

DEVELOPMENT CONTROL COMMITTEE

Thursday, 27th June, 2019
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 27th June, 2019 at 6.30 pm

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

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

<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.

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 10

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

11 - 12

To consider reports on planning applications for development permission:

a) HOU/2019/0186 - 20 Bamburgh Drive, Burnley

13 - 20

Proposed two storey extension to side elevation.

b) APP/2019/0002 - 43 Pasturegate, Burnley

21 - 28

Proposed first floor extension over garage and single storey extension to side.

c) **APP/2019/0148 - 22 Manchester Road, Burnley** 29 - 36

Proposed change of use of ground floor and basement from drinking establishment to office use: change of use of first and second floor from office to residential use and alterations to loft for residential use, comprising a total of six bedsitting rooms with shared facilities: proposed extension to rear elevation to provide enclosed access stairway to upper floors.

7. Decisions taken under the Scheme of Delegation 37 - 46

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

8. Appeals and other decisions 47 - 52

MEMBERSHIP OF COMMITTEE

Councillor Cosima Towneley
Councillor Gordon Birtwistle
Councillor Afrasiab Anwar
Councillor Frank Cant
Councillor Saeed Chaudhary
Councillor Andy Fewings
Councillor Sue Graham
Councillor John Harbour

Councillor Alan Hosker (Chair)
Councillor Mohammed Ishtiaq
Councillor Marcus Johnstone
Councillor Gordon Lishman
Councillor Neil Mottershead
Councillor Mark Payne (Vice-Chair)
Councillor Asif Raja
Councillor Jeff Sumner

PUBLISHED

Wednesday, 19 June 2019

This page is intentionally left blank



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 30th May, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors C Towneley (Chair), G Birtwistle (Vice-Chair), F Cant, S Chaudhary, A Fewings, S Graham, J Harbour, A Hosker, M Ishtiaq, M Johnstone, G Lishman, N Mottershead, M Payne and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

1. Apologies

Apologies for absence were received from Councillor Anwar.

2. Minutes

The Minutes of the last meeting held on 30th April 2019 were approved as a correct record and signed by the Chair.

3. 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:

1.	Jean Cunningham (against)	APP/2018/0397 – Former Padiham County Primary School, Victoria Road, Padiham
2.	Stephen Clinch (against)	APP/2018/0397 – Former Padiham County Primary School, Victoria Road, Padiham
3.	Tom Garwell (for)	APP/2018/0397 – Former Padiham County Primary School, Victoria Road, Padiham

RESOLVED

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

4. APP/2018/0397 - Former Padiham County Primary School, Victoria Road, Padiham
--

Full Planning Application

Proposed new petrol filling station, shop, forecourt parking, service bay/wash bay and community garden at

FORMER PADIHAM COUNTY PRIMARY SCHOOL VICTORIA ROAD PADIHAM

Decision:

That planning permission be refused.

Reason:

- (1) The proposed development would by reason of its appearance, nature, scale and illumination have a detrimental impact on the setting of a Grade II* listed building (Stockbridge House) and a Grade II listed building (Stockbridge Lodge), contrary to Policy HE2 of Burnley’s Local Plan (July 2018) and the National Planning Policy Framework.
- (2) The proposed development would by reason of its proximity to neighbouring properties and the noise, activity and illumination associated with the proposal, have a negative and unacceptable impact on the amenities and living conditions of the neighbouring occupiers on Spenser Street, Victoria Road and Burnley Road, contrary to Policy SP5 of Burnley’s Local Plan (July 2018).

As this decision was contrary to officer recommendation, a named vote was taken as follows:

To refuse APP/2018/0397 - Former Padiham County Primary School, Victoria Road, Padiham (Motion)	
Councillor Cosima Towneley	Abstain
Councillor Gordon Birtwistle	For

Councillor Frank Cant	Abstain
Councillor Saeed Chaudhary	Abstain
Councillor Andy Fewings	For
Councillor Sue Graham	For
Councillor John Harbour	For
Councillor Alan Hosker	For
Councillor Mohammed Ishtiaq	For
Councillor Marcus Johnstone	Abstain
Councillor Gordon Lishman	For
Councillor Neil Mottershead	For
Councillor Mark Payne	For
Councillor Jeff Sumner	For
Carried	

5. APP/2019/0009 - 106 Wellfield Drive, Burnley

Erection of new dwelling on present side garden of existing dwelling 106 WELLFIELD DRIVE 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 drawings, namely: Drawings number: 1810-LP01; 1810-SP01; 1810-SP02; 1810-PL05; 1810-PL01; 1810-PL02; 1810-PL03; 1810-PL04, received 2 January 2019; 1810-LP10 (Site Plan with Visibility Splays) received 29 May 2019.
3. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
4. Any external lighting provided at the dwelling shall be so angled and/or shrouded/screened to prevent light spill to neighbouring dwellings.
5. Any external hardstanding, pathways or other hard surface shall be formed of a permeable material unless otherwise approved in writing by the Local Planning Authority.
6. The visibility of drivers entering Wellfield Drive from the site access shall be provided as follows: From the height of one metre above the driveway level at the access (being 2.4m from the edge of carriageway) clear visibility, without obstruction, shall be maintained across all the land within the site and within the

applicant's control, between the sight lines (identified by chain-dotted lines on drawing number 1810-LP10) and Wellfield Drive.

7. Samples of external materials of construction shall be submitted to and approved in writing by the Local Planning Authority before their use in construction.

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 safeguard the amenities of nearby residents from noise, dust, and general disturbance during the construction period, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
4. To safeguard nearby residents from light pollution, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
5. In the interests of proper surface water management and to avoid localised surface water flooding in accordance with Policy CC5 of the Burnley's Local Plan (2018).
6. In the interests of highway safety.
7. In the interests of visual amenity in accordance with Policy SP5 of the Burnley Local Plan (2018).

6. APP/2019/0150 - 113 Lyndhurst Road, Burnley

Full Planning Application

Refurbishment of existing ground floor fish and chip shop unit and first floor residential unit with single storey flat roof extension, together with new shop fronts and roller shutters to both front and side elevations.

113 LYNDHURST ROAD, BURNLEY

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing Nos: 1908-PL01 & 1908-PL02, received 22 March 2019, Amended Drawing Nos: 1908-LP01 (location plan) and 1908-PL10A received 17 May 2019; and amended drawing no. 1908-PL11B received on 24

May 2019

3. The roller shutter housing for the approved roller shutters shall be contained internally within the shopfronts and shall have a powder coated finish as indicated on the approved plans.
4. The flat roof of the single-storey extension shall not at any time be used as a balcony/sitting area.

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 visual amenity and in accordance with policy TC8 of Burnley's Local Plan 2018.
4. In the interests of residential amenity and in accordance with policy HS5 of Burnley's Local Plan 2018.

7. APP/2018/0489 - Hunters Oak Farm, Ightenhill Park Lane, Burnley

Full Planning Application

Proposed change of use from agricultural to equestrian, formation of riding arena and erection of stables

HUNTERS OAK FARM IGHTEHILL PARK LANE 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 drawings, namely: Location Plan received 27th February 2019; drawings number 02A (excluding superseded Location Plan) (showing plan layout of the development); 03A (Proposed Stables), received 12 October 2018.
3. There shall be no floodlighting erected or operated at the site in respect of the approved riding area at any time. This shall not exclude low level and low intensity lighting required elsewhere.
4. The horse riding arena and stables shall be for private use only, and shall not at any time be used for livery, as a riding school, for gymkharna, or for any other

commercial purpose.

5. There shall be no vehicular or pedestrian access to the development direct from Ightenhill Park Lane, at any time.
6. The development shall be operated at all times in accordance with the measures set out in the Design and Access Statement under the sub-heading *Collection, storage and removal of manure*.

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. In the interests of the visual amenities of the area, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
4. To enable consideration of any public/commercial use in relation to the development plan, in particular Policy EMP7 of the Burnley's Local Plan (2018).
5. For the avoidance of doubt as no such access was proposed in the application; and any such proposal should be considered in relation to the development plan (in particular Policies EMP7, NE3 and NE4 of the Burnley's Local Plan (2018)); and, the need to provide for highway safety.
6. In the interests of amenity and to minimise ground and water pollution in accordance with Policy NE5 of the Burnley's Local Plan (2018).

8. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 15th April to 12th May 2019.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

27th June 2019

Housing and Development

This page is intentionally left blank

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2019/0186

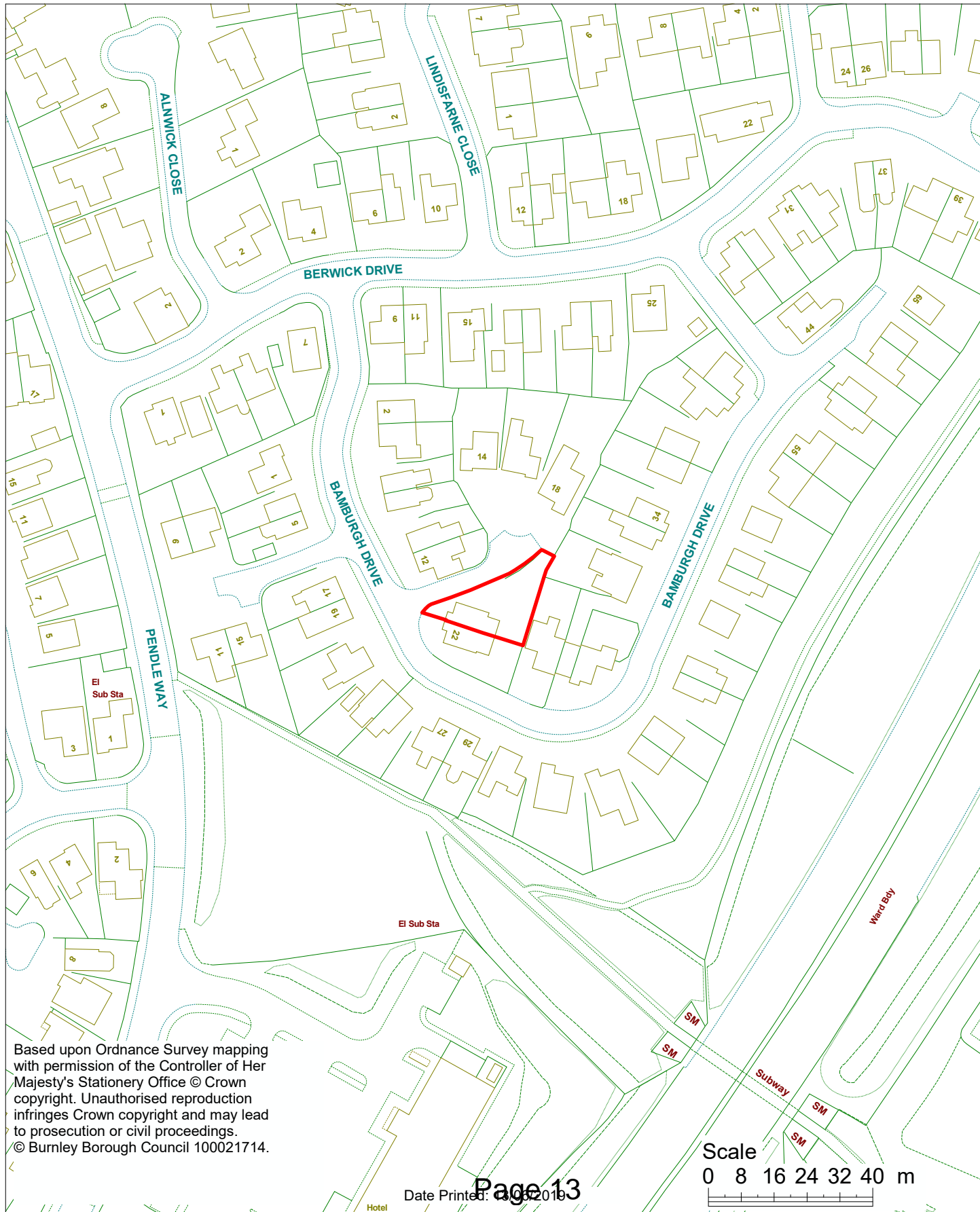
Paul Gatrell Head of Housing and Development

Location:



20 Bamburgh Drive, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

Application Recommended for Approval

HOU/2019/0186

Whittlefield with Ightenhill

Full Planning Application

Proposed two storey extension to side elevation

20 Bamburgh Drive BURNLEY

Background:

The property is a semi-detached and is located on an estate of similar house types. The proposal is for a two-storey side extension to a property. A similar proposal was approved in (APP/2005/0785) 2005 that was not implemented.

The property is attached to No. 22 Bamburgh Drive, to the north is No.12 which is separated by the access road which serves 14, 16 and 18 Bamburgh Drive.

The proposal

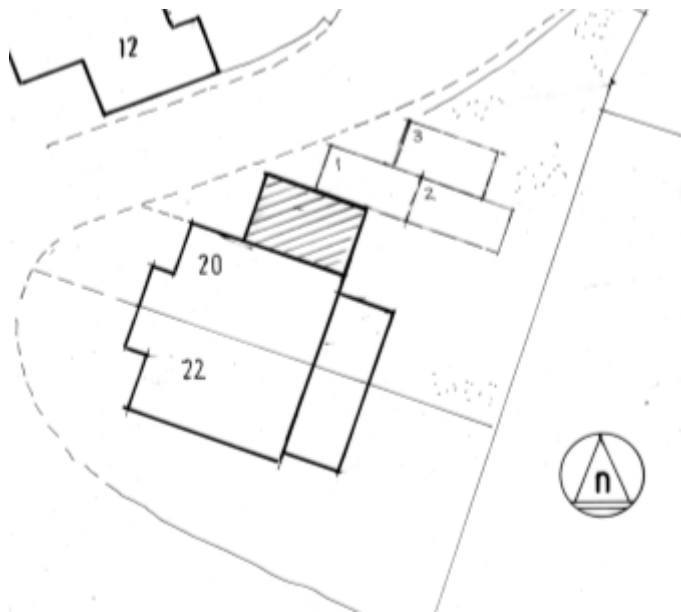
The two storey extension will extend out from the existing gable elevation by 3.8m and will be set back from the main building line by 3m. The extension will be 5.5m in length and will join the rear building line in which there is a conservatory.

The extension will meet the existing eaves height of the property and be 8.2m to the ridge, which is lower than the existing ridge line of the main dwelling. Proposed materials will be to match that of the main dwelling.

The main difference to the previous approval APP/2005/0785 is the ground floor of the current proposal is for a kitchen area rather than a garage. The existing 3 bedroom property will therefore become a 4 bedroom property which would trigger an additional parking space for the dwelling.



Proposed front and rear elevation



Additional plan showing the location of parking spaces

Relevant Policies:

Burnley's Local Plan 2018

HS5 – House Extensions and Alterations
SP5 – Development Quality and Sustainability
IC3 – Parking Standards

NPPF 2019

Site History:

App/2005/0785 – 2 storey side extension Approved September 2005

Consultation Responses:

Highways: No objection but suggested the following condition

'Before the area of hardstanding is used for vehicular purposes, the whole area intended for parking shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users. '

Further clarity was requested on the proposed parking layout. An additional plan was received on the 10/6/19 and shared with LCC highways who commented that the parking was being met from within the existing curtilage and that the 3 spaces will meet the standards for parking spaces. The suggested condition noted above, has been requested to ensure the area is set out in the correct materials.

Publicity

Neighbour Objections 5 summarised as follows:

- *Loss of parking spaces on a congested cul de sac*
- *Re-provision of parking will mean that some of the garden space with low level planting will be lost*
- *Impact on noise and amenity*
- *Impact on access to parking or other users in the cul de sac*

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the area including design and appearance
- Impact on amenity of neighbours
- Impact on highways

Design and Appearance

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Impact on the character of the area

- The 2 storey extension will be visible from the street scene and will have some impact although as the extension is set back by 3m from the front building line which is considered to be a sufficient set back distance, and it is not considered to have a detrimental impact on the street scene
- The extension is considered to be proportionate to the existing dwelling by virtue of it being set back from the front building line and stepped down from the existing ridge line
- The proposal matches elements of the host dwelling by virtue of its pitched roof style and proposed use of matching materials.
- This development would be in keeping with the neighbouring character and is considered acceptable in accordance with Policies HS5 and SP5

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

Impact on the amenity of neighbours

- The scheme includes no windows on the side elevation (north) which looks onto the cul de sac. Given the orientation of property, there will be no issues in terms of loss of outlook from neighbouring properties
- The nearest property is No. 12 Bamburgh Drive which is located approximately 9m to the north. The side elevation only has a single window at 1st floor which is obscure.
- To the rear is No. 24 Bamburgh Drive which sits approximately 8m to the east for the rear elevation. As there is only proposed to be 1 obscure window on the rear elevation, I do not consider there to be a loss of light, privacy or overlooking
- This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policy HS4 part 3.

Impact on Highways

The area of existing driveway provides parking for up to 2 cars. To the side of the existing driveway is a small area of soft landscaping beyond which is a 1.8m high boundary fence which encloses the applicant's garden.

The creation of the extension will involve the loss of some of the existing garden space and also the removal of the part of the garden fence and landscaping area. Concerns have been expressed about the loss of this by neighbours. Whilst there will be a reduction in the garden space, there is still sufficient garden space left for the amenity of the applicant. The existing landscaping does help to soften the boundary edge within the cul-de-sac but it is within the curtilage of the property and could be removed without permission.

Highways have been consulted on the application and they have considered the comments received from neighbours. As the application puts forward 3 parking spaces which can be met within the existing curtilage and will not contribute to on street parking, then there are no highways objections to the application. The application is in compliance with policy IC3 of Burnley's adopted Local Plan.

Recommendation: Approve subject to conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed on this notice below: Proposed elevations and location

plan received 17/4/19 and additional site plan at 1:200 (showing parking arrangements) received 10/6/19

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received 17/4/19 and shall not be varied without the prior written approval of the Local Planning Authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

4. Before the area of hardstanding is used for vehicular purposes, the whole area intended for parking, as shown on site plan received 10/6/19 shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.



Existing front elevation



Existing side elevation showing the current driveway.

PF

Housing & Development
Town Hall, Manchester Road

Ref.

APP/2019/0002

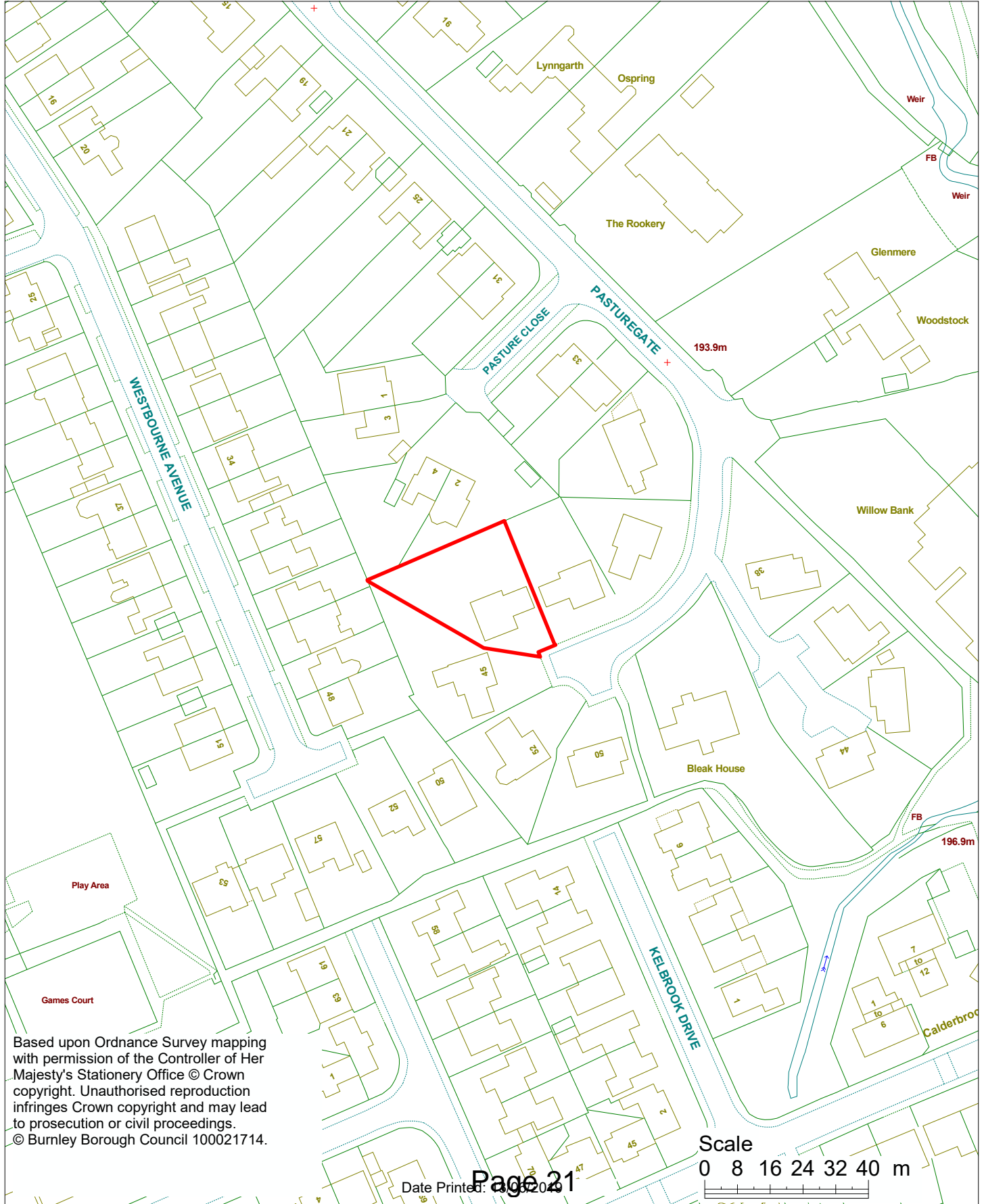
Paul Gatrell Head of Housing and Development

Location:



43 Pasturegate, Burnley

1:1250



This page is intentionally left blank

Full Planning Application
Proposed first floor extension over garage and single storey extension to side
43 PASTUREGATE BURNLEY

Background:

The proposal is to extend a detached chalet house by forming a first floor over the existing attached flat roofed garage and erecting a single storey flat roofed side extension. The property is situated within a generous plot at the end of a cul-de-sac of similar properties.

Existing Front Elevation



EXISTING SOUTH ELEVATION SCALE 1:100 @ A1

Proposed Front Elevation



PROPOSED SOUTH ELEVATION SCALE 1:100 @ A1

Existing Rear Elevation



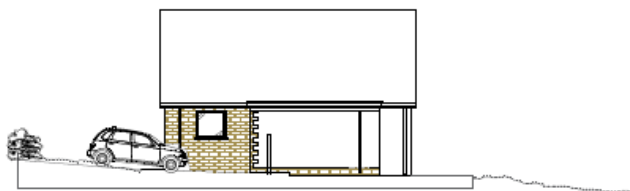
EXISTING NORTH ELEVATION SCALE 1:100 @ A1

Proposed Rear Elevation



SCALE 1:100 @ A1

Existing East Side Elevation



EXISTING EAST ELEVATION SCALE 1:100 @ A1

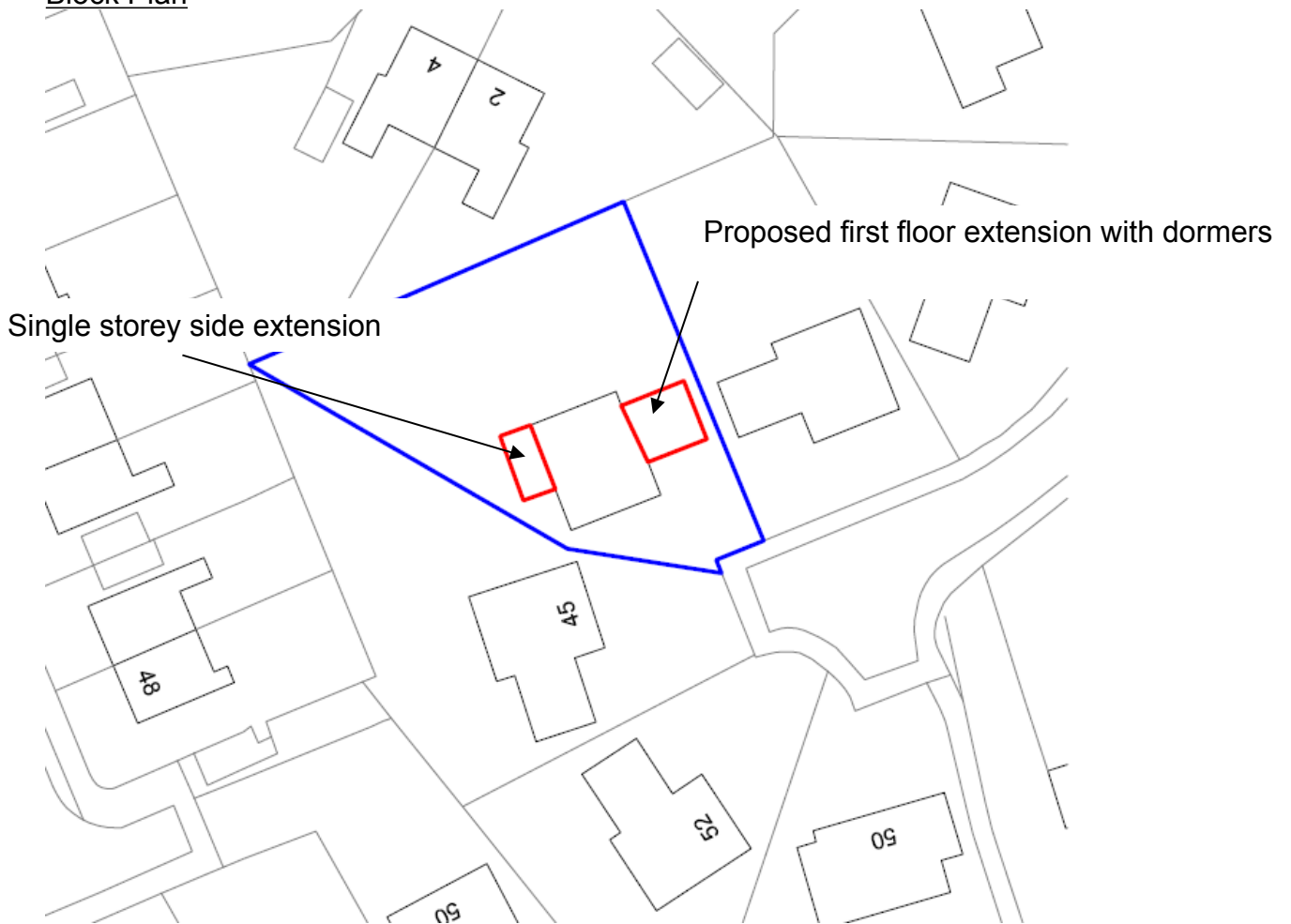
Proposed East Side Elevation



PROPOSED EAST ELEVATION SCALE 1:100 @ A1

The application has been amended since first submitted to reduce the eaves height of proposed first floor extension and reduce the size of the front dormer.

Block Plan



Relevant Policies:

Burnley's Local Plan (July 2018)

HS5 – House Extensions and Alterations

SP5 – Development Quality and Sustainability

IC3 – Parking Standards

NPPF 2019

Site History:

None.

Consultation Responses:

LCC Highways

No objection.

The Coal Authority

The site falls within the development high risk area and advise that an informative note be added to the decision notice.

Publicity

Letters of objection to the proposal have been received from two neighbouring properties. A summary of their points is below:-

- The extension would block view over the valley
- The extension appears like a tower and appears dominating
- It will take natural light from bathroom
- Will lose a significant amount of morning/early afternoon sun in back garden

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such there is no objection in principle to the proposal subject to detailed considerations below.

Main issues

- Impact on the character of the area including design and appearance
- Impact on amenity of neighbours
- Impact on parking

Design and Appearance

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Impact on the character of the area

- The first floor storey extension will be visible from the street scene but its ridge line has been modified by lowering the eaves height to the level of the eaves of the main dwelling and reducing the size of the front dormer. The proposed first floor extension would as amended be similar to other extensions to neighbouring properties and would not appear jarring, dominant or out of keeping with the street scene.
- The proposed side extension is set back from the front and is a modest size and scale which would have no appreciable visual impact.
- The proposed front dormer would be mainly glazed and the roof constructed in matching concrete roof tiles
- The development would be in keeping with the neighbouring character and is considered acceptable in accordance with Policies HS5 and SP5

Residential Amenity

Policies HS5 and SP5 of the adopted Local Plan seek to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

Impact on the amenity of neighbours

- The proposed first floor extension which provides for a new bedroom would have windows to the front and rear but there would be adequate spacing from surrounding properties and no significant impact on privacy. There would be no side windows facing the adjacent property at 41 Pasturegate.
- The proposed first floor extension would not significantly affect levels of daylight/sunlight into neighbouring dwellings. The impact on an adjacent bathroom which is not a habitable room would not significantly affect the living conditions of that dwelling.
- The impact on sunlight into the rear garden of no. 41 Pasturegate would not be significant, particularly as the extension would not project any further from the current footprint of the property or beyond the line of the rear elevation of the neighbouring property.
- There would be no material impact from the modest single storey side extension.
- This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing; it complies with Policy HS4 part 3 and with Policies SP5 and HS5.

Impact on Parking

Policy IC3 requires parking standards in accordance with Appendix 9 in the Local Plan. The proposal will increase the number of bedrooms at the property from three to four which requires three off-street parking spaces. This would be provided by the retained garage and driveway. No objections have been received from LCC Highways. The application is in compliance with Policy IC3 of Burnley's adopted Local Plan.

Summary

The proposed scheme as amended would have an acceptable visual impact in the street scene and would satisfactorily safeguard neighbouring residential amenities.

Recommendation: Approve subject to conditions

Conditions and reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed on this notice below: 1 (Location and Block Plan), 4 (Existing and Proposed Site Layout), received on 2 January 2019; and amended floor plans and amended elevations, received on 21 May 2019.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved plans and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies SP5 and HS5 of Burnley's Local Plan (July 2018).

JF
19.6.2019

This page is intentionally left blank

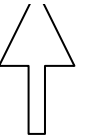
Part One Plan

Housing & Development Town Hall, Manchester Road

Paul Gatrell Head of Housing and Development

App Ref: APP/2019/0148

N



Site: 22 Manchester Road, Burnley



This page is intentionally left blank

Application Recommended for Approval

APP/2019/0148

Daneshouse with Stoneyholme Ward

Full Planning Application

Proposed change of use of ground floor and basement from drinking establishment to office use; change of use of first and second floor from office to residential use comprising four bedsitting rooms with shared facilities; proposed extension to rear elevation to provide enclosed access stairway to upper floors.

22 MANCHESTER ROAD BURNLEY

Background:

The application relates to a town centre building within a terrace of commercial property.

An objection has been received.

Relevant Policies:

National Planning Policy Framework

Burnley Local Plan (2018)

HE2 – Designated Heritage Assets

HE3 – Non-Designated Heritage Assets

EMP4 – Office Development

HS4 – Housing Developments

SP5 – Development Quality and Sustainability

Site History:

APP/2013/0495: Change of use of ground floor and basement from shop to drinking establishment – Granted

Consultation Responses:

Highway Authority - No objection. Concern about lack of provision for cycle storage and waste bin storage. [*Comment – Details of the siting of a waste bin and cycle store (in the rear yard) have now been added to the application. A condition is recommended to require full details to be submitted for subsequent approval*].

Environmental Health – No objection. Request imposition of a condition relating to internal noise levels.

Neighbouring Office - Letter from a nearby commercial office (not next door) making objections as follows (summarised):

1. No provision for car parking which could result in 'fly-parking' in private spaces of adjoining premises. [*Comment – Town centre residential accommodation is rarely provided with car parking due to its beneficial, sustainable location. A grant of permission would not over-ride private car parking rights. Such 'fly-parking' (if it occurs) could be prevented by installation of lockable bollards/chains, and the like*]
2. Residential should not be on ground floor in a commercial street. [*Comment – Initially the application was unclear and appeared to propose residential at ground floor level. This has now been clarified - the ground floor and basement*

would be changed from public house to offices; the upper floors to residential - which would be in accordance with the development plan]

3. Concern about internal noise, despite insulation; noise emitted via open windows; fumes/cooking smells. [*Comment – There is unlikely to be a harmful level of impact in this town centre location*]
4. Absence of provision for waste disposal bin storage leading to the use of private bins of others. Concern about a rubbish/rodent issue. [*Comment – Properly managed property should not result in problems of that nature. Appropriate provision is made for refuse bins at the rear of the building. A condition is recommended to ensure that remains in effect*]

Planning and Environmental Considerations:

The property is of three storeys with basement, set in a mid-position in a mainly commercial/office terrace position in Burnley Town Centre. The property is now vacant. In earlier years it was a shop; latterly it was a small 'pub' on the ground floor and basement, with a separately accessed solicitors' office on the first and second floors.

The terrace, in the traditional part of the town centre, is end-stopped by substantial buildings purpose built as banks (one still in bank use/one in mixed use). The intervening terrace comprises 7 units (4 estate agents, solicitors, opticians, and the application site). There is a mix of commercial uses at upper floor level. An archived image (below) shows the site before (in 2013) the change to the pub use.

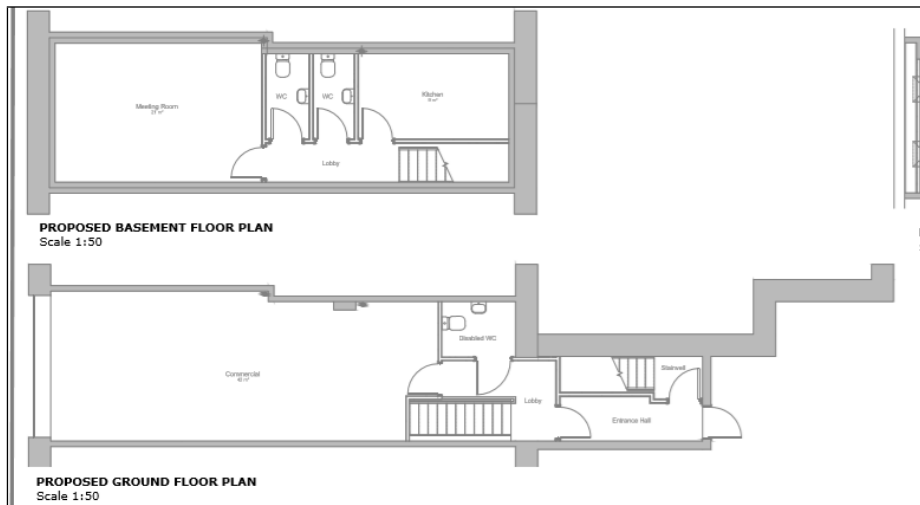


Application site

The property has a rear door allowing access, across a small yard area, from Dugdale Street, which runs along the back of the terrace, giving access to small parking spaces rear of several other properties.

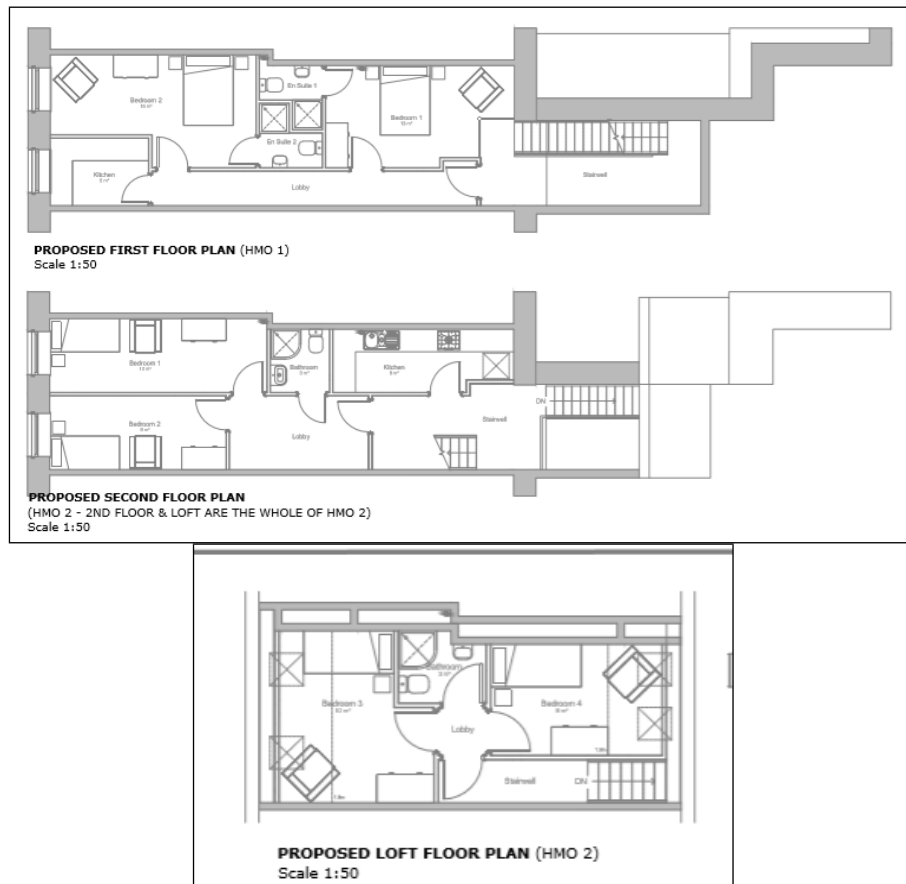
The present proposal is to restore a commercial/office use to the ground floor and basement. A new shop would be provided to the street frontage – this is not included

in the application and a condition is recommended to require full details in respect of that matter. The offices would be accessible from front and rear.



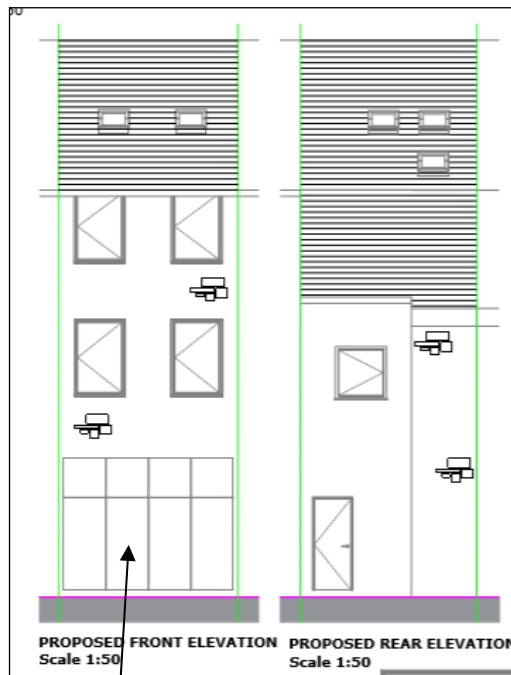
Proposed ground floor/basement Offices

The upper floors (first, second and roof space) would be reconfigured to provide six bed-sitting rooms, with en-suite or close by shared facilities.



Proposed residential layout of upper floors

A two-storey extension would be built at the rear of the building to contain a stairway access to the upper floors.



Proposed front and rear elevations
 (ground floor 'shop front' for subsequent design and submission)

The main planning issues are the acceptability of the proposed use of the Town Centre building; the impact on the heritage asset; and, the quality of the residential accommodation for future residents.

The proposed use

Policy EMP4 states that the Town Centres of Burnley and Padiham will be the focus for new office development. It also states that changes of use of upper floors from office to residential use will be supported providing it does not affect ground floor uses. The proposal would, therefore, be in accordance with the policy.

Impact on heritage asset

The building is a designated heritage asset, being within the Burnley Town Centre Conservation Area and locally listed as of architectural and/or historic interest. Therefore the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the proposal; s72 requires that special attention be paid to the desirability of preserving or enhancing the character of that area.

Policy HE2 sets the relevant criteria, requiring as follows:

Proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with conservation. All levels of harm should be avoided.

Policy HE3 seeks to ensure the retention, good maintenance and continued use of non-designated heritage assets.

The proposal would provide a beneficial use for the building, putting it in good order. The submitted Heritage Statement concludes that the renovation of the building, without major external change, would contribute to the attractive street scene of this part of Manchester Road.

The rear extension would be of modest size, set within an enclave formed by the similar out-buildings of adjoining properties. It would be finished externally in materials (rendered finish, with stone corners) matching the rear of the existing building and surroundings. The proposal would enhance, rather than harm the building; the new use would be a sustainable addition to the town centre, preserving the character of the conservation area. The applicant wishes to design the ground floor street frontage of the building to suit future occupiers and a condition is recommended to require details to be submitted in due course.

Residential quality

The quality of the residential accommodation would be in accordance with **Policy HS4**. The Town Centre location has the benefit of sustainable location, with ready access to employment, shopping, public transport and other amenities. Cycle and waste bin storage is indicated and a condition is recommended to require full details, and implementation.

Recommendation:

That planning permission be Granted subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan and location of bin and cycle storage, received 23 May 2019; Drawing numbers 001 (Existing Plans and Elevations); 002 (Proposed Plans and Elevations); received 20 May 2019.
3. Before the residential accommodation and/or the office accommodation is brought into use the cycle storage and waste/recycling bin storage (as indicated on the submitted drawing referred to in condition 2) shall be provided in accordance with details to be previously submitted and approved in writing by the Local Planning Authority. The cycle storage and waste/recycling storage shall be implemented as approved and shall thereafter be retained at all times.
4. Before the ground floor office accommodation is brought into use, the ground floor front elevation of the building shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. Before the residential accommodation is first occupied it shall be insulated against internal noise in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The insulation provided shall ensure that the noise level within the units does not exceed:
35 dB LAeq, 16hour for bedrooms (07.00 hours – 23.00 hours);
30 dB LAeq, 8hour for bedrooms (23.00 hours – 07.00 hours);
45dB LAMax for individual noise events in bedrooms (23.00 hours – 07.00 hours).

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that proper provision is made in the interests of sustainability of transport, convenience of access, efficient disposal of waste and recycled materials, visual amenity and the character and appearance of the conservation area generally, in accordance with Policies HS4, IC3, HE2 and HE3 of the Burnley's Local Plan (2018).
4. In the interests of the character and appearance of the Town Centre Conservation Area and the appearance of the street scene generally.
5. To ensure that the proposed bed sitting rooms are adequately protected from noise generated externally and internally, in accordance with Policy SP5 of the Burnley's Local Plan (2018).

AR
18.6.2019

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

27th June 2019

Housing and Development

This page is intentionally left blank

List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2018/0010	Mr & Mrs M Surdival	Wallstreams Cottage Wallstreams Lane Worsthorne-With-Hurstwood Lancashire BB10 3NH	First Floor Extension and Erection of Glazed Balcony	Refuse	30th May 2019
APP/2018/0011	Mr & Mrs M Surdival	Wallstreams Cottage Wallstreams Lane Worsthorne-With-Hurstwood Lancashire BB10 3NH	First Floor Extension and Erection of Glazed Balcony	Refuse	30th May 2019
APP/2018/0489	Mr M Townsend	Hunters Oak Farm Ightenhill Park Lane Burnley Lancashire BB12 0RW	Proposed change of use from agricultural to equestrian, formation of riding arena and erection of stables	Approve with Conditions	7th June 2019
APP/2019/0071	Mr Parker	Unit B Burnham Close Burnley Lancashire BB11 4AJ	Proposed change of use to Use Class D2 for one to one personal training and gym	Application Withdrawn	22nd May 2019
APP/2019/0072	Mr Parker	Unit B Burnham Close Burnley Lancashire BB11 4AJ	Express consent to display one fascia sign non-illuminated	Application Withdrawn	22nd May 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0051	Miss Sam Ali	2 Hargrove Cottages Barrowford Road Padiham Lancashire BB12 8TY	Proposed single storey extension to front elevation	Approve with Conditions	22nd May 2019
APP/2019/0113	Mrs S Sutton	220 Burnley Road Padiham Lancashire BB12 8SS	Proposed demolition of existing glass porch and erection of new single storey rear extension. Erection of 600mm fence to the top of the existing stone wall and 2m high gates to the rear.	Approve with Conditions	15th May 2019
APP/2019/0060	Mrs Anne Gardiner	Apartment 1 Holme Hall Burnley Road Burnley Lancashire BB10 4SY	Installation of new door to rear of property	Approve with Conditions	15th May 2019
APP/2019/0079	Mrs Itrat Hussain	247 Colne Road Burnley Lancashire BB10 1EF	Change of use from a dwelling to general office	Approve with Conditions	31st May 2019
APP/2019/0103	Mrs Krista Humphries	9 Roughlee Terrace Dunnockshaw Lancashire BB11 5PH	Proposed adaptations and provision of single storey extension to rear. Provision of dormer/loft conversion to rear. Demolition of existing rear extension.	Approve with Conditions	14th May 2019
APP/2019/0081	Mr John Baron	1 The Paddock Highfield Avenue Burnley Lancashire BB10 2PS	Proposed change of use of former care home to student accommodation (20 bed spaces with communal living areas) (resubmission of APP/2018/0127)	Refuse	30th May 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0100	Mr George Pollard	7 Rochester Drive Burnley Lancashire BB10 2BH	Application to prune 3 trees covered by The Burnley (Marsden Hospital) Tree Preservation Order 1994	Approve with Conditions	6th June 2019
APP/2019/0106	Mr S Larson-Walsh	Hill Crest Pasturegate Avenue Burnley Lancashire BB11 4DD	Erection of garage	Approve with Conditions	15th May 2019
APP/2019/0119	Mr G Stockwell	Rear Of 31 Walverden Road Burnley Lancashire BB10 3QP	Proposed erection of one detached two storey (5 bedroom) dwelling	Application Withdrawn	28th May 2019
APP/2019/0112	Mr & Mrs C Heaton	21 Chiltern Avenue Burnley Lancashire BB10 4NE	Single Storey side extension with pitched roof to replace existing structure	Approve with Conditions	5th June 2019
APP/2019/0123	Mr & Mrs Z Kamal	60 Lindsay Street Burnley Lancashire BB11 2SF	Proposed change of use from office to residential dwelling	Approve with Conditions	17th May 2019
APP/2019/0082	Mr Ernie Howard	Wayside Cottage Hameldon Road Hapton Lancashire BB11 5QW	Raise level of roof and erect extension to rear and side of the bungalow	Approve with Conditions	30th May 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0085	Mr Paul Tattersall	272 Sycamore Avenue Burnley Lancashire BB12 6BB	Two storey/single storey extension to rear and single storey extension to side elevation	Approve with Conditions	17th May 2019
APP/2019/0117	Mrs K Ormerod	87 Lindsay Park Burnley Lancashire BB10 3SQ	Retention of single storey extension to rear of property	Approve with Conditions	17th May 2019
APP/2019/0130	Mr T Ali	2 Lingmoor Drive Burnley Lancashire BB12 8UY	Two storey extension to front and side and single storey extension to rear	Approve with Conditions	29th May 2019
APP/2019/0141	Mr & Mrs S Hampson	4 Dean Range Blackburn Road Padiham Lancashire BB12 7NQ	Demolition of rear utility and coal store and erection of rear single storey extension	Approve with Conditions	4th June 2019
APP/2019/0129	Mr Andrew Jenkins	16 Parker Lane Burnley Lancashire BB11 2BY	Proposed works to replace existing glazed critical glass windows and frames with new uPVC double glazed windows	Approve with Conditions	10th June 2019
APP/2019/0132	Mr Keith Telfer	Crown Court Hammerton Street Burnley Lancashire BB11 1XD	Installation of render system to rear of court house and ground floor, cladding system first floor, external works to raid water pipes, doors, windows and installation of small canti-levered conpy to main entrance	Approve with Conditions	16th May 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0133	Mrs Lucie Halliwell	60 Constable Avenue Burnley Lancashire BB11 2NU	Proposed two storey side extension - Resubmission of APP/2018/0496	Approve with Conditions	28th May 2019
APP/2019/0137	Mr & Mrs R & P Shaw	9 The Paddock Olde Back Lane Burnley Lancashire BB11 5BH	Proposed detached garage	Approve with Conditions	20th May 2019
APP/2019/0147	Mr J Ashworth	Clow Farm Manchester Road Burnley Lancashire BB11 5PF	Proposed stable block and tack room	Approve with Conditions	13th May 2019
APP/2019/0153	Mr Beetham	3 (Park View) Higgin Street Burnley Lancashire BB10 4DZ	Application for advert consent to display an advertisemnets: Various illuminated and non-illuminated signage to front of building	Approve with Conditions	24th May 2019
PAG/2019/0188	Mr Magnus Hird	Monk Hall Farm Todmorden Road Briercliffe Lancashire BB10 3PJ	Application for prior approval- erection of agricultural building	Prior Approval Granted	22nd May 2019
APP/2019/0143	Mr Luke Simpson	11 Stephenson Drive Burnley Lancashire BB12 8AJ	Proposed two storey and single storey extension (Resubmission of APP/2018/0315)	Refuse	6th June 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0158	Mr D Sturrock	57 Simpson Street Hapton Lancashire BB12 7LJ	Proposed new side and rear extension and new dormer to rear	Approve with Conditions	10th June 2019
HOU/2019/0161	Mr M Swindells	98 Richmond Avenue Cliviger Lancashire BB10 4JL	Proposed new extension to front and side	Approve with Conditions	5th June 2019
APP/2019/0146	Mr Clarkson	385 Manchester Road Burnley Lancashire BB11 4HE	Proposed rear kitchen extension incorporating new access stairs	Approve with Conditions	24th May 2019
VAR/2019/0221	Mr M Crabtree	Former Grammar School Bank Parade Burnley Lancashire BB11 1UF	Proposed variation of condition 2 of planning approval APP/2018/0034 to allow cafe to be located in main building and annexe converted to offices	Approve with Conditions	11th June 2019
ADV/2019/0179	Mr J Coates	Unit A And B Evolve At Vision Park Bell Way Burnley Lancashire BB12 0BS	Application for consent to display an advertisements, 1 fascia sign and 2 small entrance signs for reception and goods inwards/trade counter	Approve with Conditions	17th May 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0154	Mrs Shazia Bilal	132 Browhead Road Burnley Lancashire BB10 3BX	Proposed kitchen extension	Approve with Conditions	5th June 2019
CND/2019/0190		Bridge Walk Apartments Sandygate Burnley BB11 1TE	Approval on matters reserved by condition 4 of APP/2019/0289 (Investigation and Remediation Measures)	Conditions discharged	7th June 2019
FUL/2019/0174	Mr J Coates	Unit A And B Evolve At Vision Park Bell Way Burnley Lancashire BB12 0BS	Insertion of first floor windows in South/West Elevation together with air conditioning unit	Approve with Conditions	28th May 2019
DEM/2019/0222	Ms Suzanne Pickering	33-35 Burnley Road Padiham Lancashire BB12 8BY	Demolition of lean-to outrigger building to rear of property. Removal of metal security shutters, PVC windows, metal flue (to rear of building) and security grilles.	Application Withdrawn	16th May 2019
HOU/2019/0178	Mr Foster	530 Brunshaw Road Burnley Lancashire BB10 4HP	Proposed single storey organery to the rear elevation	Approve with Conditions	31st May 2019
PAH/2019/0199	Mrs Avril Wade	127 Manchester Road Hapton Lancashire BB11 5RF	Proposed conservatory to rear	Prior Approval not required accept	12th June 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0184	Mr B Ali	24 Highfield Avenue Burnley Lancashire BB10 2PR	Proposed orangery	Approve with Conditions	11th June 2019
APP/2019/0140		Ams Technology Park Billington Road Burnley Lancashire	Approval of details reserved by condition on planning permission APP/2018/0185: Condition 3 (contamination strategy); Condition 4 (cycle parking); Condition 5 (electric car charging bays)	Conditions part discharged	28th May 2019
NMA/2019/0201	Mr B Huggan	32 Ighten Road Burnley Lancashire BB12 0HP	Proposed erection of 4 bedroom dwelling in rear garden to 32 Ighten Road APP/2018/0126	Non-Material Minor Amendment Granted	17th May 2019
NMA/2019/0261	Mr David Brimblecombe	Pottery Farm The Long Causeway Cliviger Lancashire BB10 4RP	Non-material amendment to APP/2016/0557 relating to change in external appearance of the proposed garage.	Unconditional Approval	17th May 2019
NMA/2019/0267	Mrs S Begum	2 Haslam Court Burnley Lancashire BB10 1JR	Non-material amendment to APP/2018/0572 relating to change to flat roof with roof lantern over on rear extension and additional window in gable wall	Non-Material Minor Amendment Granted	10th June 2019

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

27th June 2019

Housing and Development

This page is intentionally left blank

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

27 June 2019

PART III

**Application for Public Footpath Diversion Order under section 257
of the Town and Country Planning Act 1990**

Application Reference: FDO/2019/0275

Date of Application: 15 May 2019

**Proposal: Proposed diversion of part of Public Footpath Nos. 89 and 90
(Cliviger) (under section 257 of the Town and Country Planning Act 1990)**

At: Land To The West Red Lees Road Cliviger

1. Purpose of report

To seek authorisation to make an Order for the diversion of Public Footpaths 89 and 90 at the above site in connection with a planning application that is currently being considered by the Council (reference APP/2019/0155) for a residential development of 129 houses.

2. Background

Section 257 of the Town and Country Planning Act 1990 allows a Local Planning Authority as “competent authority” to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission whether an application has already been approved or has been submitted.

The Council make the Order and then follow a process of advertisement by press and site notice and consultation with statutory undertakers, the Cliviger Parish Council and the Ramblers Association, neighbouring residents for a period of 28 days. In the event that there are no objections to the Order then the Order would be confirmed unopposed. However, should there be any objections and these objections are not subsequently withdrawn then the Order would be referred to the Secretary of State for determination. The costs for making the Order and any subsequent referral (which would be dealt with by written representations, a hearing or public inquiry) would be borne by the applicant.

3. Recommendation

To authorise the Head of Legal and Democratic Services to make an Order under section 257 of the Town and Country Planning Act 1990 to divert public footpaths 89 and 90 (Cliviger) as shown on the plan submitted with the application and in the

event that there are outstanding objections following a period of consultation and negotiaton, to refer the Order to the Secretary of State for determination.

4. Reasons for Recommendation

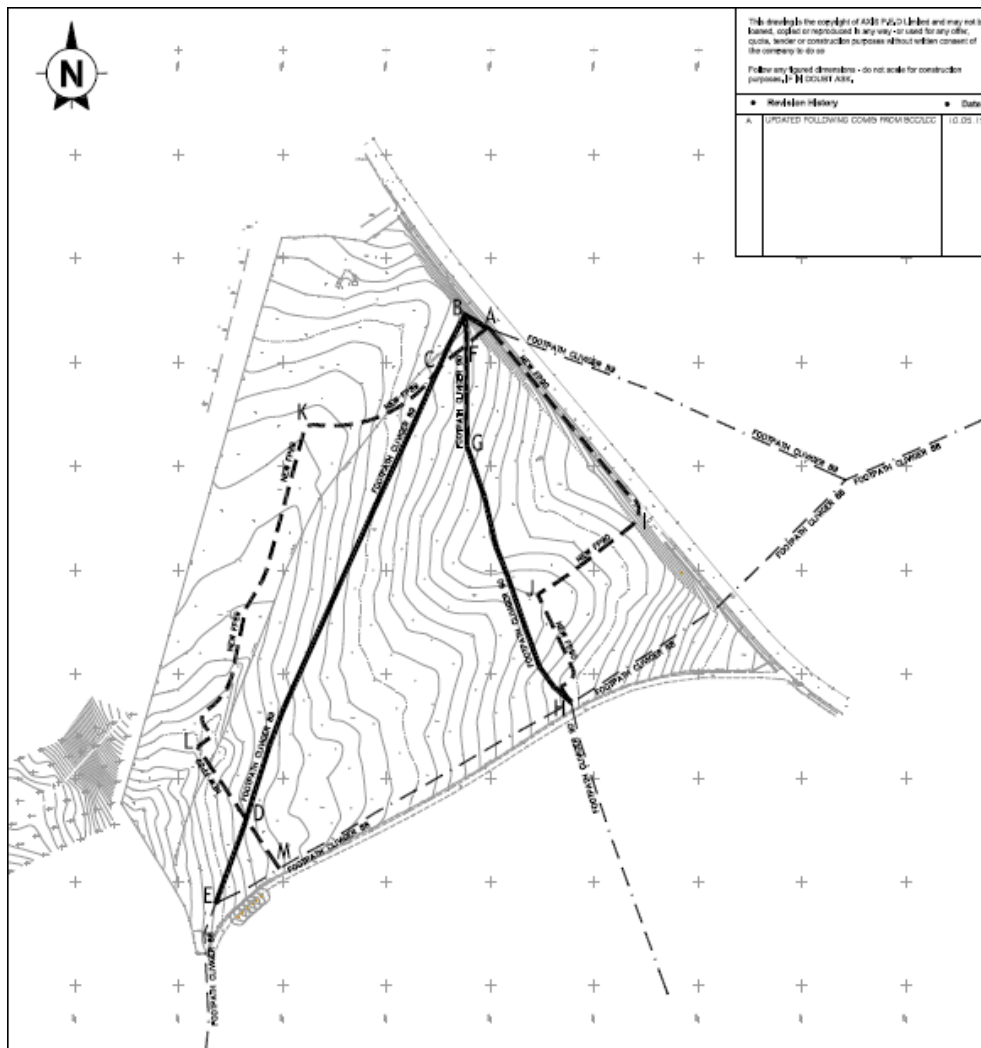
To, subject to the grant of planning permission, allow the carrying out of development which is subject to a planning application which is currently under consideration.

5. Summary of Key points

A draft Order has been submitted with the application which will be reviewed and amended if necessary by the Head of Legal and Democratic Services before the making of the Order. This Order will set out the requirements for the diversion.

Footpaths Nos. 89 and 90 cross the site and converge at a stile at Red Lees Road. Public Footpath No. 88 lies to the south side of these paths and would not be affected by this Order. The proposal is to stop up the parts of Public Footpaths Nos. 89 and 90 that are shown by the solid line on the map below and in substitution form alternative routes indicated by the bold dashed line.

Proposed Footpath Diversion Plan



Solid black line = Existing route of Public Footpath nos. 89 and 90

Bold dashed line - - = Proposed Alternative routes

The alternative routes take into account that the development of the site for residential purposes which would require building over parts of the existing footpaths with roads, drives and new dwellings. The alternative routes would provide a reasonable and practical diversion.

Whilst planning permission has not at this stage been granted for the associated development, the applicant will need to proceed as early as possible with making an Order due to the timescales that can be involved in doing this. In the event that an Order is made and confirmed (without subsequent challenge) then the Order would still not come into effect until the associated planning permission has been granted. The diversion of the footpaths would not therefore occur without first having a planning permission in place.

6. Financial implications

The costs of making the Order, advertisement and any subsequent costs associated with referring the Order to the Secretary of State will be met by the applicant.

7. Background Papers

Planning application APP/2019/0155.

Report Author: Janet Filbin, Principal Planner Ext 3216

This page is intentionally left blank