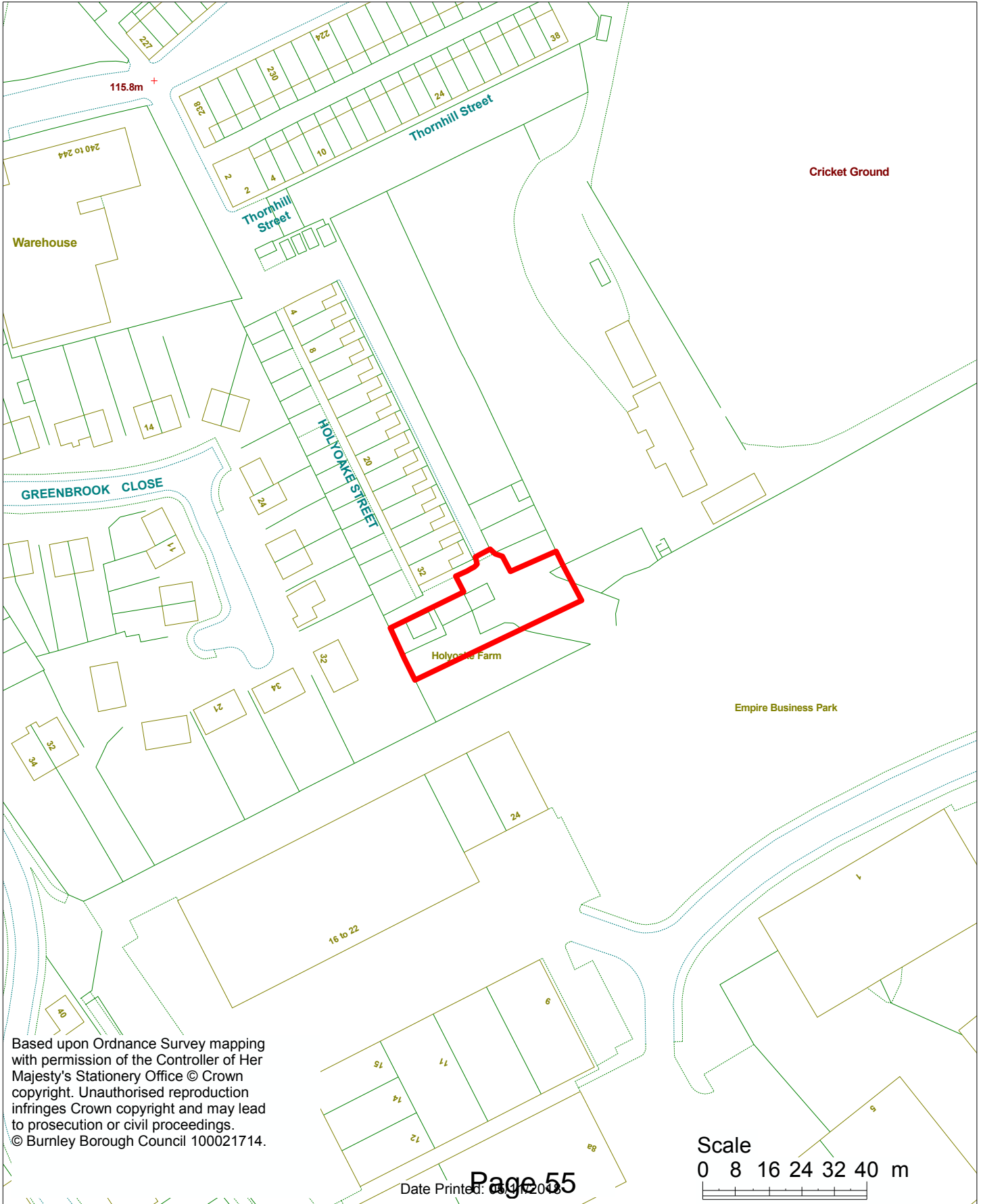
Paul Gatrell Head of Housing and Development

Location:

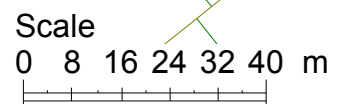


## 32 Holyoake Street, Burnley

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Full Planning Application

Proposed erection of 2no. semi-detached dwellings (following demolition of former barn, shed and garage)

32 HOLYOAKE STREET BURNLEY

**Background:**

The proposal is to erect a pair of two storey semi-detached houses on the site of a redundant farm building and sheds (formerly Holyoake Farm), located at the southerly end of Holyoake Street in the urban area of Burnley. The site is bound on its east side by Lowerhouse Cricket Club, on its south side by the Empire Business Park and on its west side by the rear gardens and properties at Greenbrook Close.

Existing barn, garage and shed to rear to be demolished



Proposed Site Layout



Part of terrace on Holyoake Street



Private turning space at end of back street

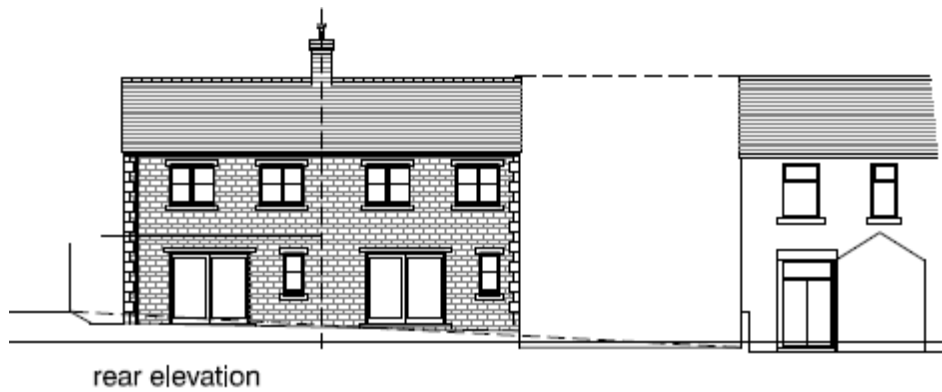
Goat willow tree to be removed

The proposed pair of semi-detached houses would be constructed with their formal front elevations facing in a westerly direction similar to the existing terraced street, where access is by foot only. The rear elevations of the proposed houses would face towards the end of a private back street.

Proposed Front Elevation

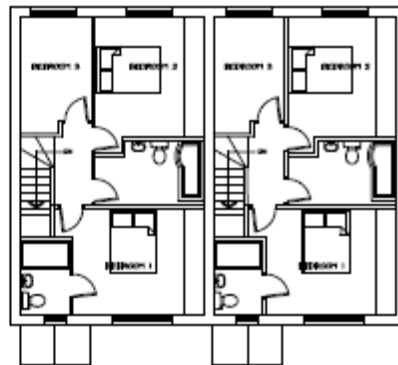
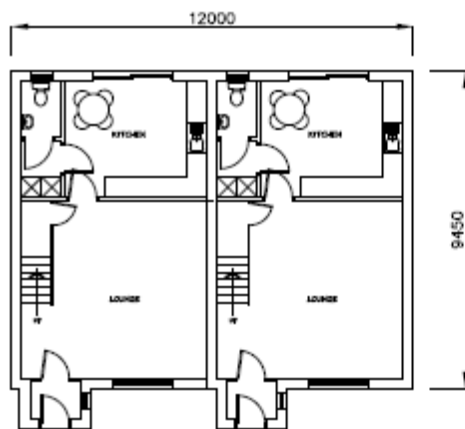


Proposed Rear Elevation



The proposed dwellings would be constructed in coursed natural stone and natural blue slate.

The proposed dwellings would be modest in size with three bedrooms.



Two car parking spaces for each of the dwellings is indicated on the proposed site layout to the rear of the properties. Vehicular access to the site would be from the private back street only which serves nos. 4 – 32 (evens) Holyoake Street.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC3 – Car parking standards

The National Planning Policy Framework

**Site History:**

None.

**Consultation Responses:**

LCC Highways

No objection.

Environmental Health

No comments.

Publicity

Two letters have been received from neighbouring properties, expressing the following concerns:-

- Access and damage during construction. Access is not possible on back street for large heavy vehicles or plant which cannot turn the corner
- Building materials left at the start of the back street would block access for residents (which has occurred in the past)
- Construction would cause damage to the unadopted access road, drains and cables
- Access for residents is already a problem; more properties increases this
- Increase in noise from more cars travelling up and down the back street
- Parking is already difficult; this would increase parking on the back street from residents and visitors and increase tensions
- Additional cars could block the turning circle at the end of the back street
- Back street is narrow with parked cars and inconsiderate parking would block access to residents' parking and restrict access for an ambulance
- Increase the risk of flooding due to the loss of field

**Planning and Environmental Considerations:**

Principle of proposal

Policy SP4 identifies the urban area of Burnley as a principal town and the highest tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures of housing. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. The accessibility of the site within the existing urban area and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. Consideration should also be given to the impacts of the development, particularly in respect of parking and highway safety, residential amenities and the effect on the character and appearance of the local area.

Impact on parking and highway safety

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each 3no. bedroom dwelling.

The proposed site would provide 4no. off-street parking spaces which would comply with the adopted parking standards and would maintain the open turning area at the end of the back street.

Existing turning area



Back Holyoake Street



Extract from Proposed Layout



**Turning area to be formed**

The concerns expressed by residents relate to the increased use of the back street and the difficulties for residents if the back street became blocked by construction vehicles, plant or building materials. No other vehicular access is possible to the site; notably, access to the front of the terrace is a path only. The existing situation provides limited parking and only a narrow back street for access by residents of this terrace (15no. houses within one terrace). The application site provides a turning area at the end of this back street. The applicant states that there is no formal right of access/turning for any of the residents but they have allowed their neighbours to use the turning head for convenience. The proposed site layout would maintain a turning head that could, in principle, continue to be used by others. A condition can be imposed to require the turning area to be kept unobstructed and available for use for turning purposes at all times. Adequate parking and turning could therefore be secured.

In respect of the impacts from the construction phase, it is acknowledged that this is likely to cause some short term disruption. However, the applicant has agreed to a pre-commencement condition for the submission and approval of a Construction Management Plan that will be expected to set out the methods of servicing the site throughout the construction period. This would enable some control on the type and size of vehicles, parking and the deposit of building materials. With this provision, the disruption, inconvenience and disturbance to existing residents would be minimised.

#### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity or other existing land users.

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; in this case, this requires a minimum distance of 20m. The interface distance between the front windows of the proposed dwellings and the rear windows of the facing bungalows on Greenbrook Close is approximately 22m which is sufficient to provide adequate privacy and provide an acceptable outlook. There are no windows in the end gable of the existing terrace (which is in the control of the applicant) and no gable windows in the proposed dwellings. The proposed dwellings are therefore adequately spaced and designed to respect existing residential amenities.

Neighbour concerns refer to an increase in noise and disturbance from an increase in vehicular movements up and down the back street. The additional movements are however unlikely to lead to a heavier concentration of traffic movements and a minor proportionate increase would be less than significant.

The impact of the proposal on the residential amenities of residents is therefore acceptable and would not conflict with Policies HS4 or SP5.

#### Impact on visual amenities

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context.

The red brick two storey barn provides a visual link to the past use of the site as a farm but is not so significant either in historic or architectural terms to warrant its retention.

The ridge height of the proposed dwellings would be similar to the existing terrace and the overall scale, massing, alignment and orientation would respect its form. Window design and details would differ from the vertical emphasis of the traditional terrace but the use of natural stone and blue slate and a traditional ridge chimney would provide some distinctive elements that would enable the development to appear in keeping with the existing traditional terrace.

There are a small number of mature trees that surround the site. A tree survey and arboricultural impact assessment has been submitted with the application which states that none of the trees require felling as a result of the proposal but that they are all poor with limited potential. The applicant proposes to remove a goat willow tree to the south boundary of the site which has poor structural condition. Replacement planting will be necessary to compensate for the loss in visual terms and in respect of biodiversity. A landscaping scheme should be required by condition.

The visual impact therefore from the removal of the existing buildings and the construction of the proposed dwellings would be appropriate within its context and respect the local area.

#### Other issues

Policy NE1 states that development should seek to maintain and actively enhance biodiversity. A bat survey has been submitted with the application which details a survey that has been carried out that found no signs of past or current use by bats. An informative should be placed on any permission to ensure any developer or contractor is aware of the need to cease work if any evidence of bats is found.

Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. The site has the potential to be affected by past farm uses and by local landfill sites. A condition is necessary therefore to require a desk top study and where necessary, a remediation strategy prior to the commencement of the development.

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. In this case, the site falls within Flood Zone 1 where there is the least risk to flooding. Due to the minor scale of the development, no further assessment on drainage is required and no comments have been received from United Utilities. On this basis, the proposal would not significantly affect flooding.

#### Conclusion

The proposal would contribute to the supply of new housing within existing Development Boundaries at a reasonably sustainable location in the Burnley urban area. The development is of an appropriate scale, massing and design to respect the existing distinctive street character and is adequately spaced to safeguard residential amenities. Concerns regarding parking and access have been addressed by the provision of off-street parking, the retention of a turning area and a condition to require a Construction Management Plan. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

## **Recommendation: Approve with conditions**

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ADM/18/27/04, ADM/18/27/02RevA and ADM/18/27/03, received on 12 September 2018.
3. Prior to construction work commencing on the approved dwellings, 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.
4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) details of working hour; and,
  - viii) contact details for the site manager.
5. During the demolition and 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 other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays.
6. Prior to the start of any construction works on the approved dwellings or the removal of any trees from the site, there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedges on the land and details of any to be retained, together with measures for their protection in the course of development (including details of excavating near tree roots), as well replacement tree planting where applicable, and details of hard and soft landscaping works to include schedules of plants, species, plant sizes and proposed numbers/ densities where appropriate.
7. 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 dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar

size and species, unless the Local Planning Authority gives written approval to any variation.

8. Prior to the erection of any boundary treatment or the first occupation of any dwelling, boundary treatment shall be constructed in accordance with details which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be retained at all times.
9. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) A desktop study 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 shall be produced.
  - b) If necessary following the recommendations of a) above, a site investigation designed for the site using the information obtained from (a) above; and,
  - c) a site investigation and associated risk assessment; and,
  - d) a Method Statement and remediation strategy, based on the Information obtained from c) above.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale which shall be agreed in writing by the Local Planning Authority.

10. Neither dwelling shall be first occupied until its associated off-street parking provision has been constructed, surfaced and is available for use as indicated on the approved plans. The approved car parking spaces for each dwelling shall thereafter be retained at all times.
11. No dwelling shall be first occupied until the turning area as indicated on the approved plans has been constructed, surfaced in a bound material and is available for use. The approved turning area shall thereafter at no time be obstructed and shall remain available at all times for the turning of vehicles.
12. No dwelling shall be first occupied until its associated refuse and recycling storage has been provided and is available for use in accordance with the details as indicated on the approved plans. The refuse and recycling storage facilities shall thereafter be retained at all times.

## **Reasons**

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



3. To ensure a satisfactory appearance to the development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the safety and amenities of other residents on Holyoake Street are satisfactorily protected and accessibility by car to homes and disturbance is minimised, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
5. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
6. In the interests of the visual amenity of the site and its surroundings, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).
7. 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 HS4 and SP5 of Burnley's Local Plan (July 2018).
8. To ensure a satisfactory appearance to the edges of the development and a satisfactory appearance to the finished development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
9. To ensure the site is made suitable for residential use, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The investigation and report is required prior to the commencement of development to ensure that measures that are necessary to make the development acceptable can be carried out at an appropriate stage in the development.
10. To ensure adequate off-street parking to meet the needs of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
11. To ensure adequate turning facilities for vehicles at the end of the back street, in the interests of highway safety and convenience, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
12. To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF  
6/11/2018

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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0306

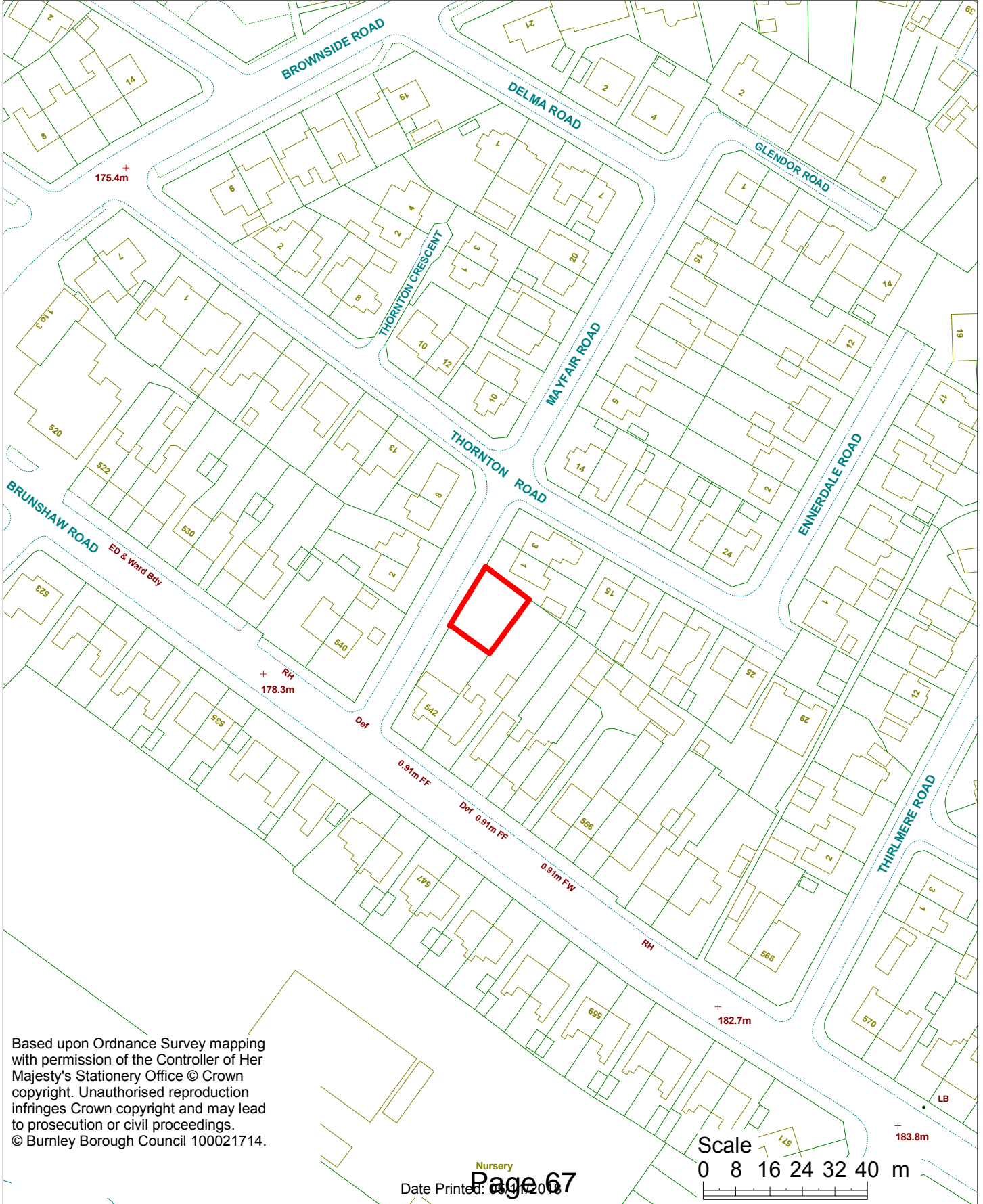
Paul Gatrell Head of Housing and Development

Location:

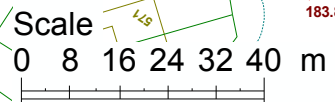


## Rear of 542 Brunshaw Road, Burnley

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**Application Recommended for Approval**  
Cliviger with Worsthorne Ward

**APP/2018/0306**

Full Planning Application  
Proposed bungalow in garden (revised scheme)  
REAR OF 542 BRUNSHAW ROAD BURNLEY

The application site is part of an existing rear garden of a semi-detached house that fronts Brunshaw Road at its corner with Mayfair Road. Planning permission was first granted for a bungalow on this site in February 2016. This proposal is for a similar but revised scheme.

The site is within an existing established residential area within the Burnley urban area.

Rear garden of 542 Brunshaw Road



Part of the rear garden and a short driveway and garage adjoining No. 1 Mayfair Road form the application site with a frontage onto Mayfair Road.

The proposal involves demolishing the existing garage and erecting a detached two bedroom bungalow towards the rear portion (north end) of the garden, leaving the existing house with a rear garden of approximately 9m in length.

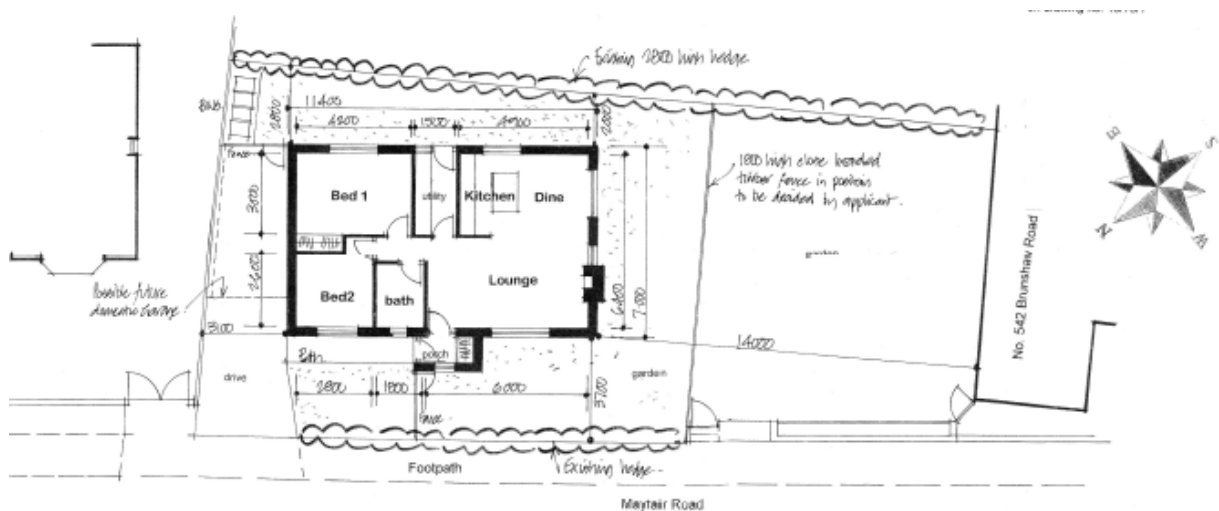
The proposal involves demolishing the existing garage and erecting a detached two bedroom bungalow towards the rear portion (north end) of the garden. The proposed bungalow would measure up to 11.4m long x 7.0m depth and have a gable sided roof to a ridge height of 4.0m.

Application site frontage on Mayfair Road



The proposed bungalow would have a formal frontage to Mayfair Road, set back approximately 3.7m from the edge of the footway which is currently bound by a brick wall and hedge.

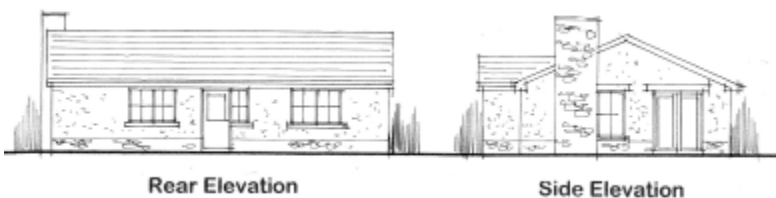
Proposed site layout



Front and side elevation (facing No. 1 Mayfair Road)



Rear and side elevation (facing 542 Brunshaw Road)



The rear elevation of the proposed bungalow would include lounge and bedroom windows and would be sited at between 2.0m and 2.8m from the common side boundary with 544 Brunshaw Road. The interface distance between the gable end of the proposed bungalow and the rear facing wall of the existing house would be approximately 14.0m. To the opposing side, there would be an approximate gap of 5.3m between the two storey side elevation of No.1 Mayfair Road and the blank side gable of the proposed bungalow.

The proposed bungalow would have two driveway spaces in tandem whilst the existing house would be served by two off-street spaces at the front of the property. A new dropped kerb would be required at 542 Brunshaw Road.

Amended plans have been received during the course of the application that have amended the scheme as originally submitted to reduce the height of the bungalow [to 4.0m which is the same height as previously approved] and to remove a proposed dormer to the front roofslope.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

HS4 – Housing developments

NE5 – Environmental protection

CC4 – Development and flood risk

IC1 – Sustainable travel

IC3 – Car parking standards

The National Planning Policy Framework

**Site History:**

12/1997/0274 – Proposed bungalow. Refused July 1997.

APP/2016/0006 - Proposed bungalow in garden. Approved February 2016.

**Consultation Responses:**

LCC Highways

No objection. The proposals will require an alteration to the dropped crossing on Mayfair Road. Conditions are recommended to require the appropriate paving (with a bound surface) of the new driveway and the provision and maintenance of sight lines from the access for the new bungalow.

Environmental Health

No objections. Recommend conditions relating to the construction of the development.

Publicity

Two letters of objection have been received, one of which is withdrawn following the submission of amended plans. The remaining objection is from the adjoining property and expresses concerns over the height of the development and its close proximity to their garden.

## **Planning and Environmental Considerations:**

### Principle of proposal

Policy SP4 seeks to locate new development according to a hierarchy of settlements where the town of Burnley is in the highest tier. The site is at an accessible location within the urban area, reasonably close to public transport facilities and amenities. There is therefore no objection in principle to the proposal. The main considerations are the same as the previous application (APP/2016/0006) and relate to the impact of the proposal on the street scene and character of the area; residential amenities; and parking and highway safety. Then only significant change in circumstances is the adoption of a new local plan, in which case these considerations will be considered against current policies.

### Street scene and character of local area

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5. Policy SP5 states, amongst other things, that development should respect existing or locally characteristic street layouts, scale and massing.

The sub-division of the existing long rear garden (28m long) to provide a frontage bungalow would be similar to the approved development (APP/2016/0006). The single storey height of the bungalow would differ from the adjoining two storey semi-detached houses but within this short section of Mayfair Road the contrast is unlikely to appear stark or out of place. The spacious character of the existing street layout would not be significantly compromised, maintaining a minimum gap of 14m between the proposed bungalow and the rear elevation of 542 Brunshaw Road. The proposed layout also indicates that the frontage wall and hedge would be retained which would maintain elements of the established nature of the residential area. External materials of construction would be mostly render with dark grey roofing tiles to match the local area. A stone plinth and chimney is indicated which should be changed to red brick to match the surrounding properties.

### Current street scene





The overall impact of the proposed bungalow on the street scene and character of the local area would be similar to the extant permission (APP/2016/0006) and would be acceptable.

Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development by setting standards on spacing between habitable rooms and to ensure there is regard to daylight and overlooking.

Policy HS4 states that there should be a minimum of 20m between facing windows of single storey and two storey dwellings. This is an equivalent standard to that contained within the now superseded local plan.

Properties on Mayfair Road opposite the application site

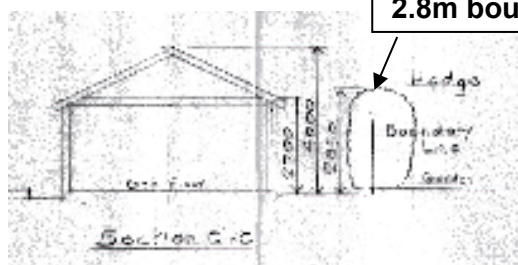


In this instance the distance between the principal elevations would be approximately 20m which is similar to the extant permission and would comply with the policy requirement. This is considered to be sufficient to safeguard the privacy and outlook of properties to the front of the site.

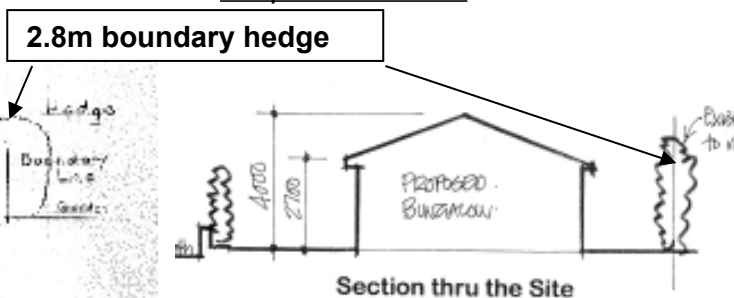
Impacts on the adjacent neighbour at No. 1 Mayfair Road would be minimised due to the absence of gable windows. Windows and doors are proposed to the other gable elevation which would be visible from 542 Brunshaw Road but direct views would be reduced due a proposed 1.8m high screen fence.

An objection has been received from the adjoining property, based on the impact of the development on the daylight and outlook within the rear garden. The proposed scheme has however been amended since originally submitted to reduce the ridge height of the proposed bungalow to no higher than that of the extant approval (4.0m high). The proposed bungalow would be sited in a similar position to the approved scheme (see below).

Approved section



Proposed section



**Both 2.7m to eaves and 4.0m to ridge with minimum distance of 2.0m from 2.8m high boundary hedge**

Given the height and substantial screening from the boundary privet hedge and the modest scale and height of the proposed bungalow, the impacts on privacy, daylight and outlook would be minimised.

Neighbouring amenities would therefore be adequately protected and should be further safeguarded by the removal of permitted development rights and similar conditions to the previous approval, including a condition to require the retention of the privet hedge on the rear boundary (east side) of the site.

#### Impact on parking and highway safety

Policy IC1 requires new housing development to have adequate safe access and Policy IC3 sets out car parking standards. Adequate access and parking for two cars would be provided, utilising the existing access adjacent to no. 1 Mayfair Road to serve the new development and the existing parking provision to the front/side of 542 Brunshaw Road to serve the existing house. This is the same arrangement that was previously proposed and approved. A condition is necessary to require a new dropped kerb for vehicles to cross the pavement.

#### Two car parking spaces for existing house



Subject to the conditions recommended by LCC Highways, the proposed development would provide adequate car parking and regard to highway safety. Its impact on these matters is therefore acceptable.

#### Conclusion

The proposed development represents an acceptable infill development at a sustainable location within an existing primarily residential area and can be accommodated on the site without any significant impact on the amenities of neighbouring properties or adversely affecting the character and appearance of the local area. The application would therefore comply with the relevant policies of the development plan and there are no material considerations which would outweigh this finding.

**Recommendation: Approve with conditions**

#### **Conditions**

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), received on 28 June 2018; 18/76/3, received on 13 September 2018; Site Levels 1 (existing and proposed site levels), received on 31 October 2018; and, Block1 (1:500 block plan), received on 1 November 2018.
3. Notwithstanding any description of materials in the application, 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 prior to any construction work being commenced on the approved dwelling. The development shall thereafter only be carried out in accordance with the approved materials.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the development within the terms of Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
5. Prior to any construction of the approved dwelling, a scheme of landscaping to comprise hard and soft landscaping works which shall include schedules of plants, species, plant sizes and proposed numbers/ densities where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.
6. 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 the approved dwelling or its completion, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
7. The existing wall and hedge on the site's boundary with Mayfair Road and the hedge on the rear (eastern) boundary of the site shall be retained throughout the development and at all times in the future. Details of measures for the protection of these features during construction work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be implemented thereafter until the completion of the development.
8. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
9. The approved development shall be built in accordance with the details of levels as indicated on the approved plans and shall not be varied unless otherwise previously agreed in writing by the Local Planning Authority.

10. The approved dwelling shall not be first occupied until facilities for the storage of refuse and recycling waste have been installed at the site in accordance with the details as indicated on the approved plans. The approved facilities shall thereafter be retained at all times.
11. Prior to the commencement of any development, off-site works to provide a driveway crossing to the proposed parking spaces for 542 Brunshaw Road, as indicated on the approved plans shall be carried out and completed.
12. The approved dwelling shall not be first occupied until two driveway car parking spaces for the dwelling have been constructed, hard surfaced and are available for use as indicated on the approved plans. The parking spaces shall thereafter be retained for the purposes of car parking at all times.
13. The proposed garden boundary fence between the southern boundary of the application site and the rear garden to 542 Brunshaw Road shall not at any time exceed 1.0m in height within 2.0m of the adjoining pavement.
14. No structure, wall or shrub, tree or other vegetation exceeding 1.0 m in height shall be constructed or allowed to grow within the visibility splay to the south side of the approved access. The visibility splay shall be defined as the area formed from the centreline of the access at a point 2m back from the edge of the highway for a distance of 5m in a southerly direction (this includes land within the application site only).

## **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 a satisfactory appearance to the development and its locality, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).
4. In order that the Local Planning Authority can assess any future changes to the approved dwelling, having regard to the potential impacts on the residential amenities of neighbouring properties and the character of the area, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
5. In the interests of the visual amenity of the site and its surroundings, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
6. 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 HS4 and SP5 of the Burnley's Local Plan (July 2018).
7. To aid the integration of the development into the street scene and to safeguard the privacy and amenities of the occupiers of the adjoining property at 544

Brunshaw Road, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).

8. To protect the amenities of nearby residents, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).
9. To ensure the satisfactory implementation of the proposal in order to control the scale of the development and its impact on the outlook and amenities of neighbouring properties, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
10. To ensure adequate provision for the appropriate storage of refuse and recycling storage facilities away from public views of the site, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
11. To ensure adequate off-street parking for the existing property at 542 Brunshaw Road, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018). The driveway crossing is required to be carried out and completed prior to the commencement of development to ensure that appropriate parking facilities are available for use for the existing dwelling prior to the removal of the existing parking space and garage within the application site.
12. To ensure adequate off-street parking for the approved bungalow, in the interests of highway safety and amenity, in accordance with Policy IC3 of the Burnley's Local Plan (July 2018).
13. To ensure a satisfactory appearance to the development within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
14. To ensure adequate visibility for drivers emerging from the approved driveway onto Mayfair Road, in the interests of vehicular and pedestrian safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

JF

1.11.2018

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# Part One Plan

Housing & Development  
19 Parker Lane

# Agenda Item 6g

Ref.

**APP/2018/0398**

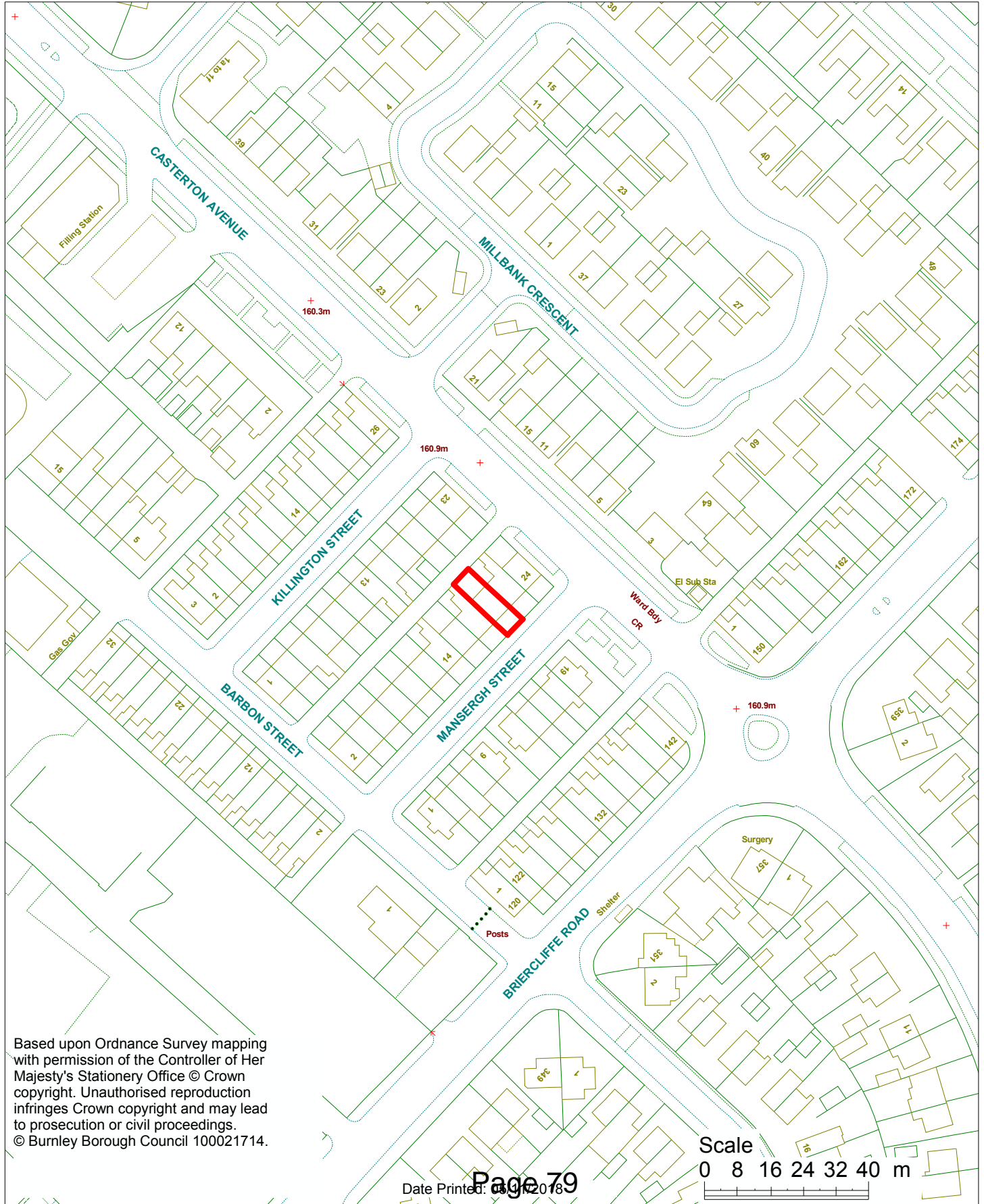
Paul Gatrell Head of Housing and Development

Location:



**20 Mansergh Street, Burnley**

**1:1250**



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**Application Recommended for Approval**  
Queensgate Ward

**APP/2018/0398**

Full Planning Application  
Proposed kitchen extension  
20 MANSERGH STREET BURNLEY

**Background:**

The application relates to a mid-terrace house.

An objection has been received.

**Relevant Policies:**

National Planning Policy Framework  
Burnley's Local Plan (2018)  
HS5: House Extensions and Alterations  
IC3: Car Parking Standards

**Site History:** No applications.

**Consultation Responses:**

Neighbouring residents – Letter from the owner of an adjoining house making objections, summarised as follows:

- The size of the extension (75% of the yard) is totally unsuitable.
- It is unfair that this extension, if approved, would leave the rear lounge and kitchen in virtual darkness.
- The houses were built as pairs and a kitchen extension in its correct place would be acceptable.

**Planning and Environmental Considerations:**

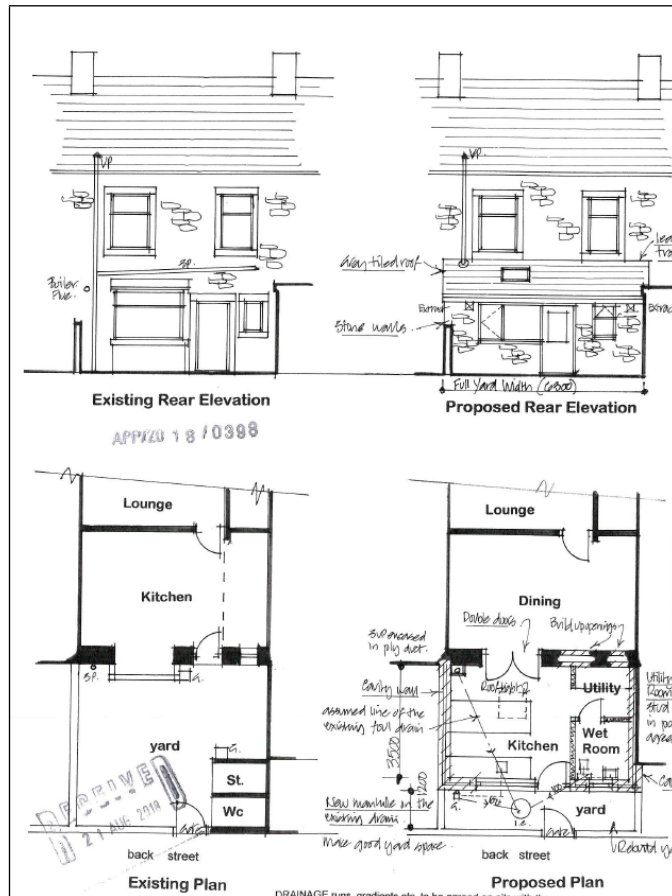
The application relates to a mid-terrace house; a rear extension is proposed in the rear yard area. There are rear extensions at No.18, alongside the boundary and at No.22 across the yard.



Application site

Extensions at adjoining houses

The proposed extension would extend across the full width of the yard and 3.9m along the yard. This would leave a small yard around 1.2m wide; 5.8m across. The extension would have stone walls and a grey tiled lean-to pitched roof.



**Existing and proposed**

**Policies and Assessment**

**Policy HS5:**

*Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5.*

The extension would be of a traditional 'bricks and mortar' construction meeting current standards of material quality and sustainability, and would be in accordance with SP5.

*The Council will permit extensions and modifications to existing residential properties where:*

- (a) *The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;*

The small rear extension is subordinate

- (b) *The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials*

*should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;*

The extension would be in keeping with the host dwelling and terrace

- (c) *The proposal will not have an detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);*

The one flank wall of the extension would adjoin an existing extension at No.18 for most of its length and there would be little (if any) impact on that property.

The other flank wall would adjoin the open yard are of No.22. The rear of the terrace faces north west; so that the extension would be on the southerly side of that property, and there would be some loss of late afternoon sunlight and a small reduction in daylight. There would no overlooking or loss of privacy resulting from the proposal.

- (d) *The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does create a danger to pedestrians, cyclist or vehicles;*

There would be no impact on parking.

and

- (e) *The proposal does not lead to an unacceptable loss of useable private amenity space.*

The small amount of rear yard retained would be sufficient for normal bin storage arrangements/cycle storage/sitting out; though minimal, it would be acceptable.

#### *Representations and conclusion*

The opinions expressed by the owner of the neighbouring dwelling are understandable. A narrower extension, along one half of the rear yard, away from the boundary with his property, would have less impact than the present proposal. There are three rear extensions to the terrace, all in the narrow form. However, judged on its merits, as it should be, the proposed extension would provide an attractive outbuilding, blending well with the terrace, and without the substantial harm to residential amenity that should warrant refusal of the application.

#### **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: drawings number: 18/110/2 (Section and Location Plan); 18/110/1 (Plans and Elevations), received 21 August 2018.
3. The external materials of construction (including stone, render and tiles) shall match those of the existing building in colour

**Reason**

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. In the interests of visual amenity in accordance with Policy HS5 of the Burnley Local Plan.

AR

6.11.2018

Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0413

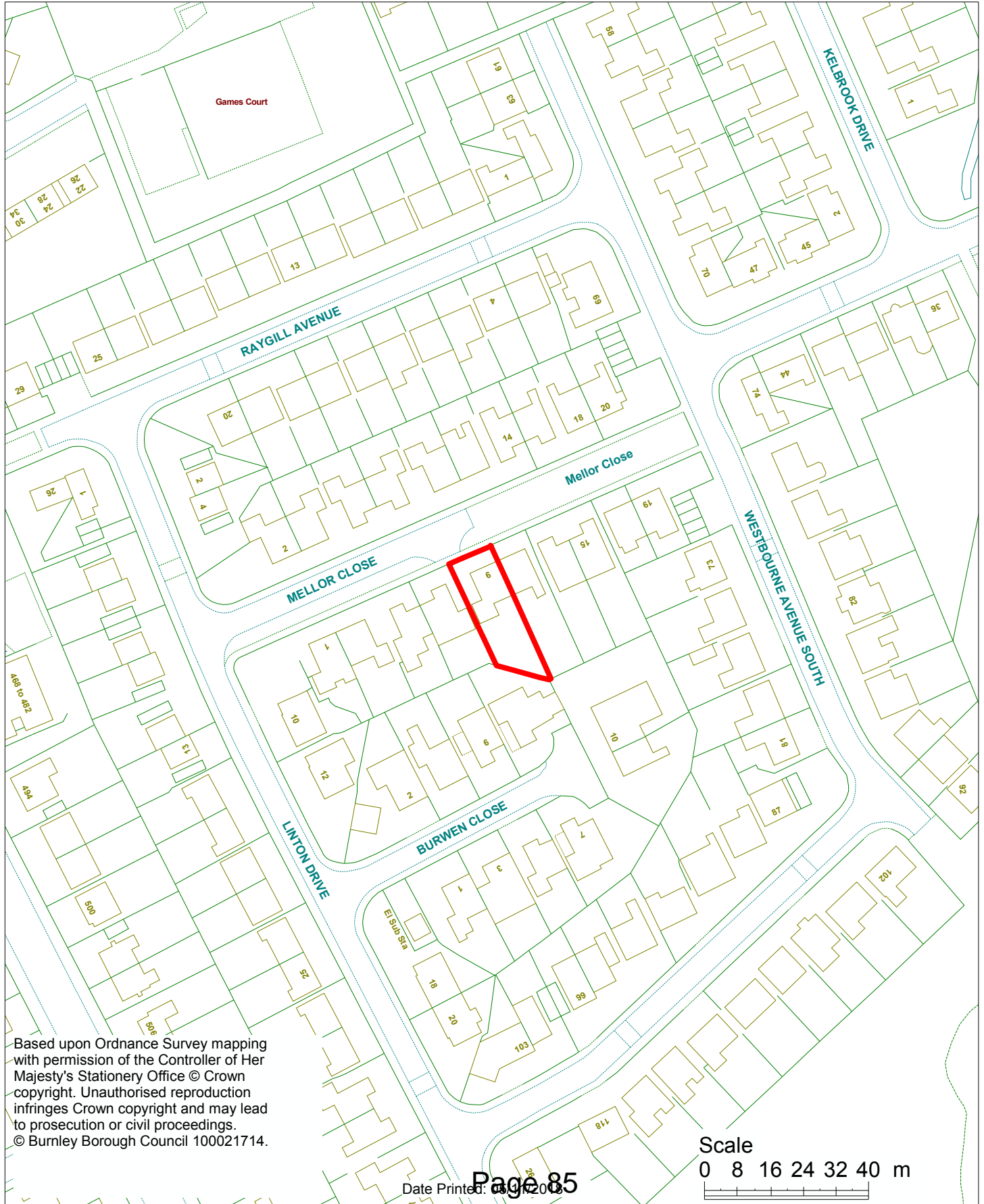
Paul Gattrell Head of Housing and Development

Location:

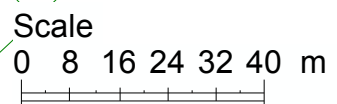


## 9 Mellor Close, Burnley

1:1250



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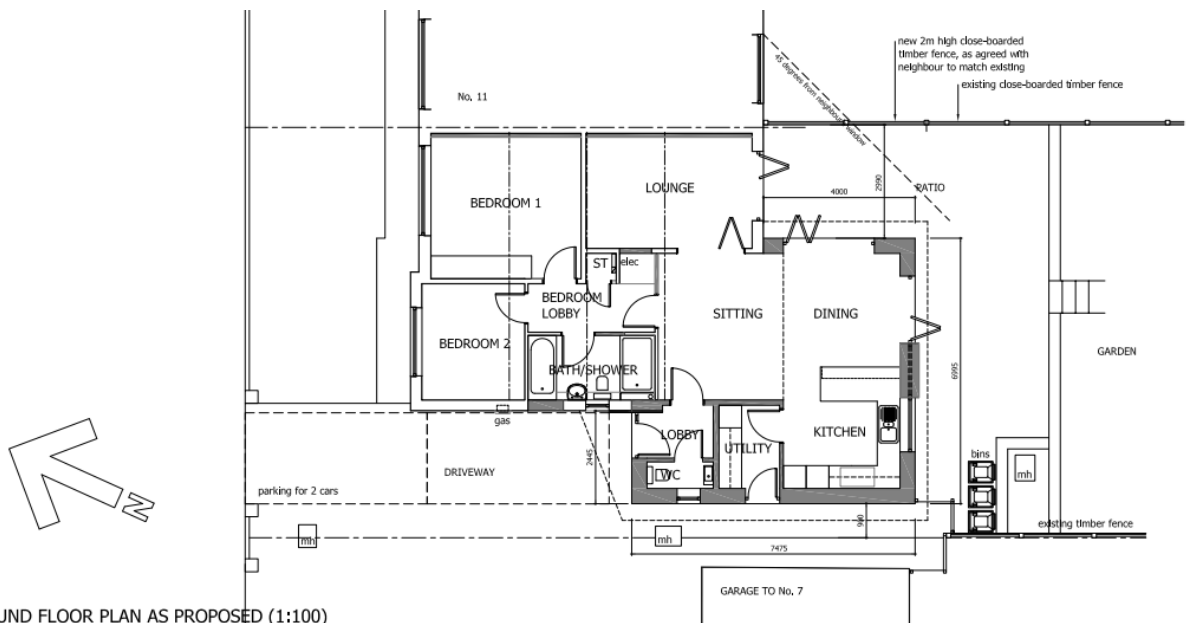


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Full Planning Application  
Demolition of existing garage/utility room and erection of single storey side and rear extension  
9 MELLOR CLOSE, BURNLEY

**Background:**

The proposal is for a single storey extension to the side and rear of the dwelling. The existing utility and garage would be demolished and a new single storey extension would be constructed over the existing foot-print. The need for the additional living space is to provide improved accommodation facilities.



GROUND FLOOR PLAN AS PROPOSED (1:100)

An objection has been received.

**Relevant Policies:**

Burnley Local Plan

HS5 – House Extensions and Alterations

IC3 – Car Parking Standards

**Site History:**

No relevant history

**Consultation Responses:**

**11 Mellor Close** (adjoining property) have raised an objection in regards to the rear bedroom being converted into a lounge and the new patio doors from the dining room facing their garden which will impact on their privacy.

**Planning and Environmental Considerations:**

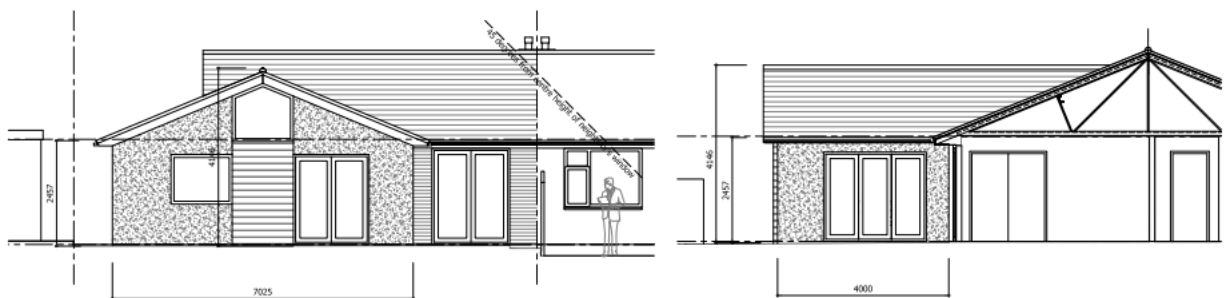
Policy HS5 of the local plan sets out that house extensions will be permitted where:

- a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;

The extension is to the rear/side of the dwelling and single storey. It is of a modest size and set back from the front elevation by approximately 5.8m and the rear elevation would project up to 4m. The form of the original semi-detached property is retained and does not dominate the dwelling. The overall mass of the property would be larger than the adjoining property but not bear a significant impact. The symmetry of the pair of semis is not affected in terms of impact on the street scene.



NORTH



SOUTH

FAST

- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials



should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;

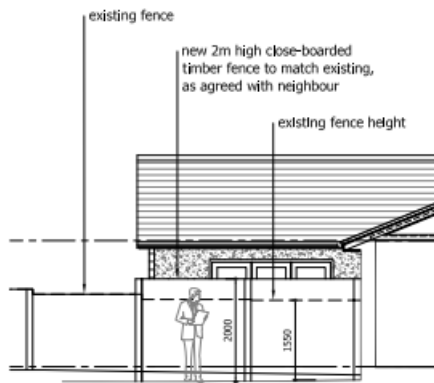
The existing dwelling is a traditional semi-detached house with a tiled hipped roof and rendered/cladded elevations. The proposed extension would have rendered elevations with a pitched roof. It's a medium sized extension, projecting 4 metres from the rear of the dwelling and 7.4 metres from the side elevation. The total width of the extension to the rear would be 6.9 metres and 2.4 metres to the front. However, it is single storey and well-designed which does not harm the surrounding area.

c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);

The adjoining semi at no.11 has an identical outrigger to the applicants existing garage and properties further down the cul-de-sac have similar scale extensions to the rear which are constructed up to the boundary. However, in this instance the extension is set away from the boundary by 2.9 metres and although the proposed patio doors in the elevation of the extension will face no.11, the impact will be negligible due to the 2 metre fence proposed between the properties and the outlook from this position will not be unduly affected

The proposal does not fall within the 45 degree angle of the rear bedroom window and on this basis there is no privacy issues





EAST FROM 11 MELLOR CLOSE



*Neighbouring Extensions*

The rear of properties are south facing so loss of light is not likely to be a significant issue.

The proposal will not have any impact to no.7 Mellor Close and the situation will not be any different to the existing.

d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclists or vehicles; and

The parking arrangements are not affected and will remain as existing with parking 2 vehicles on the drive way.

e) The proposal does not lead to an unacceptable loss of useable private amenity space.

The property would have around 50sq metres of private amenity space remaining if the extension was constructed, which is adequate.

## **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.

## **Recommendation:**

That planning permission be granted subject to the following conditions:

## **Conditions:**

1. The development must be begun within three years of the date of this decision
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - ***Location, G Floor & Block Plan as Existing – A133 01 Rev A, received 29 Aug 2018***
  - ***Elevations as Proposed – A133 04 Rev C, received 30 Oct 2018***
  - ***Ground Floor, Roof + Block Plan as Proposed – A133 03 Rev C, received 30 Oct 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.

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Housing & Development  
19 Parker Lane

Ref.

**APP/2018/0418**

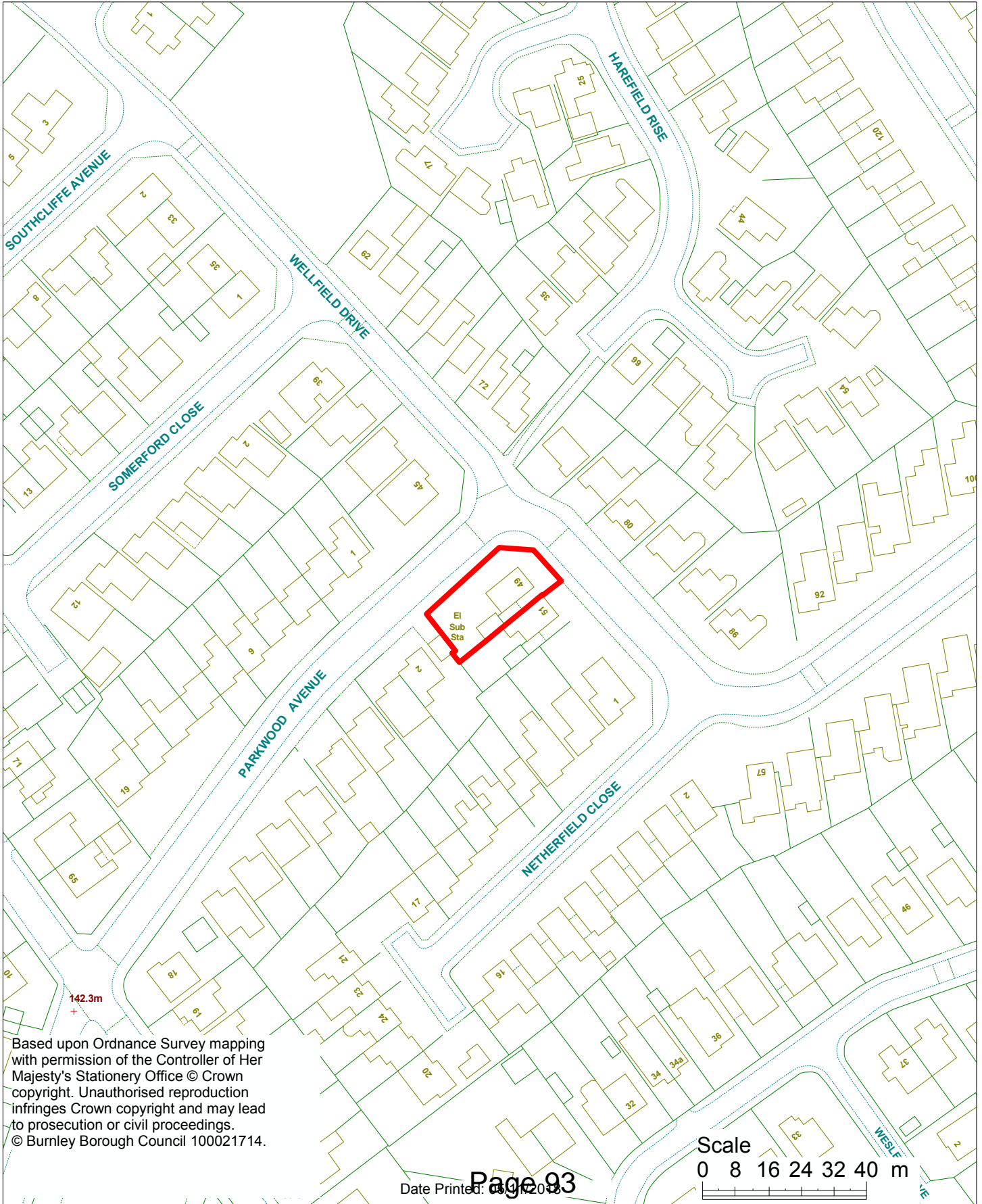
Paul Gatrell Head of Housing and Development

Location:



**49 Wellfield Drive, Burnley**

**1:1250**



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Full Planning Application  
Erection of boundary fence  
49 WELLFIELD DRIVE BURNLEY

**Background:**

The application property is in a corner location, at the junction of Parkwood Avenue and Wellfield Drive.

A close boarded timber panel fence set between concrete posts, was constructed at the property in 2017 without the benefit of planning permission. At present, the fence is at the back edge of the footpath, 2 metres high to the side and rear garden and stepped down at the front of the property to a height of approximately 1.3 metres.



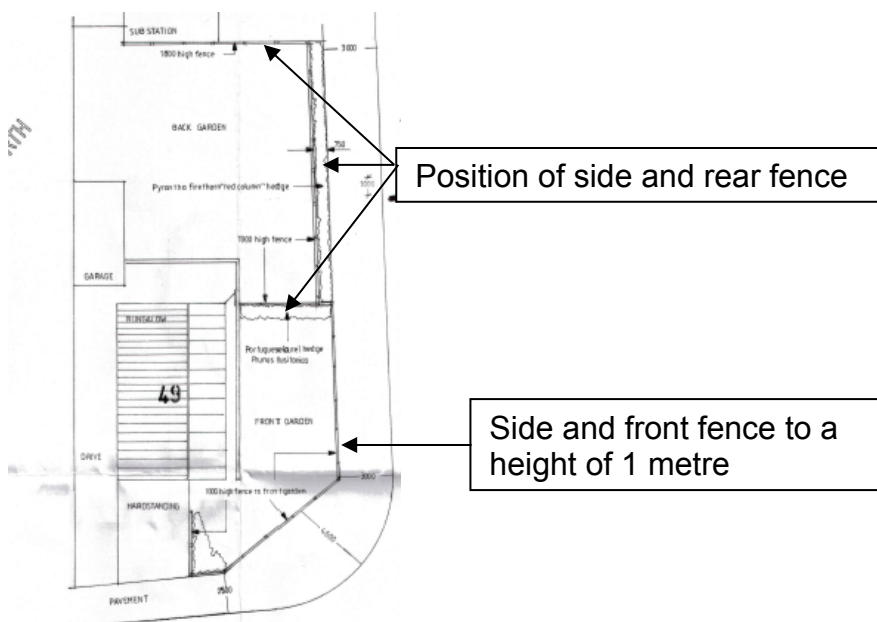
View of existing fence from Parkwood Ave.



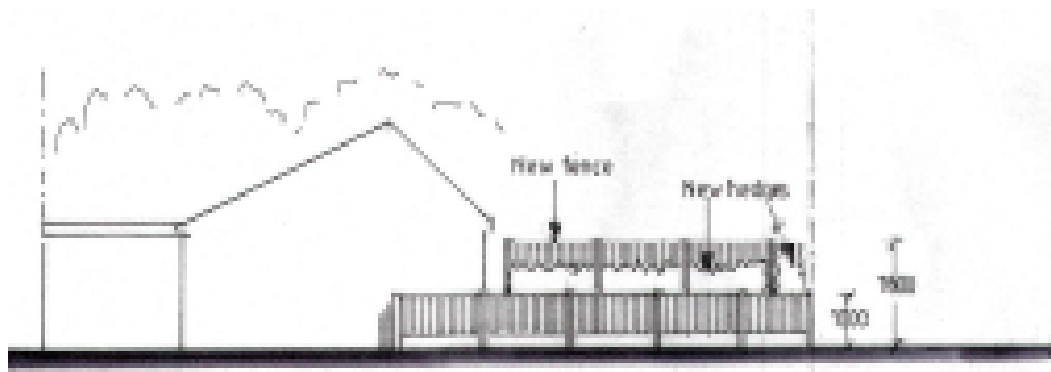
View of front fence from Wellfield Drive

Following negotiation with the Planning Enforcement Officer, it is proposed to replace the 2 metres high fence enclosing the rear and side garden, with a fence of 1.8 metres set back 07.5 metres from the edge of the footpath, to allow a hedge to be planted between the path and the fence.

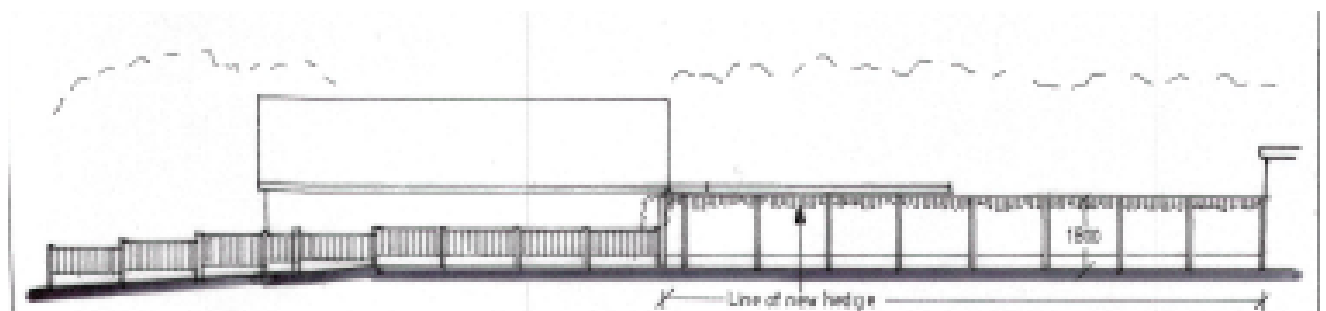
The front garden would be enclosed by a 1 metre high fence, which would be permitted development.



Proposed layout

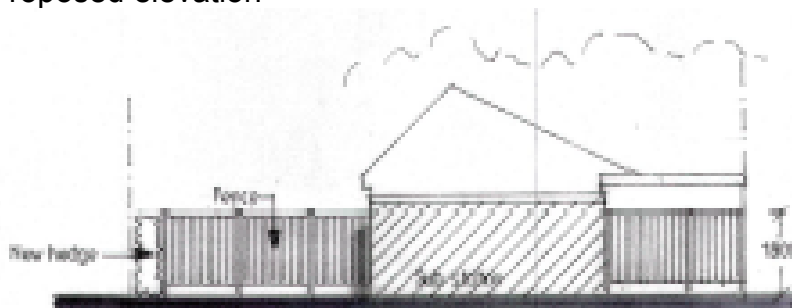


Proposed front elevation from Wellfield Drive



Proposed side elevation of fence from Parkwood Avenue

Proposed elevation



Proposed rear elevation of fence from Parkwood Avenue

An objection has been received.

**Relevant Policies:**

Burnley Local Plan

- HS5 – House extensions and alterations
- SP5 – Development Quality and Sustainability

**Site History:** None

**Consultation Responses:**

1. Highway Authority –No objections to the proposal



2. One letter of objection from a nearby resident has been received making the following comments:

- It will set a precedent
- It ruins the openness of the estate.

**Planning and Environmental Considerations:**

The erection of a fence to the garden of a dwelling is acceptable in principle, providing it does not adversely impact on the amenity of neighbouring residents, does not affect highway safety and does not adversely impact on the street scene.

The amenities of neighbouring properties are not affected in terms of outlook, privacy or loss of light and the highway authority confirm that there will be no adverse impact on highway safety.

The main issue is the visual appearance of the proposed fence and its impact in the street scene.

The existing fence does have a detriment impact on the street scene because of its height and position at the back edge of the footpath. The proposed changes to reduce its height, paint it in a brown colour and set it back from the pavement edge, together with the planting of the hedge between the fence and the footpath, would significantly improve the appearance of the fence.

Whilst the majority of the estate is open plan, it is reasonable to allow the corner plots to enclose their private amenity space to provide some privacy and security. Similar development has taken place in the area.

The proposal is acceptable and in line with the policies HS5 and SP5 of the Local Plan.

**Recommendation:**

That planning permission be granted subject to the following conditions:

**Conditions**

1. The development must be begun within six months of the date of this decision and completed within 18 months of the date of this decision..
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing Site Plan; Proposed Site plan; and Drawing No. 1/21/2018 received 30 August 2018.
3. The fence shall be painted as set out in the application within 6 months of its completion.
4. The planting area shown on Drawing No. 1/21/2018 received 30 August 2018 shall be completed during the first planting season following completion of the

fence and the planting shall thereafter be maintained in accordance with good horticultural practice to the satisfaction of the local planning authority.

**Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and having regard to the unsympathetic appearance of the existing fence.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
- 3/4 In the interests of visual amenity having regard to Policies HS5 and SP5 of Burnley's Local Plan July 18.

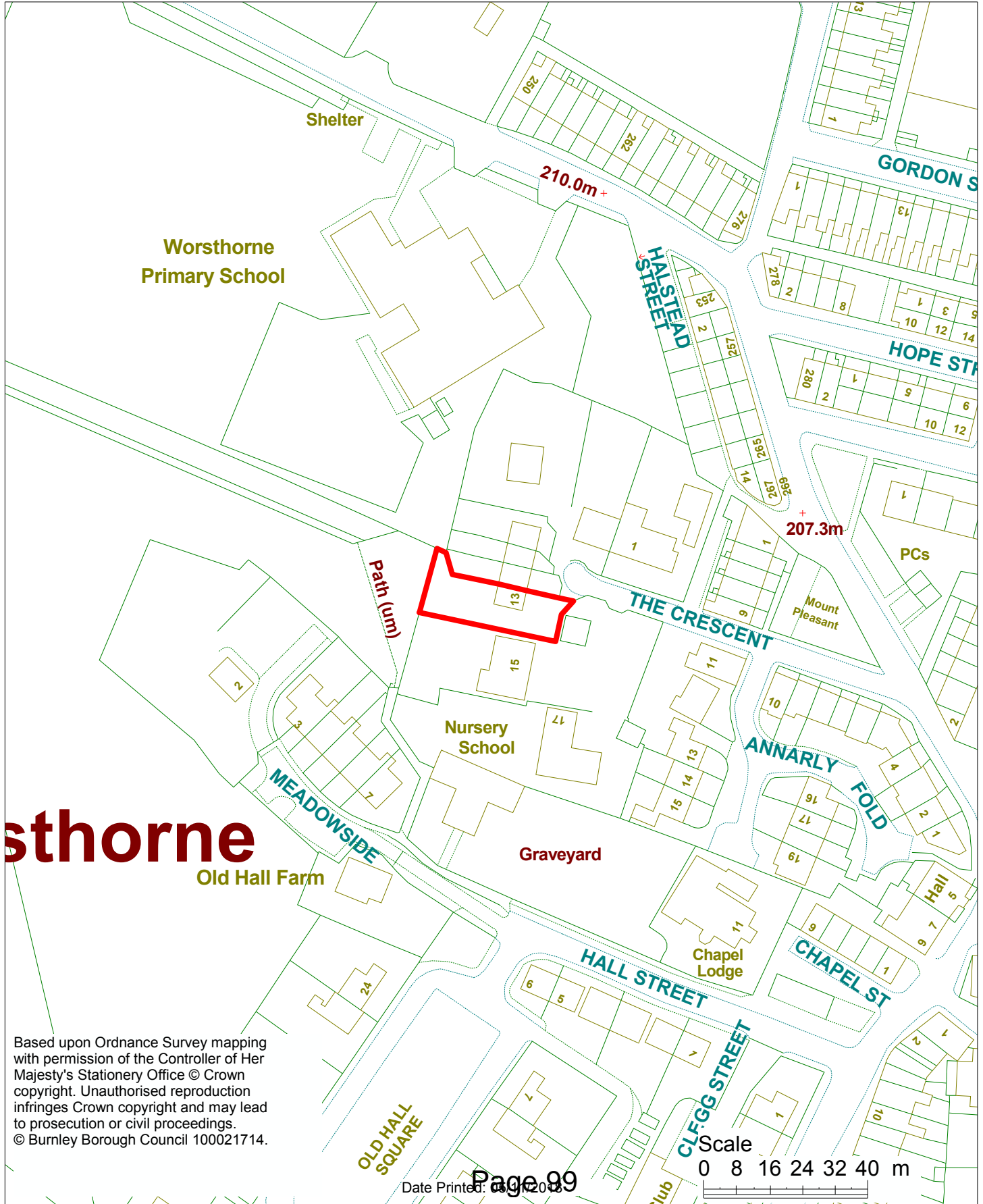
CMR

Location:



13 The Crescent, Worsthorne, Burnley

1:1250



Worsthorne  
Old Hall Farm

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## **Application Recommended for Approval**

**APP/2018/0223**

Cliviger with Worsthorne Ward

Full Planning Application

Proposed demolition of garage, rear conservatory and erection of a two storey side and rear extension; re-submission of planning application (APP/2018/0007)

13 THE CRESCENT, WORSTHORNE, BURNLEY

### **Background:**

A previous application (APP/2018/0007) for a larger 2-storey/single storey extension was refused in March 2018. This is a re-submission; the first plan submitted (APP/2018/0223) was not considered to be acceptable and an amended plan was submitted (on the 25<sup>th</sup> September 2018).

An objection has been received.

### **Relevant Policies:**

Burnley Local Plan Second Review

HS5 – House Extensions and Alterations

SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

TM15 – Development Strategy

### **Site History:**

*Relevant history;*

12/1978/0032 – extension to dwelling to provide playroom for children – permitted development

APP/2003/0016 – proposed bedroom extension - granted

APP/2018/0007 – proposed demolition of garage and rear conservatory and erection of 2-storey side and rear extension incorporating balcony to first floor master bedroom - refused

### **Consultation Responses:**

*Highway Authority* – Raise no objection on highway grounds.

*Neighbour* – The adjoining neighbour at no.11 objects for the following reasons:

- Loss of light; the proposed structure closest to my property will significantly reduce the amount of light entering my living room window.
- Loss of sunlight and overshadowing; I fear a significant reduction of sunlight entering my living room and also I am very concerned that my living room will be cast into deep shadow by the proposed construction. My garden will also suffer loss of sunlight.
- The extension would therefore have an adverse impact on my quality of life.

## **Planning and Environmental Considerations:**

The property is an end quasi-semi located on the edge of Worsthorne village; it is just outside Worsthorne Conservation Area. The proposals involve the demolition of the existing garage at the side of the dwelling and the conservatory at the rear and the erection of a 2-storey side extension; the front porch is also to be enlarged and the existing windows both front and rear are to be replaced with a different style of window.

It is proposed to re configure the existing layout of rooms and gym and large lounge/dining area and kitchen at the rear together with the re configuration of the 1<sup>st</sup> floor to provide additional bathrooms.

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



***front of no.13 The Crescent***



***existing rear elevation***

### ***Design/materials***

The existing end quasi has a hipped roof and has been extended to the side in the past (single storey extension and then a 1<sup>st</sup> floor extension above); there is a conservatory on the rear and a detached garage to the side.

The garage and conservatory are to be demolished and replaced with a 2-storey side extension and a single-storey rear extension. The existing porch at the front is to be enlarged (see drawings on next page).

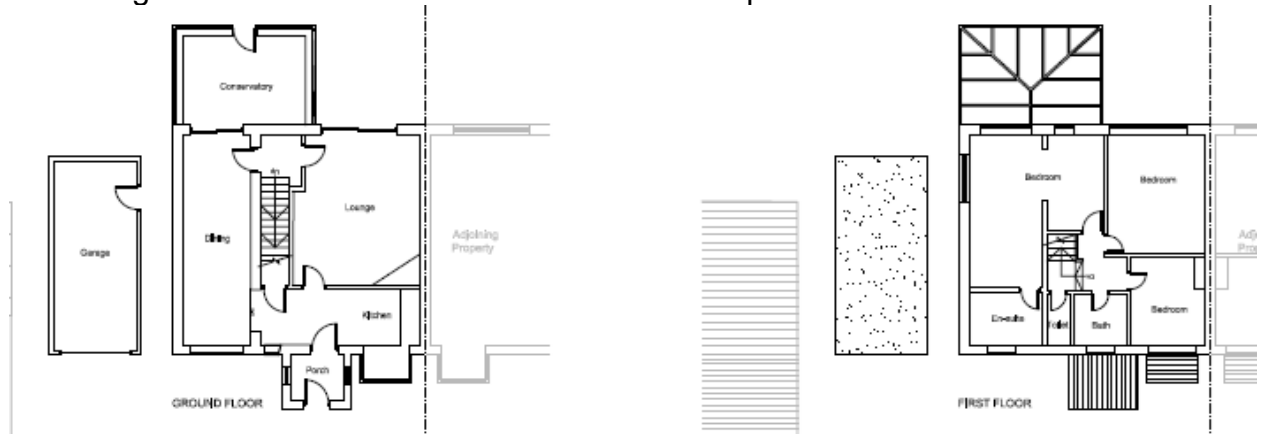
The proposed 2-storey side extension extends out to the side by 3m and is set back from the front elevation by 1m.; the 2-storey extension extends back as far as the existing (2-storey) rear elevation of the dwelling. The single storey section of the extension extends out from the rear elevation by 4.1m and extends across the full width of the rear of the dwelling (10.8m).

The roofline of the 2-storey extension is hipped and set at a lower level than the existing roof ridge. The roof of the single-storey extension is also hipped with a flat section incorporating three roof lights on top. The height of the 2-storey extension is 4.985m to the eaves and 5.859m to the ridge; the height of the single-storey extension is 2.84m to the eaves and 3.575m to the ridge.

Existing windows on both the front and rear elevations are to be altered to a different style (see drawings on next page).

The proposed materials are render with stone detail for the elevations and slate for the roof; both to match the existing dwelling.

The design and materials are considered to be acceptable.



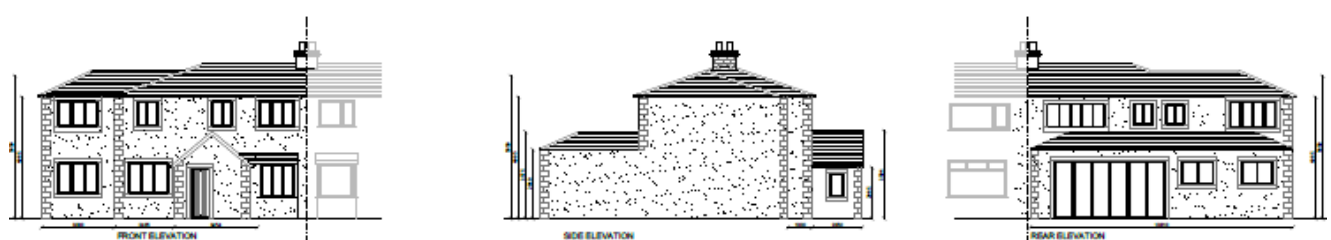
*existing ground floor and 1<sup>st</sup> floor layout*



*proposed ground floor and 1<sup>st</sup> floor layout*



*existing elevations*



*proposed elevations*

**Privacy/outlook/daylight**

Windows are proposed on the front and rear elevations of the extension only; patio doors are proposed on the rear elevation. Alterations to the style of existing windows at the property are also proposed.

There are no dwellings directly to the front or rear of the dwelling; there is a bungalow to one side (no.15) and an attached dwelling (no.11) at the other side. Consideration needs to be given as to whether the dwellings either side will be significantly affected in terms of privacy/outlook/daylight.

No.15 is a bungalow and has two obscurely glazed windows on the side elevation; other windows on the rear elevation also need to be considered. There is a high fence between the properties and the bungalow is 0.7m away from the boundary between nos. 13 and 15 at the front of the property and 0.8m away from the boundary at the rear. The 2-storey extension will extend 2.4m further out from the rear of the bungalow and the single-storey extension will extend out by 6.5m further out than the rear of the bungalow. There is a door on the rear elevation of no.15 closest to the application property; there is also a kitchen window and a dining room window on the rear elevation. The proposed extension which has been reduced in size is now considered to be acceptable in terms of outlook, privacy and daylight for no.15 The Crescent.



**no.15 and existing garage to no.13**



**rear of 11 and 13 The Crescent**



**rear of 13 and 15 The Crescent**

The attached dwelling (no.11) has windows on the rear elevation which need to be taken into consideration. The rear single-storey extension extends out by 4.1m and is 2.84m in height at eaves level and 3.575m in height to the top of the hipped roof. There is a fence on the boundary between nos.11 and 13. The extension would be



built up to the boundary, however the roof is hipped and slopes away from the boundary. The proposed extension would have some impact on the living room window at the rear of no.11 which is closest to 13; however this would not be significant to warrant a refusal of the scheme.

**Highway issues**

At present there are three bedrooms at the dwelling; although a 2-storey extension is proposed, the internal arrangements are to be re-configured and there will still be three bedrooms. Two off-street parking spaces are required for a three bedroomed dwelling; although the garage is to be demolished there will still be adequate off-street parking remaining at the property. The Highway Authority have no objections to the proposals on highway grounds.

**Conclusion**

On balance the proposals are considered to be acceptable and in accordance with the Local Plan policies listed above.

**Recommendation:**

Grant subject to the following conditions:

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 01, 03, 04, received 11 May 18 and 02D and 05B received 25 Sept 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  
19 Parker Lane

Ref.

**APP/2018/0488**

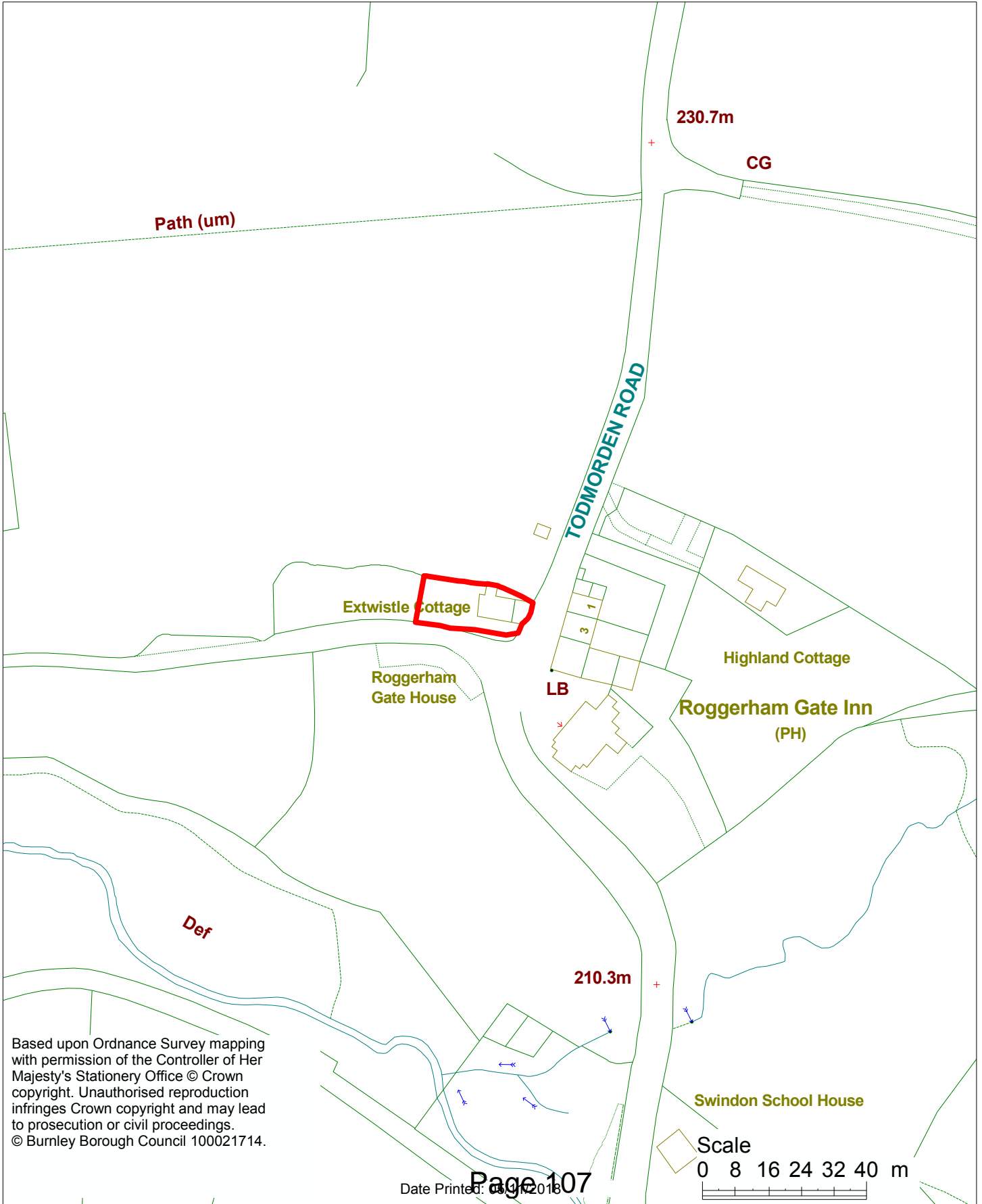
Paul Gattrell Head of Housing and Development

Location:

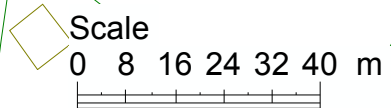


**Extwistle Cottage, Todmorden Road, Briercliffe, Burnley**

**1:1250**



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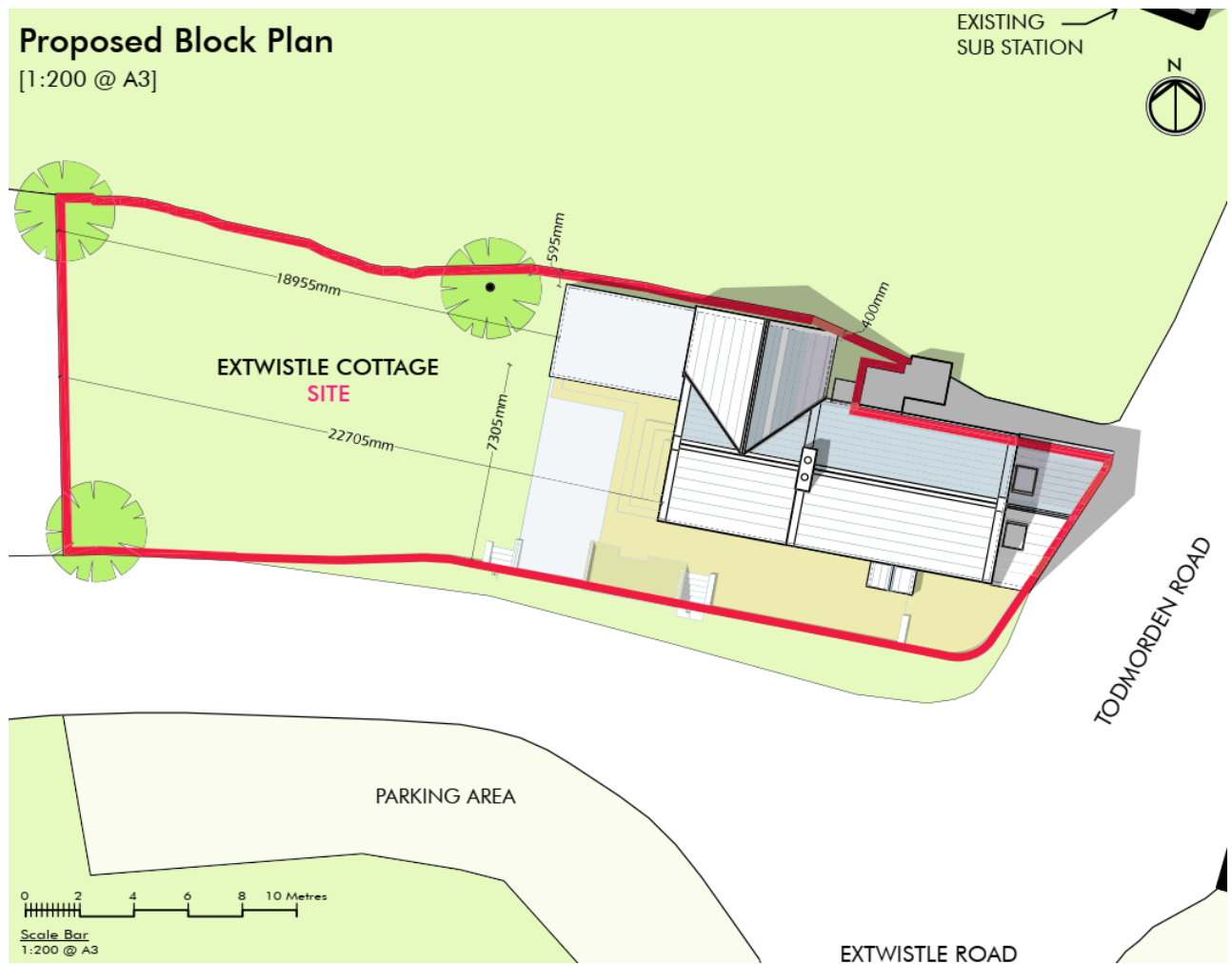
Full Planning Application

Proposed two storey side and rear extension above existing side extension with a single storey garden room extension to the side and site associated works  
EXTWISTLE COTTAGE, TODMORDEN ROAD, BRIERCLIFFE

**Background:**

The application is for a single storey extension above the existing side extension, with a contemporary single storey garden room to the rear and side. The building is a detached dwelling which lies in a small group of dwellings within the rural area and is of stone construction.





The applicant is an officer of the Council

No objections have been received

**Relevant Policies:**

Burnley Local Plan

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

NE3 – Landscape Character

**Site History:**

APP/2007/1025 – Proposed two storey extension and alterations (granted)

12/79/0037 – Proposed bedroom/bathroom extension and installation of septic tank, and re-roofing of wash house (granted).

**Consultation Responses:**

No representations made

### 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.

### Policy HS5 sets out that extensions to existing dwellings are permitted subject to the following:

a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;

In terms of the size and scale it would appear that, due to restoring the existing 'coping stones' below the chimney and set-back of the modern glazed single storey element, the proposal would have a subservient appearance. The existing dwelling has been designed in a piece-meal manner and the proposed extension appears simple in form and in keeping with the character of a rural cottage. The development is unlikely to cause undue harm to the character and appearance of the dwelling, in particularly when considering its orientation.



On balance it is considered the front extension would have a minimal impact on the character of the front elevation of the existing dwelling due to the minimal increase. Also, the addition would not be out of character, bulky or adversely change the appearance of the house or the street.

b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;

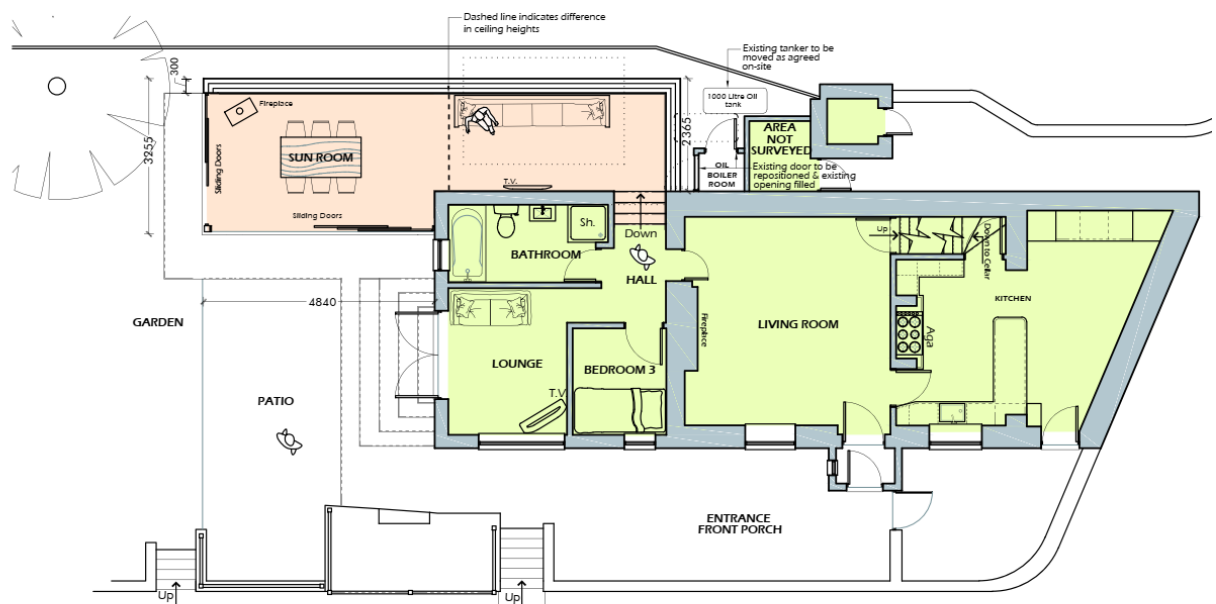
The first floor extension element would be constructed with matching punched face stone; Indian stone slate roof with matching coping stones and the gable elevation would be rendered. The garden room would have a fully glazed frontage and gable with an aluminium profile framework. The rear of the garden room will be rendered.

The scale and mass of the proposal is modest when taking in consideration the size of the plot and the nearby properties.

The first floor extension would improve the appearance of the frontage and follow the style of the existing roof. Furthermore the proposed extension incorporates and adopts the uniform finished first floor level and floor to ceiling heights within the building. In respect of its impact on the character of the wider area it is considered that the extension has a neutral impact on this location that does not benefit from any special character and architectural or conservation designations.

In terms of the single storey extension proposed, it would be located to the rear/side of the property which is tucked away from general public views, in any case, the modern extension is of an acceptable design of which is well suited in the rural area, having minimal impact to the surrounding landscape.

Proposed First Floor [1:100 @ A3]



Proposed Ground Floor [1:100 @ A3]

The application is therefore considered not to be unduly harmful to visual amenity or over development of the plot when viewed in the wider context of the rural area.

c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);

In terms of the effect that development would have on the amenity of neighbouring residents, it is again considered that the development would not have any level of impact to nearby residents as the proposal cannot be seen from habitable rooms.



d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclists or vehicles; and The parking arrangements are not affected and will remain as existing with parking 2 vehicles on the drive way.

There is adequate off street car parking provision at the site to serve the dwelling and the number of bedrooms is not increasing.

e) The proposal does not lead to an unacceptable loss of useable private amenity space.

The retained amenity space is considered adequate and commensurate to the size of the dwelling.

### **Policy NE3 – Landscape Character**

The proposal satisfies policy HS5 and is acceptable in terms of the design and impact on the building, no neighbours are affected and adequate car parking and private amenity space remain.

The proposal is within the rural area and Policy NE3 of the Local Plan expects proposals to respect the landscape character of the area.

The dwelling is within a group of existing traditional buildings and the proposal will not have a significant impact on the landscape.

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

### **Conclusion**

Having had regard to the above it is considered that the 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.

### **Recommendation:**

That planning permission be granted subject to the following conditions

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing Package 5319-01 to 5319-09, received 23 October 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

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

15<sup>th</sup> November 2018

Housing and Development

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## **Delegated Decisions from 01/10/2018 to 28/10/2018**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Express Consent to Display an Advertisement</b>		
<b>Advert Consent Granted</b>		
APP/2018/0402	MCDONALDS RESTAURANTS LTD PRINCESS WAY BURNLEY BB12 0EQ	Display of illuminated fascia sign on play equipment
<b>Compliance with conditions</b>		
<b>Conditions discharged</b>		
APP/2017/0604	UNITS 7 & 8 EMPIRE BUSINESS PARK LIVERPOOL ROAD BURNLEY BB12 6HH	Approval of details reserved by conditions 3, 4 , 8, 10, 11, 16, 17 & 18 on planning permission APP/2017/0358 relating to the erection of building to use as builders merchants (sui generis) with associated external storage yard, landscaping, access and associated infrastructure and erection of an industrial building (Use Classes B1, B2 & B8)
APP/2018/0377	BADGER HOLE BARN BROWNSIDE ROAD WORSTHORNE-WITH-HURSTWO	Application for approval of details reserved by condition 5 of planning permission NOT/2018/0114
APP/2018/0441	ROYAL COURT TENNYSON STREET BRIERCLIFFE BURNLEY BB10 2RS	Approval of details reserved by Condition 5 on Planning Permission APP/2017/0601
<b>Conditions partially discharged</b>		
APP/2018/0195	BARDEN MILL BARDEN LANE BURNLEY BB12 0DX	Application for approval of details reserved by conditions 3, 4, 5, 7, 10, 12, 13, 17 and 19 of planning permission APP/2014/0031
<b>Full Planning Application</b>		
<b>Full Planning Permission Granted</b>		
APP/2018/0320	81 BURNLEY ROAD PADIHAM BURNLEY BB12 8BL	Proposed new shop front
APP/2018/0323	7 FIFTH AVENUE BURNLEY BB10 1YA	Demolition of existing conservatory and kitchen extension and erection of single storey side and rear extension
APP/2018/0344	WINDLE BARN HALIFAX ROAD BRIERCLIFFE BB10 3QX	Proposed extension to side elevation
APP/2018/0348	THE COACH HOUSE ROWLEY FARM ROWLEY LANE BURNLEY BB10 3LE	Proposed 2 storey extension to side

## **Delegated Decisions from 01/10/2018 to 28/10/2018**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0363	14 EASTERN AVENUE BURNLEY BB10 2NN	Proposed two storey and single storey extensions
APP/2018/0364	17 BURNLEY ROAD PADIHAM BURNLEY BB12 8BY	Proposed change of use of main banking hall to A3/A4 hybrid and change of use of upper floors from storage/offices to 3no. apartments
APP/2018/0373	4 ROCKWOOD CLOSE BURNLEY BB10 2EX	Retrospective planning permission for existing two storey extension
APP/2018/0378	24 BRONTE AVENUE BURNLEY BB10 3HY	Conversion of garage to kitchen/breakfast area, alterations to front porch and new windows to front elevation
APP/2018/0379	ROGGERHAM GATE INN TODMORDEN ROAD BRIERCLIFFE BB10 3PQ	Proposed upgrade of existing outdoor terrace/balcony, timber balustrade to be replaced with glass
APP/2018/0387	42 APPLECROSS DRIVE BURNLEY BB10 4JP	Proposed alteration to entrance to provide accessible entrance incorporating balustrade around decked area
APP/2018/0400	15 BURNLEY ROAD CLIVIGER BB10 4SH	Demolition of existing garage and conservatory and erection of rear and side single storey extension and replacement garage
APP/2018/0401	MCDONALDS RESTAURANTS LTD PRINCESS WAY BURNLEY BB12 0EQ	Erect illuminated play equipment (revised scheme)
APP/2018/0405	46 HURTLEY STREET BURNLEY BB10 1BY	Proposed wet room extension
APP/2018/0409	2 SABDEN ROAD PADIHAM BB12 9AW	Proposed 2 storey rear extension including demolition of existing garage and conservatory and erection of new garage
APP/2018/0410	7 SUNNYFIELD AVENUE CLIVIGER BB10 4TE	Alterations and pitched roof to existing porch with new raised patio
APP/2018/0423	18 HEBREW ROAD BURNLEY BB10 1NW	Change of use from commercial to residential

### **Full Planning Permission Refused**

APP/2018/0336	42 HILL CREST AVENUE CLIVIGER BB10 4JA	Proposed 2 storey side extension
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### **Withdrawn**

## **Delegated Decisions from 01/10/2018 to 28/10/2018**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0314	VALE GARAGE COLNE ROAD BURNLEY BB10 1EZ	Retention and part change of use (A1, A2 and A3) Single storey side and rear extension with new roof over

### **Listed Building Application**

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

APP/2018/0365	17 BURNLEY ROAD PADIHAM BURNLEY BB12 8BY	Listed building consent to carry out works to convert premises to a restaurant/bar and form three apartments above
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### **Minor material amendment following a grant of planning permission**

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

APP/2018/0288	LANE HOUSE FARM BURNLEY ROAD CLIVIGER BURNLEY BB10 4SU	Change of use of part of agricultural building (Plot 1) to one two-storey dwelling including works within the curtilage (Minor material amendment to NOT/2014/0431 to incorporate changes to dwelling, provide details of drainage and materials to discharge conditions 4 & 5, and erect a dry stone wall around the property)
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### **Non-material amendment following a grant of planning permission**

#### **Non-material amendment granted**

APP/2018/0416	BURNLEY GENERAL HOSPITAL CASTERTON AVENUE BURNLEY BB10 2PH	Change in materials of window detailing, increase in height of ground level, changes in site layout and provision of new ramp and steps
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