

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 25th July, 2019  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 25th July, 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) | <b>APP/2018/0551 - 34 Greenbrook Road Burnley</b>   | 13 - 20 |
| b) | <b>APP/2018/0581 - 16 Rosewood Avenue Burnley</b>   | 21 - 26 |
| c) | <b>APP/2019/0088 - 2-3 Crown Point Road Burnley</b> | 27 - 34 |

d)	<b>HOU/2019/0169 - 121 Manchester Road Hapton</b>	35 - 42
e)	<b>FUL/2019/0301 - Land at Walverden Road Burnley</b>	43 - 52
f)	<b>ADV/2019/0304 - 113 Lyndhurst Road Burnley</b>	53 - 58
g)	<b>FUL/2019/0351 - Burnley Market Hall Curzon Street Burnley</b>	59 - 62
<b>7.</b>	<b>Decisions taken under the Scheme of Delegation</b>	<b>63 - 74</b>
	To receive for information a list of delegated decisions taken since the last meeting.	
<b>8.</b>	<b>Appeals and other decisions -The Barn, Manchester Road, Burnley</b>	<b>75 - 78</b>

**MEMBERSHIP OF COMMITTEE**

Councillor Alan Hosker (Chair)	Councillor Sue Graham
Councillor Mark Payne (Vice-Chair)	Councillor John Harbour
Councillor Afrasiab Anwar	Councillor Mohammed Ishtiaq
Councillor Gordon Birtwistle	Councillor Marcus Johnstone
Councillor Frank Cant	Councillor Gordon Lishman
Councillor Saeed Chaudhary	Councillor Neil Mottershead
Councillor Ivor Emo	Councillor Asif Raja
Councillor Andy Fewings	Councillor Jeff Sumner

**PUBLISHED**

Wednesday, 17 July 2019

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 27th June, 2019 at 6.30 pm

### PRESENT

### MEMBERS

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

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Jackie Ridgway	– Principal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer

### 9. Minutes

The Minutes of the last meeting held on 30<sup>th</sup> May 2019 were approved as a correct record and signed by the Chair.

### 10. List of Deposited Plans and Applications

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

### 11. HOU/2019/0186 - 20 Bamburgh Drive, Burnley

**Full Planning Application**  
**Proposed two storey extension to side elevation**  
**20 Bamburgh 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 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.
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
4. The three car parking spaces indicated on the approved plans shall be constructed and surfaced in tarmac, concrete or other hard bound surface material and made available for use prior to the approved extension being first brought into use. The car parking spaces shall thereafter be retained and be unobstructed and available for parking 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 that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.
4. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

**12. APP/2019/0002 - 43 Pasturegate, Burnley**

**Full Planning Application**

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

**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 SP5 and HS5 of Burnley's Local Plan (July 2018).

### **13. APP/2019/0148 - 22 Manchester Road, Burnley**

#### **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 bed sitting rooms with shared facilities; proposed extension to rear elevation to provide enclosed access stairway to upper floors.**

**22 MANCHESTER ROAD BURNLEY**

**Decision: That delegated authority be given to the Head of Housing and Development Control to grant planning permission following the receipt of additional and satisfactory details of the internal layout of the development and subject to the following conditions and any further or amended conditions arising from those additional details.**

#### **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 details shall include provision for a building(s), container(s) or screen(s) in design and materials to match the existing building. 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 LMax for individual noise events in bedrooms (23.00 hours - 07.00 hours).

6. The security measures described in the submitted Security Statement shall be implemented before the building is first occupied for the proposed residential use and so retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

**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).
6. In the interests of the security of residents of the development in accordance with Policy SP5 of the Burnley's Local Plan (2018).

**14. Decisions taken under the Scheme of Delegation**

Members received for information a list of decision taken under delegation since the last meeting.

**15. Appeals and other decisions**

**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**



**Decision:** That the Head of Legal and Democratic Services be authorised 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.

**Reason:** 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.

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

25<sup>th</sup> July 2019

Housing and Development

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Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0551

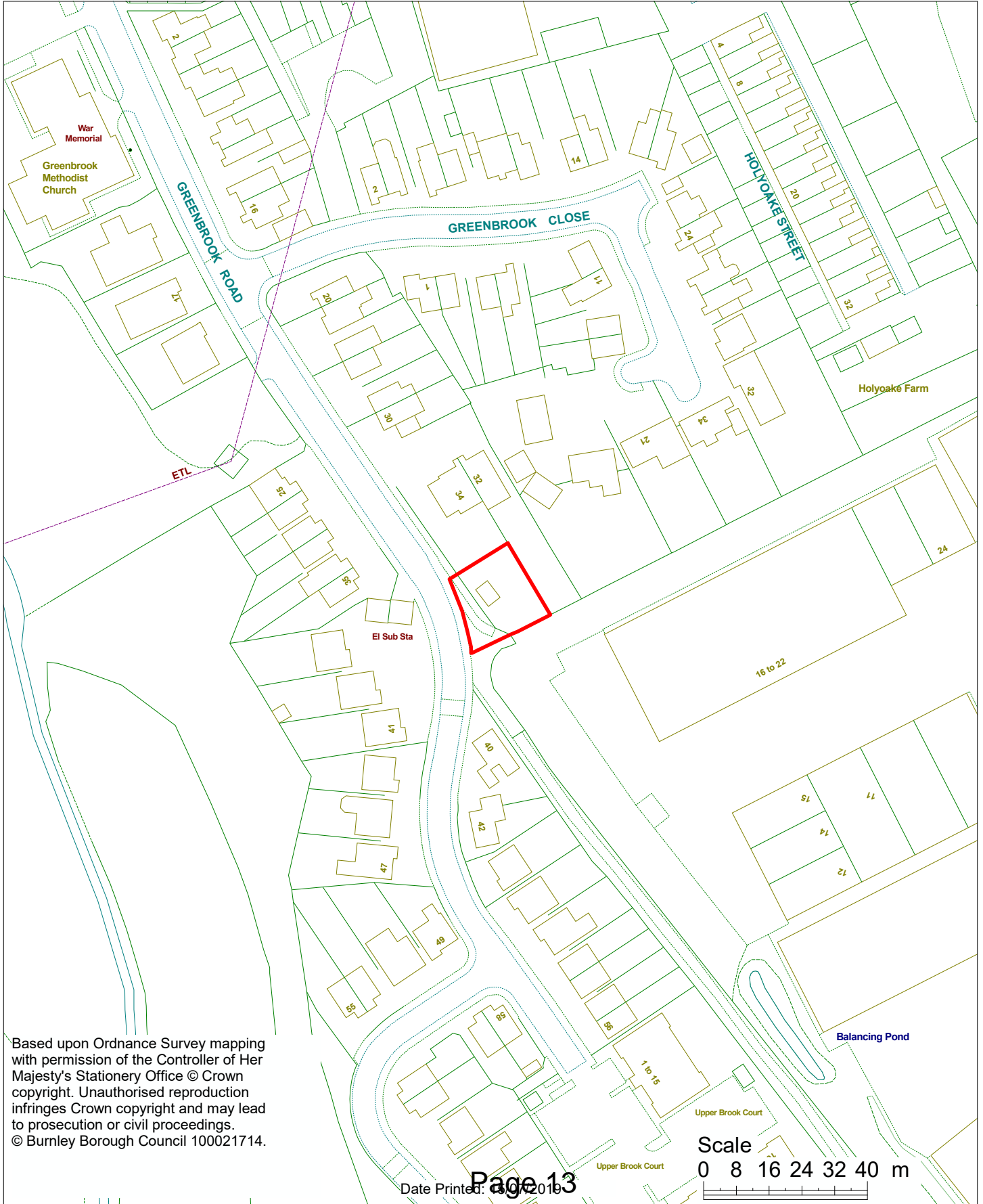
Paul Gatrell Head of Housing and Development

Location:



## 34 Greenbrook Road, Burnley

1:1250



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**Application Recommended for Approval**

Rosegrove with Lowerhouse Ward

**APP/2018/0551**

Full Planning Application  
Proposed 3 bedroom detached dwelling  
34 GREENBROOK ROAD BURNLEY

**Background:**

The application relates to part of the garden of a semi-detached dwelling house.

An objection has been received.

**Relevant Policies:**

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

HS4: Housing Developments

SP5: Development Quality and Sustainability

IC3: Car Parking Standards

**Site History:** No applications.

**Consultation Responses:**

Highway Authority – No objection. Notes for information of applicant regarding possible need to re-position street furniture/infrastructure.

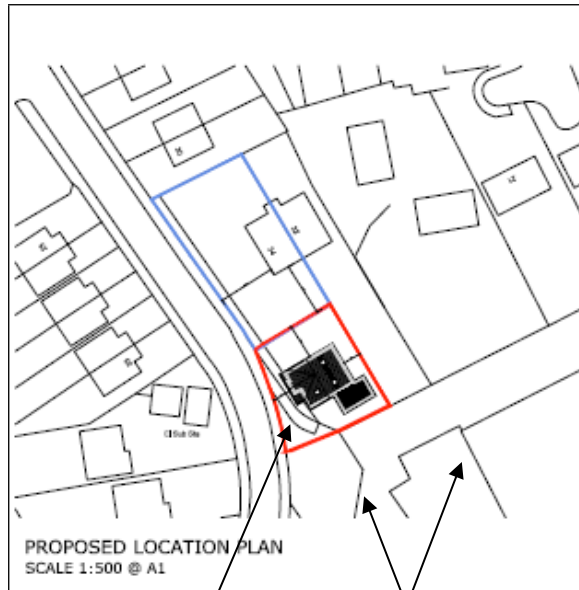
Environmental Health – No objections to the proposal provided the noise mitigation measures are incorporated in the development.

Neighbouring residents – Letter of objection expressing concern about possible loss of daylight; possible loss of privacy to the house and garden; and, the need for suitable fencing during construction and in the completed development.

**Planning and Environmental Considerations.**

The application relates to part of the garden of a semi-detached house. The house was built as part of a residential area under a planning permission granted in the 1980s. The permission was subject to a planning condition requiring that a landscaped buffer zone around 20m wide be retained to separate the residential area from a then proposed industrial area. This was in order to safeguard the residential area from noise and disturbance from industrial development. The industrial development was subsequently carried out.

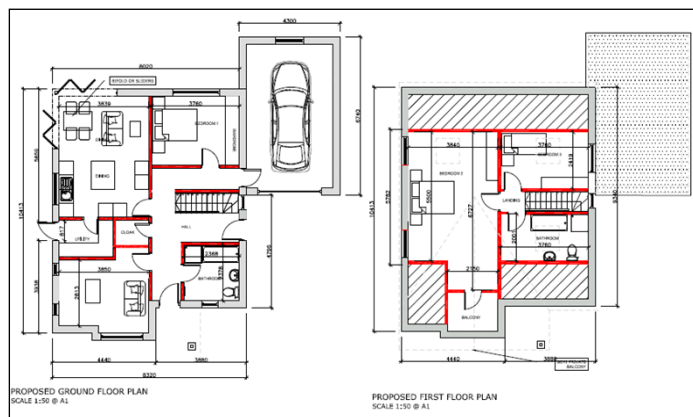
The result was that the dwellings alongside the industrial area had extended gardens, incorporating the buffer zone. The present application is to build a new dwelling in the extended garden of the applicant's dwelling house, sited as shown on the location plan copied as follows.



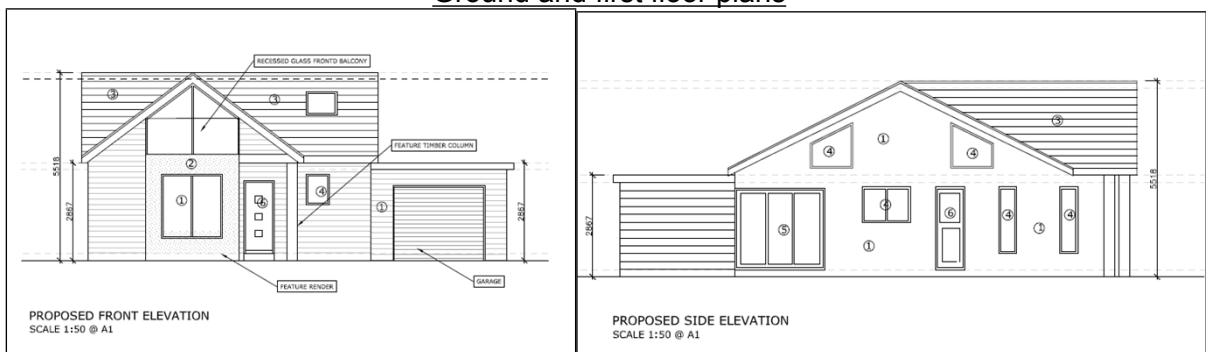
Application site    Industrial area

In order to assess whether the proposed house would have unacceptable impact from the nearby industrial area the applicant was asked to submit a noise assessment, which is included in the application details. This reported the presence of some traffic and industrial noise. It made recommendations for acoustic treatment of the building to provide for appropriate residential amenity.

The host dwelling and its neighbours are single storey and the proposed house is designed as a bungalow with roof-space accommodation in order to keep its overall height to a minimum. The application drawings are copied below for ease of description.



Ground and first floor plans



Front elevation facing Greenbrook Road

Elevation facing host dwelling/neighbour's house





### *Policies and Assessment*

The relevant policies **HS4** and **SP5**, taken together require a high standard of design, suitable garden areas, bin storage and general accessibility which is provided by the proposal.

The privacy and outlook for residents of the development and neighbours is secured by the required separation distance and absence of overlooking windows. A condition is recommended to require 2m high boundary fencing around the sides and rear to safeguard the privacy of garden areas.

The industrial area is separately accessed (from Liverpool Road). It is well screened from the Greenbrook Residential area by fencing and trees. Apart from the possibility of noise disturbance (which would be resolved by the proposed insulation scheme), the proposed dwelling would enjoy amenities of a high quality. A condition is recommended to require implementation of the noise insulation measures.

Car parking provision would be in accordance with **IC3**.

In conclusion, the proposal would add to the Borough's housing stock in a suitable way, without harm to the amenities of neighbouring property or the area generally.

### **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: Drawings number: 2018-361-A001 (Site Location Plan); 2018-361-A002 (Existing Site Plan); 2018-361-B002 (Proposed Site Plan); 2018-361-B003C (Proposed Floor Plans); 2018-361- B004A (Proposed Elevations), received 21 November 2018; Noise Exposure Assessment received 17 June 2019.
3. Any first floor windows in the north facing elevation of the building shall at all time be obscure-glazed and non-opening unless otherwise approved in writing by the Local Planning Authority.

4. No dormer windows shall be inserted in the rear (east facing) plane of the roof of the building at any time unless otherwise approved in writing by the Local Planning Authority.
5. Before the dwelling is first occupied, the north, east and south facing boundaries of the application site shall be fenced in closed boarded material to a height of 2m above ground level, and shall be so maintained thereafter, unless otherwise approved in writing by the Local Planning Authority.
6. Before the dwelling is first occupied a means of vehicular and pedestrian access from the highway shall be constructed and made available for use in accordance details to be submitted to and approved in writing by the Local Planning Authority. [See attached Highway Authority Note].
7. The Noise insulation measures recommended in the submitted *Noise Exposure Assessment (Report 14823-NEA-01, 10 June 2019)* shall be implemented in the construction of the building and shall be completed in accordance therewith before the building is first occupied, unless other measures are approved in writing by the Local Planning Authority.
8. Samples of the 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 privacy of adjacent dwellings numbers 32 and 34, Greenbrook Road, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
4. To safeguard the privacy of adjacent dwellings, and visual amenity generally, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
5. To safeguard the privacy of the garden areas of the adjacent dwellings numbers 32 and 34, Greenbrook Road, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
6. To ensure proper provision for access to the development, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).

7. To safeguard residents of the dwelling from industrial and traffic noise in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
  
8. In the interests of the visual amenities of the area generally, in accordance with Policy SP5 of the Burnley's Local Plan (2018).

AR  
15.7.2019

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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6b

Ref.

## APP/2018/0581

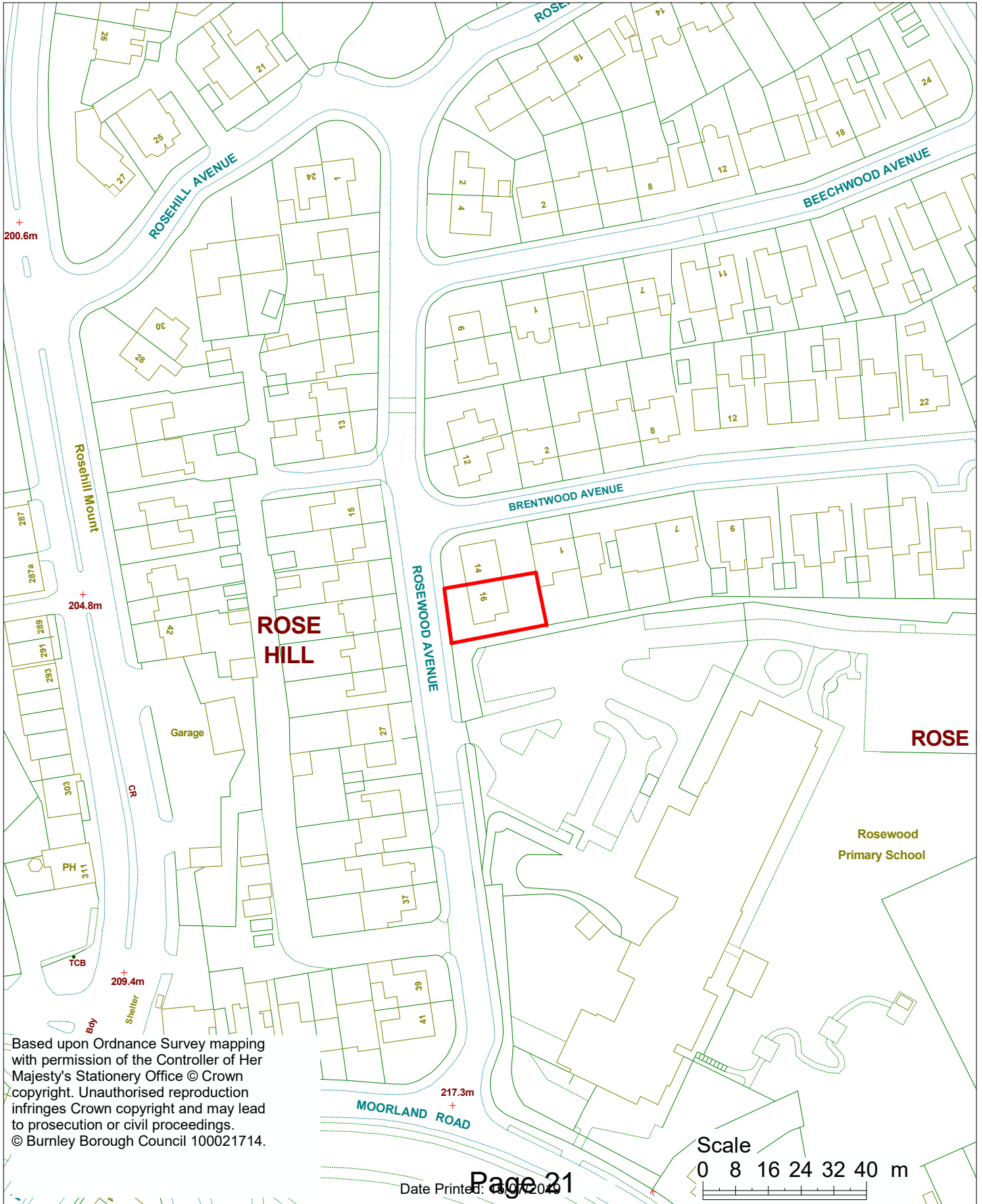
Paul Gatrell Head of Housing and Development

Location:



## 16 Rosewood Avenue, Burnley

1:1250



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Full Planning Application  
Proposed garage conversion to living accommodation  
16 ROSEWOOD AVENUE BURNLEY

**Background:**

This is a retrospective application that relates to a semi-detached house.

An objection on car parking grounds has been received from the Highway Authority.

**Relevant Policies:**

National Planning Policy Framework [NPPF]

Burnley's Local Plan (2018) [BLP]

HS5 – House Extensions and Alterations

IC3: Car Parking Standards

**Site History:**

12/79/0300: Proposed attached garage for private motor vehicle, kitchen extension and front porch and construction of new access and driveway – Granted

APP/2018/0462: Proposed garage conversion (Lawful Development Certificate application) – Refused

**Consultation Responses:**

Highway Authority (HA) – Objection to the proposal as follows:

*The conversion of a garage to a bedroom will alter the dwelling to a 4 bed roomed dwelling, which, applying Burnley's Parking Standards, should require 3 off-street parking spaces. Whilst the school may not generate much of a parking issue during the day they usually only become an issue at the start and finish of the school day, when children are being taken to or collected from school. To this end we would wish that the availability of the off street parking for the dwelling be increased.*

**Planning and Environmental Considerations:**

The application relates to a semi-detached, two-storey dwelling house in a suburban residential area of the Borough.

The house has an attached garage and a front driveway, and the proposal relates to conversion of the garage to living accommodation. The works of conversion are 'permitted development' and have already been carried out.



Application site

The use of the land is residential, and ordinarily, the dwelling house, including any extended part, could be used for residential purposes: no material change of use would ordinarily be involved. And, building operations involved in the conversion would be 'permitted development', that is: development permitted by Article 3 and Class A, Part 1, of Schedule 2 of The town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However, this matter is out of that 'ordinary' because the garage, when erected, was subject to a restrictive planning condition.

Under reference 12/79/0300, planning permission was granted for the following description of development:

*Proposed attached garage for private motor vehicle, kitchen extension and front porch and construction of new access and driveway.*

A condition of the permission was as follows:

*The garage hereby approved shall not be used for any purpose other than the housing of a private motor vehicle and those purposes incidental to the enjoyment of the dwelling house and no trade or business shall be carried out therefrom.*

Reason

*In the interests of amenity and to ensure that an isolated commercial activity is not established in the area.*

Decisions in court and by Planning Inspector support the view that *incidental to the enjoyment of the dwelling house* does not include use as primary living accommodation.

The conclusion, then, was that planning permission was required for the proposed use as living accommodation, hence the present application.

Planning issue

The sole planning issue is the impact of on-street car parking arising from the development.

On that matter the Highway Authority response raises an objection on the basis that the Car Parking Standards (**Policy IC3**) requires 3 off-street car parking spaces for a 4-bedroomed house.

The relevant **Policy IC3** makes the following provision in relation to car parking in residential areas:

*Adequate car parking should be provided for developments as appropriate to their nature and scale. When applying parking standards, the Council will consider the overall merits of the proposal and the following matters/objectives:*

- a) The need to encourage the use of alternative means of travel to the private car;*
- b) The availability of existing public parking provision or on-street parking nearby;*
- c) Whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems; and*
- d) The need to provide increased housing quality and choice.*

Residential Development Standards

*For residential schemes, development will be expected to provide a minimum number of parking spaces per new dwelling depending on their type and location. These minimum standards are set out in Appendix 9. Parking provision should not normally exceed the maximums set out.*



*Adequate provision for cycle parking will also be expected.*

Assessing the proposal against the policy, firstly, the dwelling is in a residential area close to Manchester Road which is served by frequent bus services to Burnley town centre, railway station and to Manchester City Centre. The site is, therefore, in a moderately sustainable location.

The semi-detached house lies at the end of the residential block and adjoins a primary school. The road is traffic calmed. The house has just one driveway space and there is no proposal to add parking space within the property. However, the house has a frontage of 13m which is just sufficient for two street parking spaces. (See following image).



Frontage of the house

The use has already started. On a mid-morning site visit, the school being in session, it was noted that there was little parking congestion, with only one car parked along the extensive street frontage of the school.

On that basis, there is a reasonable amount of on-street space during the school day to accommodate any overflow parking arising from the enlarged bedroom space at the property.

The HA says that school parking usually only becomes an issue at the start and finish of the school day. This is the concentrated period of coming and going of vehicles that affects close to schools. Some adverse impact on street parking may result from the proposal.

The **NPPF** paragraph 109 says that:

*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

No reference is made by HA to any form of severe impact; this report forms the view that, whilst there is likely to be some degree of adverse impact on street parking arrangements, it would not be of such a severe nature as to warrant refusal of the application.

Account should be taken of the fact that, whilst the forecourt of the dwelling could possibly be adapted to add a parking space, it would lead to a significant loss to the visual amenities of the house and area generally.

**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; Existing Site Plan; Proposed Site Plan; Garage Conversion Plan No. 2432-01 Rev A, received 12 December 2018.

**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.

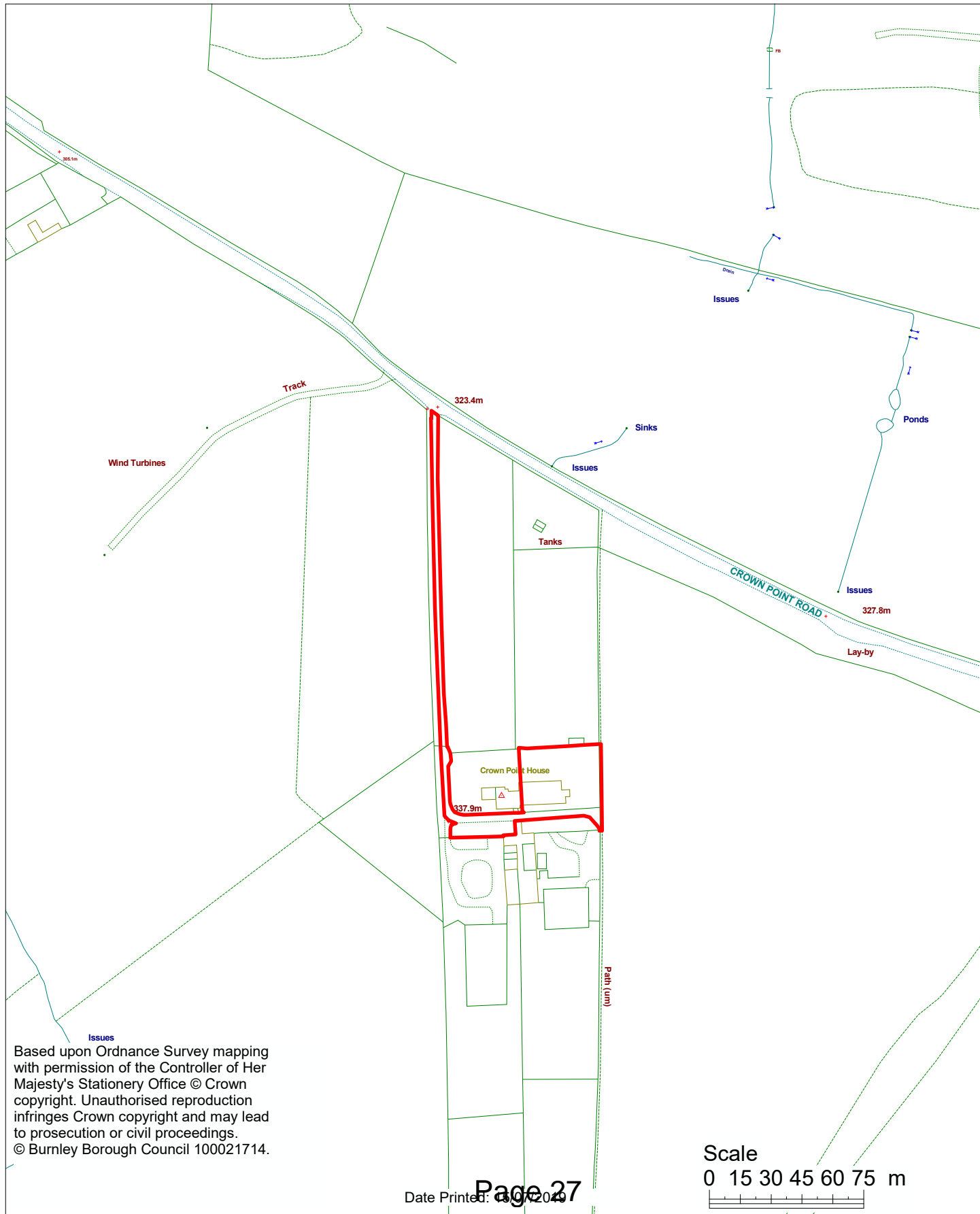
AR 5.7.2019

Location:



## 2-3 Crown Point House, Crown Point Road, Burnley

1:2500



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**Application Recommended for Approval**

**APP/2019/0088**

Coalclough with Deerplay Ward

Full Planning Application

Retrospective application for conversion of one residential dwelling into two residential dwellings

2 3 CROWN POINT HOUSE CROWN POINT ROAD HABERGHAM EAVES  
BURNLEY

**Background:**

The application relates to a rural building, originally an isolation hospital, used as dwelling houses in more recent years.

Objections have been received.



Application site

**Relevant Policies:**

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

SP4: Development Strategy

HS4: Housing Developments

HS3: Housing Density and Mix.

SP5: Development Quality and Sustainability

IC3: Car Parking Standards

**Site History:** No applications.

**Consultation Responses:**

Highway Authority – No objection.

Neighbouring residents – No objection to the use of the building as two houses. Comments that parking spaces shown on land outside the application site, in the neighbour's ownership. *[Comment – Following the conversion of the hospital to dwellings, the land ownership transfer resulted in complex boundaries between the*

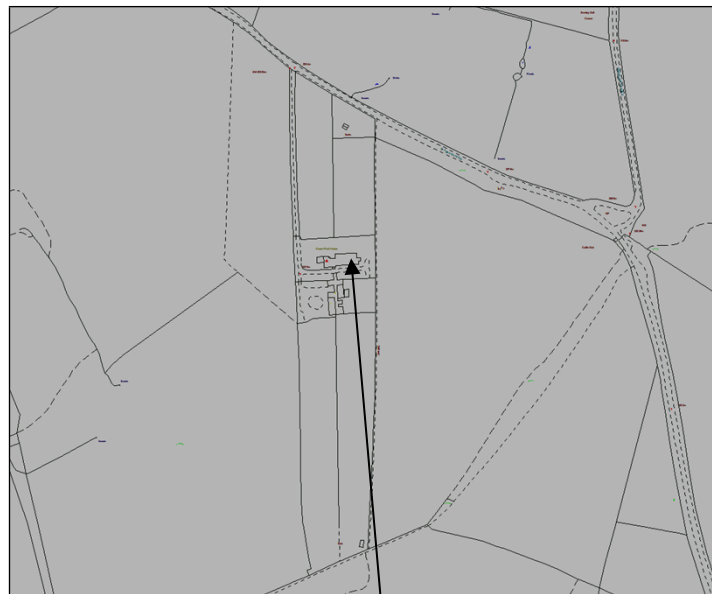
*properties of which the architect for the development was not clearly informed initially. For that reason, the initially submitted car park layout was in conflict with adjoining land ownership. An amended drawing has now been received showing adequate car parking within the application site].*

Riding for the Disabled – No objection to conversion to two houses. Objection to parking which would impede access and parking for the volunteers, riders and careers who attend the adjacent land for riding sessions. [*Comment – An amended drawing has been received showing adequate car parking within the application site and without impact on adjoining land].*

Councillor Gordon Birtwistle – Concern as it is a proposed dwelling outside the urban boundary and that it is a retrospective application.

### **Planning and Environmental Considerations.**

The application relates to a dwelling formed in the middle years of the C20th from a former isolation hospital. It is somewhat remotely located on upland to the south of Burnley. Right of access is via a track from Crown Point Road.



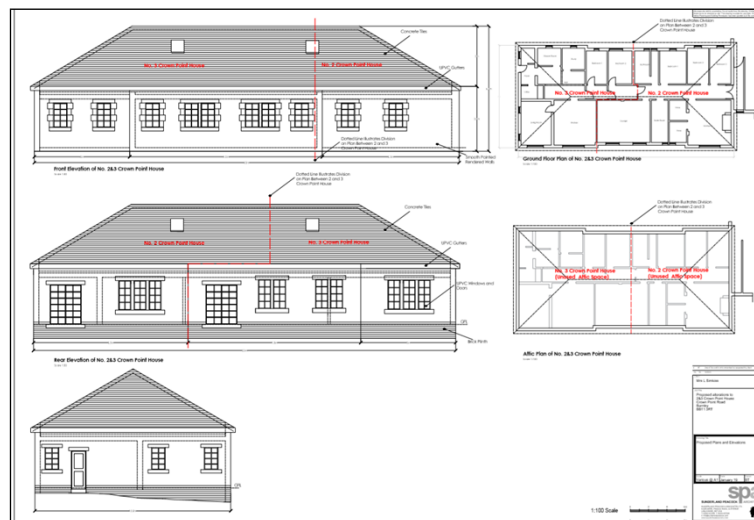
Application site



Neighbour's dwelling

Application site

The building is the larger of two buildings comprised in the former hospital. Apparently, it was the Nurses Home for the hospital. This is evident from the application drawing and from internal inspection. The external appearance and internal layout is shown on the application drawing as follows.



Existing dwelling.

There is some indication that it has been used as two dwellings in earlier years. Internal inspection shows that two sets of electricity meters and heating systems have been in the building for many years. The applicant states that she bought the parts of the building at different times, and has submitted documents that evidence the earlier use as two dwellings. The applicant considers that the building is large enough to form two dwellings and as lawfulness of that has never been established for planning purposes the present application is submitted.

The proposed layout of the property is as shown on the application drawing copied below, for ease of description. There would be no change to the external appearance of the building.



**Policy SP4** defines the Development Boundary, and land beyond it as open countryside where development will be strictly controlled. The building would be unchanged – it contains sufficient volume to accommodate two dwelling houses, with adequate curtilage space to provide for car parking and garden areas. **NPPF** (paragraph 79) states that planning decisions should avoid isolated homes in the countryside, unless *the development would involve the subdivision of an existing residential dwelling*, which applies to this proposal, which is acceptable on that basis.

The relevant policies **HS3**, **HS4** and **SP5**, taken together, require high quality design, layout, open space, privacy and outlook, and without adverse impact on the amenities of neighbouring dwellings and occupiers. This is achieved by the proposed development.

The car parking standards required by policy **IC3** are met by the layout, albeit, set separately from the dwellings because of the land ownership history. A condition is recommended to require the necessary car parking to be provided.

In conclusion, the building contains 12 rooms and is overly-large for one dwelling. Although not designated as such, it is part of a building group of some historic interests. The conversion to two houses would enable its proper up-keep and provide an additional, quite attractive dwelling to the Borough’s housing stock building, without adverse impact on neighbouring residents and occupiers.

**Recommendation:**

That planning permission be Granted subject to the following conditions:

**Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location plan; and drawing number 5780-04 (Proposed Site Plan), received 28 May 2019; drawings number 5780-01 (Existing Plans and



Elevations); 5780-02A (Proposed Plans and Elevations), received 28 May 2019, received 21 February 2019.

3. Two car parking spaces (within the application site identified in the application drawings referred to in condition 2) shall be provided in connection with each of the two dwellings at all times.

**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. For the avoidance of doubt and to ensure that car parking is provided in accordance with the Policy IC3 of the Burnley's Local Plan (2018).

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11.7.2019

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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6d

Ref.

## HOU/2019/0169

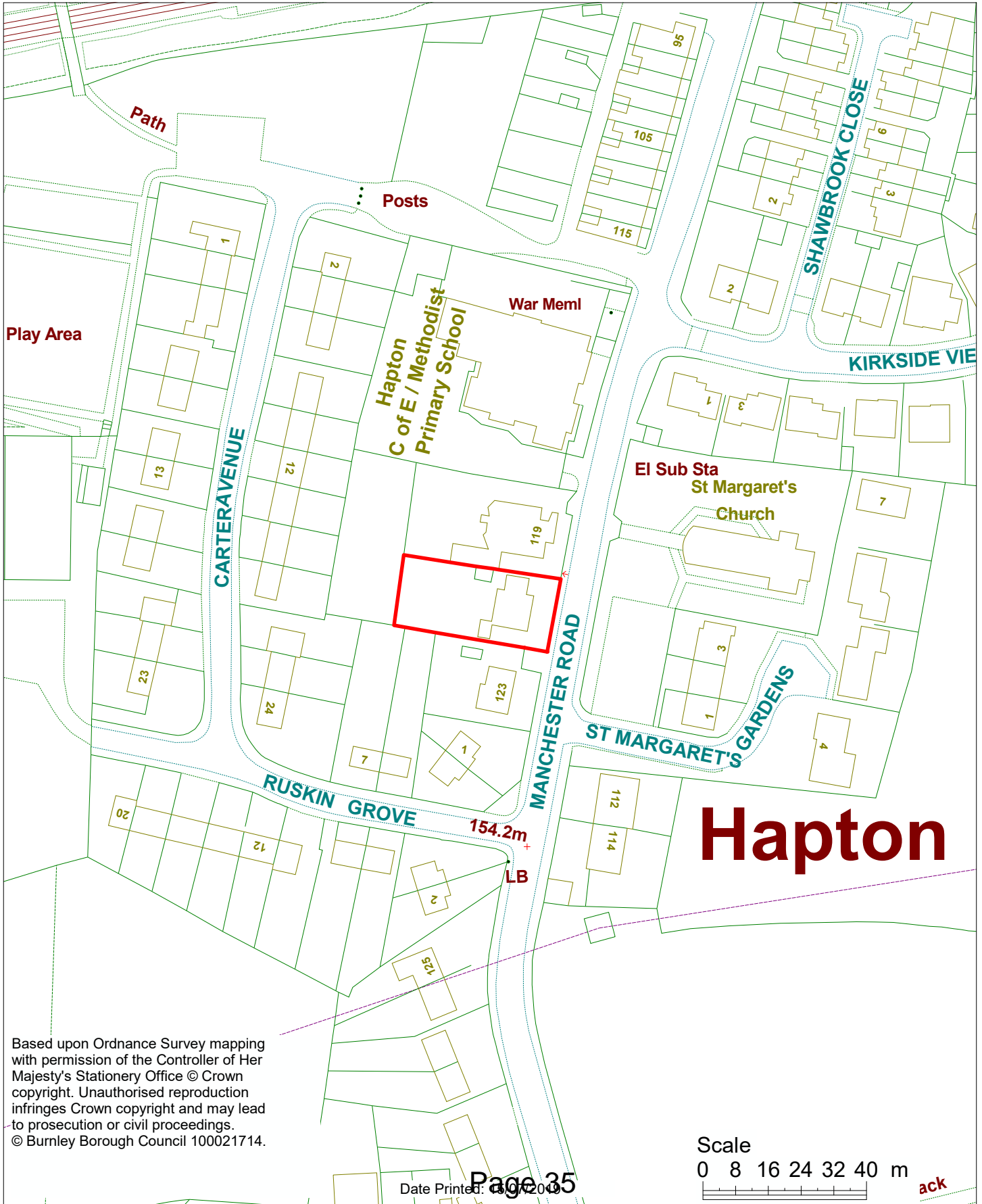
Paul Gatrell Head of Housing and Development

Location:

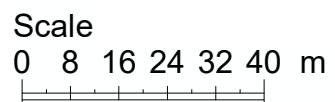


### 121 Manchester Road, Hapton

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Householder Planning Application

Proposal to demolish outbuilding and erect a two storey extension to the rear of dwelling  
121 MANCHESTER ROAD, HAPTON, BURNLEY

**Background:**

**Site description and surrounding area**

The application property is a large two storey detached dwelling situated on the west side of Manchester Road and set within a sizeable plot. The property forms part of a ribbon of development along Manchester Road which is characterised a variety of different types, styles and periods of properties, including detached, semi-detached and bungalows in a range of materials including render, pebble dash, red brick and stone. The application property remains unaltered to the front (east) elevation and has an attached lean-to garage to the gable (north) elevation and a modestly sized single storey extension to the rear (west) elevation which serves as a utility room. The application property was built in the 1920s and is red brick with upvc windows and doors under a slate roof. There is an existing drive and parking area to the front and a generous rear garden with a length of around 24m.

The application site lies within the development boundary as defined in Burnley's Local Plan.



View west to the front elevation



View east to the rear elevation



View north to No. 119 Manchester Road



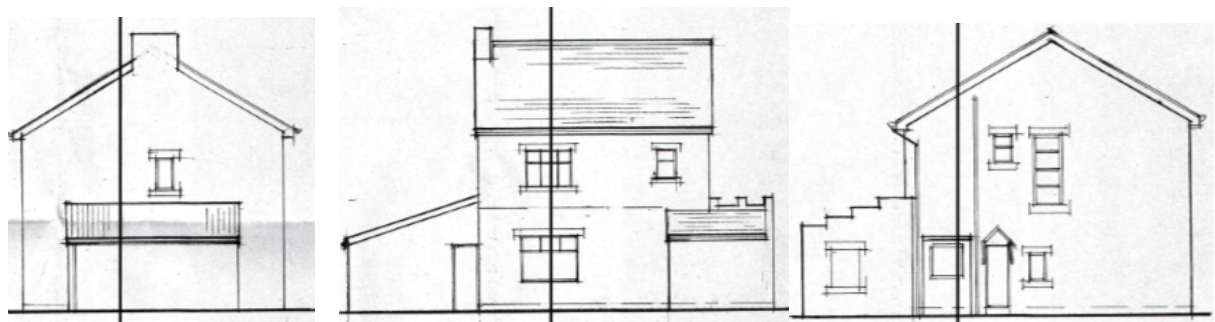
View south to No. 123 Manchester Road

**Proposed Development for which consent is sought**

The application seeks consent for the erection of a two storey extension to the rear of the application property replacing an existing modestly sized single storey extension, to create a kitchen/dining room at ground floor and an additional bedroom with en-suite and dressing room at first floor. The proposed extension will project 6.0m from the rear elevation and would have a width of 7.4m. The height of the extension, which has a pitched gabled roof, is 5.7m to the eaves (in line with the existing) and 7.4m to the ridge (set down from the main roof ridge by 0.5m). The proposed materials are white render, slate roof and upvc windows and doors.

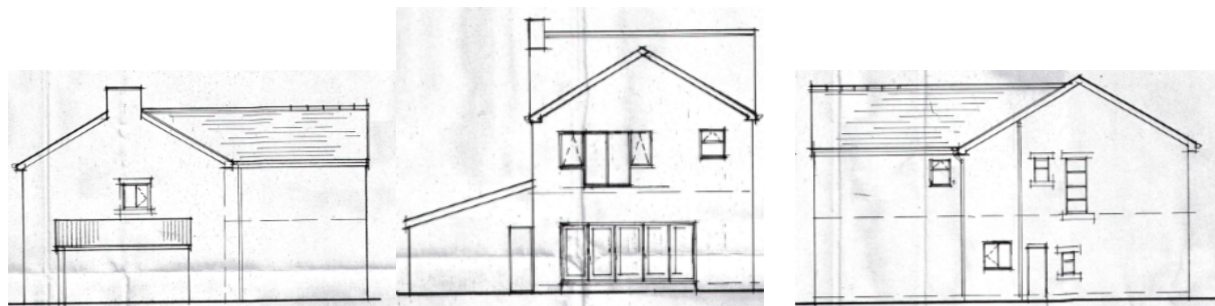
The proposal also includes the alteration of an existing first floor bedroom window opening to the northern gable from a width of 0.5m to 1m. This will compensate for the loss of the main window to the bedroom which is located on the existing rear elevation which will become a new internal wall to the extension.

The proposal includes the provision of two off-street parking spaces on the existing drive and a third space in the existing garage.



Existing side (north) elevation

Existing rear (west) elevation Existing side (south)



Proposed side (north) elevation

Proposed rear (west) elevation

Proposed side

Existing and Proposed Elevations

### Relevant Policies:

Burnley's Local Plan 2018:  
 SP4 – Development Strategy  
 SP5 – Development Quality and Sustainability  
 HS5 – House Extensions and Alterations  
 IC3 – Car Parking Standards

National Planning Policy Framework (2019)

**Site History:** No relevant history

**Consultation Responses:**

**Highways:**

An earlier objection over inadequate off-street parking provision has been overcome with amended site plan (dated 28th June 2019) which provides for two parking spaces accommodated within an extension to the existing driveway and one parking space in the existing garage. Appropriate conditions to ensure a satisfactory surfacing material to the driveway and measures to ensure adequate visibility at the junction with the highway are recommended.

**Neighbour Comments:**

Letters of representation have been received from two neighbouring properties objecting to the application on the following grounds:

- Loss of sunlight to the garden of the neighbouring property to the south and loss of sunlight to the garden and habitable rooms of the neighbouring property to the north due to the cumulative impact of the large sycamore tree within the garden of the application site and the proposed extension. The objectors request the removal of the tree would mitigate the potential detrimental impact.
- Inadequate parking provision for the increase in numbers of bedrooms.
- Loss of view (albeit limited) to Hambledon Hill from the first floor rear bedroom window on the gable of the neighbouring property to the north. Replacement of the view with that of the northern gable of the proposed extension.
- Private matters regarding another mature tree positioned on the boundary with the neighbouring property to the north.

With reference to the objections received, the shared concern is the existing tree to the southern boundary. The applicant has subsequently removed the trees that are subject to the objections.

**Planning and Environmental Considerations:**

**The Principle of development**

The site is located within the development boundary as defined in Burnley's Local Plan which is the focus for development of an appropriate type and scale. Extensions to an existing property within its curtilage are acceptable in principle.

**Main issues**

The main issues are impact on the character of the area including design and appearance; impact on the amenity of neighbours and highways.

Visual Impact: Design and Appearance

Local Plan Policy SP5 amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in Policy HS5, stating alterations and extensions to dwellings should be high quality in construction.

The proposed extension respects the architectural characteristics of the main house. The proposed extension will remain subservient to the host dwelling as a result of the roof being set down from the existing ridge line by approximately 0.5m. There is a mix of materials in use on neighbouring buildings and therefore the use of a render finish to the rear of the property to differentiate the extension as a contemporary addition does not raise any concern.

The proposed two storey rear extension would not be visible in the streetscene. Although the proposal would result in a significant increase in floor space and an increase in mass to the

rear of the property the rear garden of the application property is relatively large and therefore the extension would not appear visually incongruous or dominate the space.

The proposed extension is not considered to be visually detrimental to the scale or character of the existing house or the visual amenity of the streetscene. This development is considered acceptable in accordance with Policies SP5 and HS5.

#### Impact on the neighbouring amenity

In accordance with Local Plan Policy SP5 and HS5 development should 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.

The nearest properties with the potential to be impacted by the proposal are No 123 Manchester Road to the south of the application site and No 119 Manchester Road to the north of the application site, both sizeable detached properties in generous plots.

With reference to No. 123 Manchester Road to the south, it is considered that there would not be a harmful impact on their residential amenity. There is a proposed en-suite bathroom window in the southern (side) elevation of the proposal that would face towards the side of their rear garden, however to prevent any potential overlooking/loss of privacy a condition would be imposed to obscure the window. The proposal would be offset by 5.2m from the common boundary and is not considered to cause any unacceptable overlooking, loss of privacy or reduction of outlook of daylight or appear overbearing.

No. 119 Manchester Road is a two storey detached property with a single storey garage that projects approximately 8m from the rear of the property and forms part of the northern boundary at the rear of the application site. The roof of the garage is used by the residents as terrace with unobscured views into the rear garden of the application site. Although the proposed extension would be projecting a further 6.0m from the existing rear wall of No 121, the proposed extension is positioned within 5.1m of the shared boundary and the extension would be broadly in line with the rear elevation of the main house at No.119 with the existing single storey garage extending some 6 metres beyond providing privacy and enclosure to the rear ground floor rooms.

The proposed extension is devoid of windows to the gable facing the neighbouring dwelling at No. 119 and is not considered to cause issues of overlooking. The extension falls outside of the 45 degree splay from the existing first floor habitable room windows to the southern gable of No. 119 and maintains adequate distance between the elevations so as not to affect their amenity in terms of loss of sunlight and reduction of outlook/loss of view or appearing overbearing.

With reference to the objections received, the main concern in relation to No 119 Manchester Road relates to loss of sunlight to the property and the reduction of outlook/loss of view from the rear bedroom window on the southern gable of the house. Taking the above into account, it is considered that the proposal would not result in any unacceptable overshadowing, loss of light or outlook to the property.

It is proposed to increase the width of an existing first floor bedroom window in the side (north) elevation of the existing property by 0.5m. The window opening faces towards the southern (side) gable of No 119, which has a directly facing bedroom window. Though this would result in facing habitable room windows that fail to meet the recommended separation distance of 20m; given that this is an existing opening with a separation distance of 9.5m, it is considered that the proposed alteration would maintain a modest level of privacy when compared to the existing arrangement and is not sufficient in itself to warrant refusal.



Taking the representations into account, it is considered that given the scale and positioning of the proposed extension, the proposed development would not cause a significant loss of privacy or overlooking with neighbouring properties and would not result in a significant or unacceptable reduction of outlook or daylight in accordance with Local Plan Policies HS5 and SP5.

#### Car parking

The current dwelling has three bedrooms and this would be increased to four. Three off-street parking spaces are required under Local Plan Policy IC3. There are currently 2 off-street parking spaces provided comprising one on the front drive and one in garage. The applicant has submitted a revised site plan (received 28.06.19) which shows an extension to the driveway to provide one additional off-street parking space. Adequate off-street parking spaces have therefore been provided and the local highway authority has no objections to the proposals subject to the imposition of conditions to ensure a satisfactory surfacing material to the driveway and measures to ensure adequate visibility at the junction with the highway.

#### Conclusion

Subject to suitable conditions, the proposed development will not result in any significant adverse impact on the residential or visual amenities of the area or on highway safety.

#### **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: Site Plan (1:500) received on the 28 June 2019; and, Proposed Floor Plans and Elevations (1:50 and 1:100) and Proposed Roof Plan and Sections (1:50 and 1:100), received on the 26 April 2019.
3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.
4. The en-suite bathroom window on the south (side) elevation of the extension hereby approved shall be obscurely glazed. Any replacement glazing thereafter shall also be obscure glazed.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to the existing garage which would preclude its use for one parking space without the prior written approval of the Local Planning Authority.
6. The driveway extending from the highway boundary into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other bound materials prior to the completion of the approved development.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined as the visibility splay any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay for the purposes of this condition shall mean

that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access, to a point at the boundary of the property where it meets the back edge of the footway and shall be maintained thereafter.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan (July 2018).
4. To protect the amenities of the adjoining residents having regard to Policy HS5 of Burnley's Local Plan (July 2018).
5. To ensure that alterations are not carried out which would deplete the provision of off-street car parking provision within the site to below the required standard. To comply with Policy IC3 of Burnley's Local Plan (July 2018).
6. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
7. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policies HS5 and IC1 of Burnley's Local Plan (July 2018).

EEP  
16.7.2018

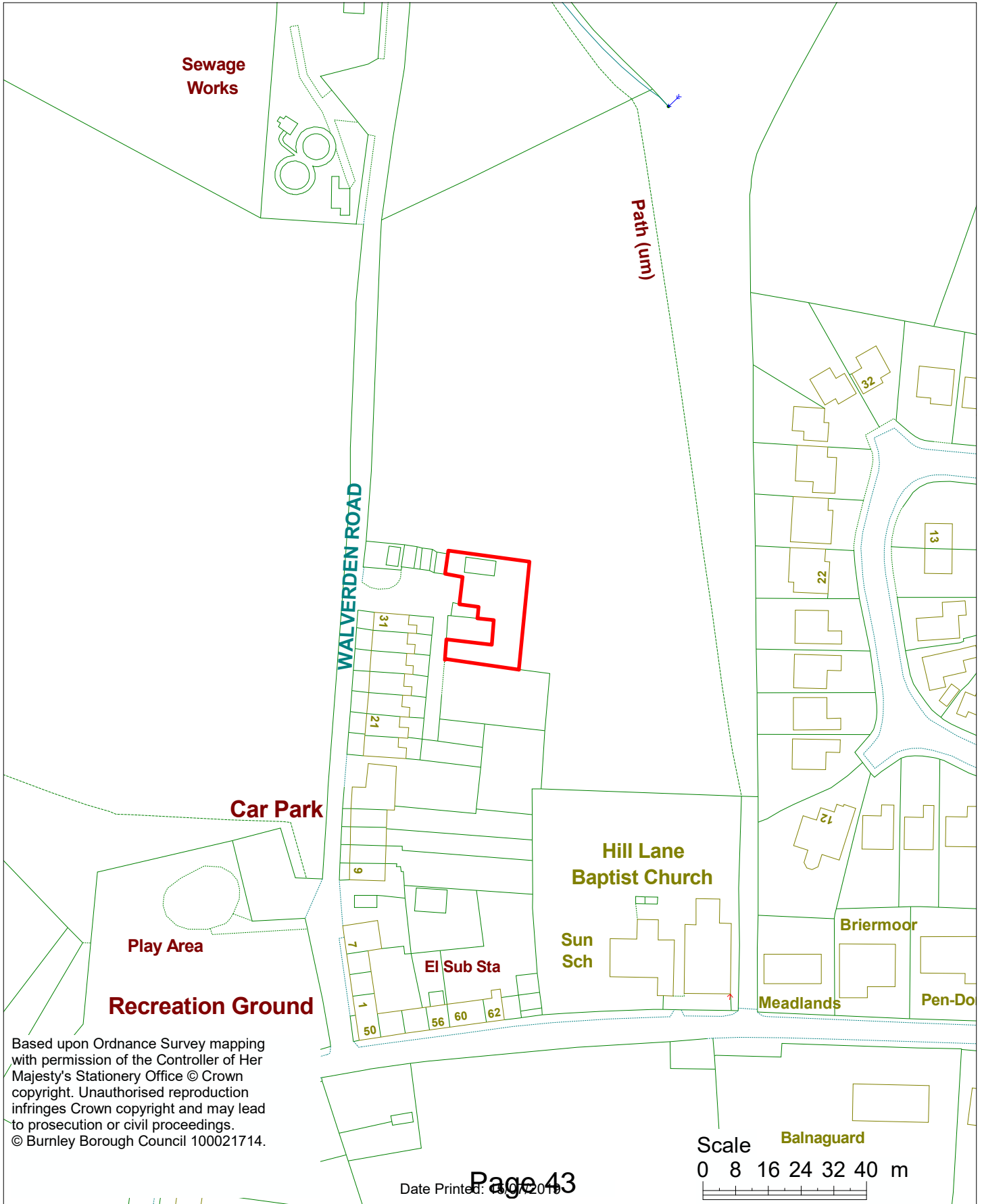
Paul Gatrell Head of Housing and Development

Location:



## Land at Walverden Road, Briercliffe

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**Application Recommended for APPROVAL**  
Briercliffe Ward

**FUL/2019/0301**

**Full Application**

Proposed erection of one detached (4 bedroom) tow storey dwelling (resubmission of APP/2019/0119)

LAND AT WALVERDEN ROAD, WALVERDEN ROAD, BRIERCLIFFE

**Background:**

The site is located at the end of row of terraced properties on Walverden Road. The area currently consists of an area of hardstanding with a detached garage which is enclosed by a 1.8m high fence.

This application is a resubmission of a previous application APP/2019/0119 which was withdrawn due to an incorrect ownership certificate being completed. As part of the previous application several amendments were made to the design, scale and appearance of the dwelling.



Existing site viewed from Walverden Road



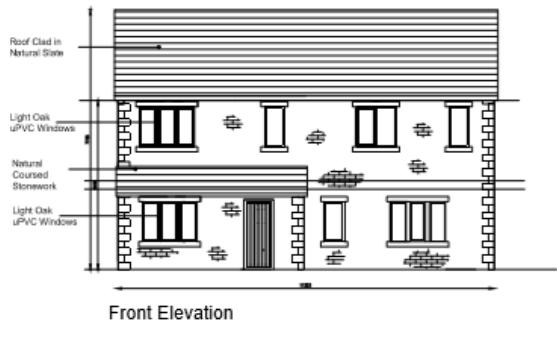
Garage which is not in the ownership of the applicant

Proposal

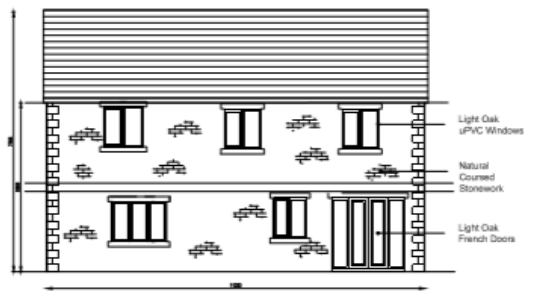
The application seeks consent for a two storey 5 bedroom detached dwelling with access from Walverden Road.

The dwelling would be constructed in natural course stone with stone quoins, light oak uPVC windows and doors and a natural slate roof. The dwelling would measure 11m in length, 7m in width, 5m to the eaves and 7.7m to the ridge. The footprint of the dwelling would be 85sqm.

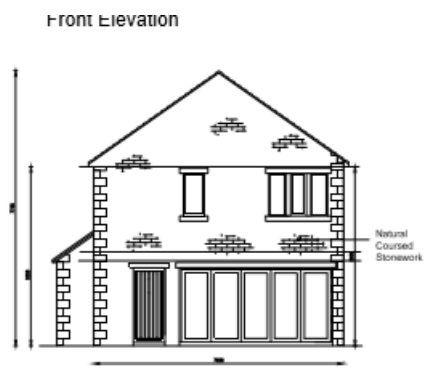
# Proposed elevations



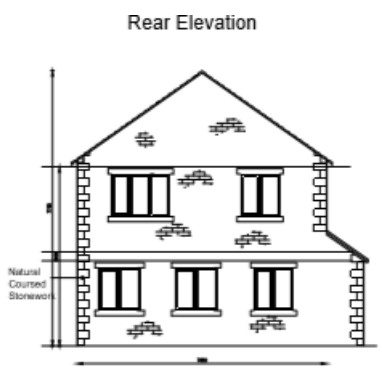
Front Elevation



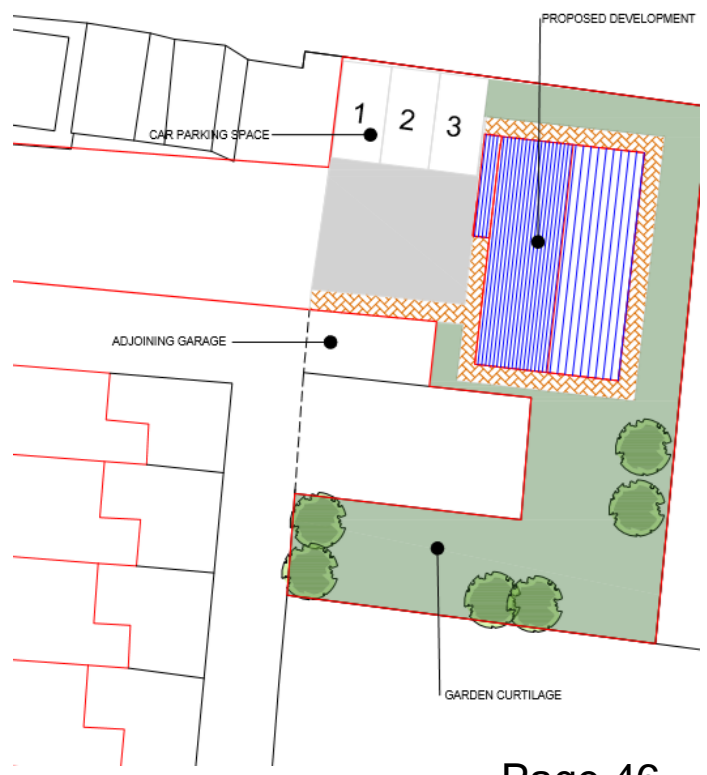
Rear Elevation



Side Elevation



Side Elevation



Proposed site plan

**Relevant Policies:**

Burnley's Local Plan 2018

SP1 – Achieving Sustainable Development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS4 – Housing development  
IC3 – Car parking standards

National Planning Policy Framework 2019

**Site History:**

APP/2019/0119 – erection of detached 5 bedroom property - Withdrawn  
APP/2012/0531 – Proposed garage - Approved  
APP/2010/0420 – Erection of garage (adjacent plot) - Approved

**Consultation Responses:**

LCC Highways

No objection.

*Following a site visit it was observed that the site appears to be currently used as a garage or workshop with a number of vehicles on site. It is not expected that the proposed new dwelling will significantly alter the number of vehicles using the site.*

*It is noted that the amended property no longer includes a garage, consideration should be given to providing some sort of covered secure cycle storage large enough to accommodate 4 cycles and general gardening equipment.*

*Should you wish to support the application we would wish for the following conditions to be added to your decision notice:-*

*1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. 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 constructing the development*
- iv) The erection and maintenance of security hoarding*
- v) Routing of delivery vehicles to/from site*

**Publicity**

Ward Councillor (M. Lishman)

Objects for the following reasons:-

- The proposal is out of keeping with the stone properties along Walverden Road
- Unacceptable access, unadopted road, unsuitable for HGV's, the junction with Halifax Road is already dangerous
- Recent planning application on the same site was refused
- Overhead electric cables and pylons
- Loss of parking spaces for residents on Walverden Road

#### Other Neighbour comments

Seven letters of objection have been received which are summarised below:-

- Infrastructure issues - insufficient sewerage capacity
- Unsuitable access and poor sight lines from Halifax Road
- Possible danger to further traffic passing the children's play area
- Out of character with the surrounding
- Designated green belt
- Overhead electric cables and pylons
- Impact upon parking on the area of hardstanding, space is already limited along Walverden Road
- A precedent would be set of other developments of this kind
- Trees have been felled on the site
- Improvements to the design doesn't go far enough and isn't in scale to the surrounding properties
- Evidence of birds and bat sin the area which could be put at risk
- Adverse effect of the development on the landscape setting of the surrounding area
- Impact on the privacy of the houses on the Walverden Road as the backs will look into the site
- Concerns that the development will lead to development in the future of the fields to the rear

For clarification the site is not located in green belt, the site is located within the defined settlement boundary.

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

##### **The principle of development**

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

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.



The site is considered to be in a sustainable location and in principle the development of a dwelling would be appropriate subject to the proposals meeting all other relevant policies.

Comments have been raised about the possible development of the field to the rear of the site. The land surrounding the site falls outside the settlement boundary, as such development within the open countryside which does not accord with any of the exceptions set out in the NPPF, would not be supported by current policies.

### **Main issues**

The main issues in the consideration of this application are;

- the impact of the development on residential amenity
- design/materials
- traffic/parking
- other considerations

### 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.

The predominant house type within the area surrounding the property are terraced with cottages along Lane Bottom. Whilst the site is located within a settlement boundary, it is clearly a rural location and the existing mix of properties reflect this. Stirling Court lies to the east of the site (approximately 60m away) across an open field. The properties on this estate are detached with a range of styles and at the time of building did not respect the character of the immediate rural area.

Walverden Road is not a through route, and as the property will be located at the end of the road the property will not have a direct impact on the existing street scene. The site is set back from Walverden Road by approximately 25m.

The proposed materials of the property will be natural slate, coursed natural stone with stone heads and cills and light oak uPVC windows. The use of natural materials compliments the surrounding properties and would be accordance with policy SP5 of the adopted Local Plan.

### 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.

The closest property to the application site is No. 31 Walverden Road which sits approximately 17m to the west of the site when measured from the proposed south elevation to the rear outrigger of No. 31.



Image showing the gable of 31 Walverden Road which is approximately 17m to the southern elevation of the proposed dwelling. The impact on this property is considered to be acceptable.

### Traffic and Parking

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Several concerns have been raised regarding highways and safety issues. Accepting that the road is unadopted, and the condition of it is not ideal, the site proposes a single dwelling and the potential impact is not considered to be significant.

LCC highways have provided comments on the application and do not object to the principle of development.

### Other issues

No details have been supplied of boundary treatment to form the residential curtilage, this can be conditioned.

There are no protected trees on the site and therefore any felling of trees does not need any formal consent from the Council.

### Conclusion

The proposed dwelling which falls within the Development Boundary as defined in Burnley's Local Plan can be accommodated on the proposed site without any significant impact on the character and appearance of the surrounding area, on existing residential amenities and on highway safety. 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 to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed on this notice below.

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

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

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

4. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. 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 constructing the development
- iv)The erection and maintenance of security hoarding
- v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

5. The development shall not be occupied until the car parking areas to serve the developments have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification):

(i) no external alterations, including roof alterations, or extensions shall be carried out to the building

(ii) no garages or outbuildings shall be erected within the curtilage of the building;  
unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan (July 2018).

7. Prior to occupation, full details of the boundary treatment to the development including dimensions and materials shall be submitted and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out prior to the first occupation of the dwelling.

Reason: In order to ensure that boundary treatment does not have a detrimental impact on the long term appearance of the site and harmonises with its surroundings in accordance with policy SP5 of the adopted Local Plan (July 2018).

8. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08:00 hours and 17:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018).

PF  
12.7.2019

# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6f

Ref.

## ADV/2019/0304

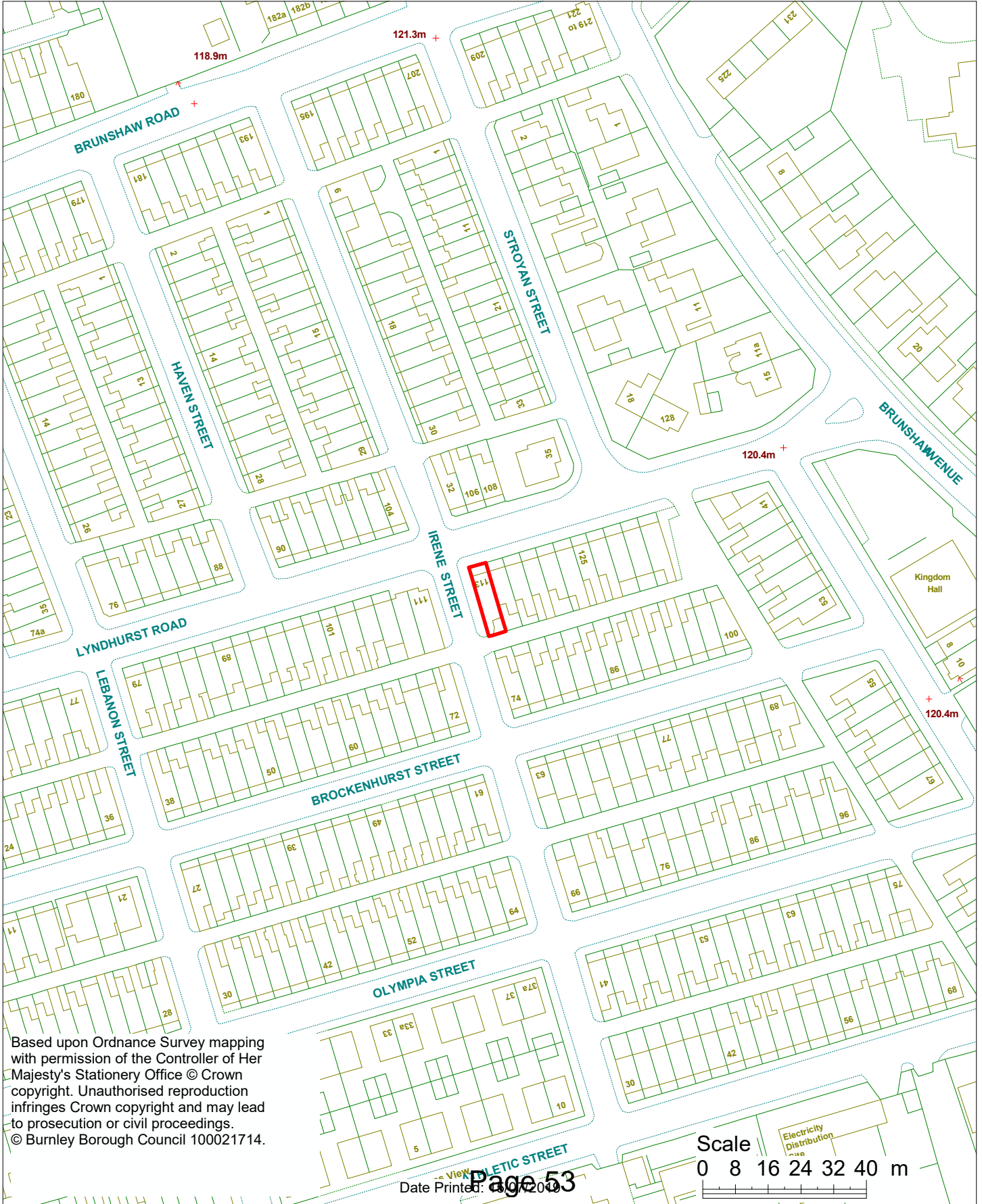
Paul Gatrell Head of Housing and Development

Location:

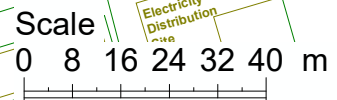


## 113 Lyndhurst Road, Burnley

1:1250



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Express Consent to Display an Advertisement

Application for advert consent to display an advertisement: Display of 2 no. illuminated fascia signs with projecting lighting bar over.

113 LYNDHURST ROAD, BURNLEY

**Background:**

There has been an application recently approved (June 2019) for the refurbishment of the existing fish and chip shop and first floor residential unit with a single-storey flat roofed extension, together with new shop fronts and roller shutters to both front and side elevations (APP/2019/0150).

This application is for 2 externally illuminated fascia signs in connection with the refurbishment of the fish and chip shop.

An objection has been received.

**Relevant Policies:**

Burnley Local Plan

TC8 – Shopfront and Advert Design

SP1 – Achieving Sustainable Development

SP5 – Development Quality and Sustainability

**Site History:**

*Relevant history :*

APP/2019/0150 – 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 – approved June 2019

**Consultation Responses:**

*Highway Authority* – Raise no objection to the proposal on highway grounds.

*Neighbouring resident* – One neighbour objection has been received based on the glare of illumination and the brightness of the neon projecting light that would affect their windows.

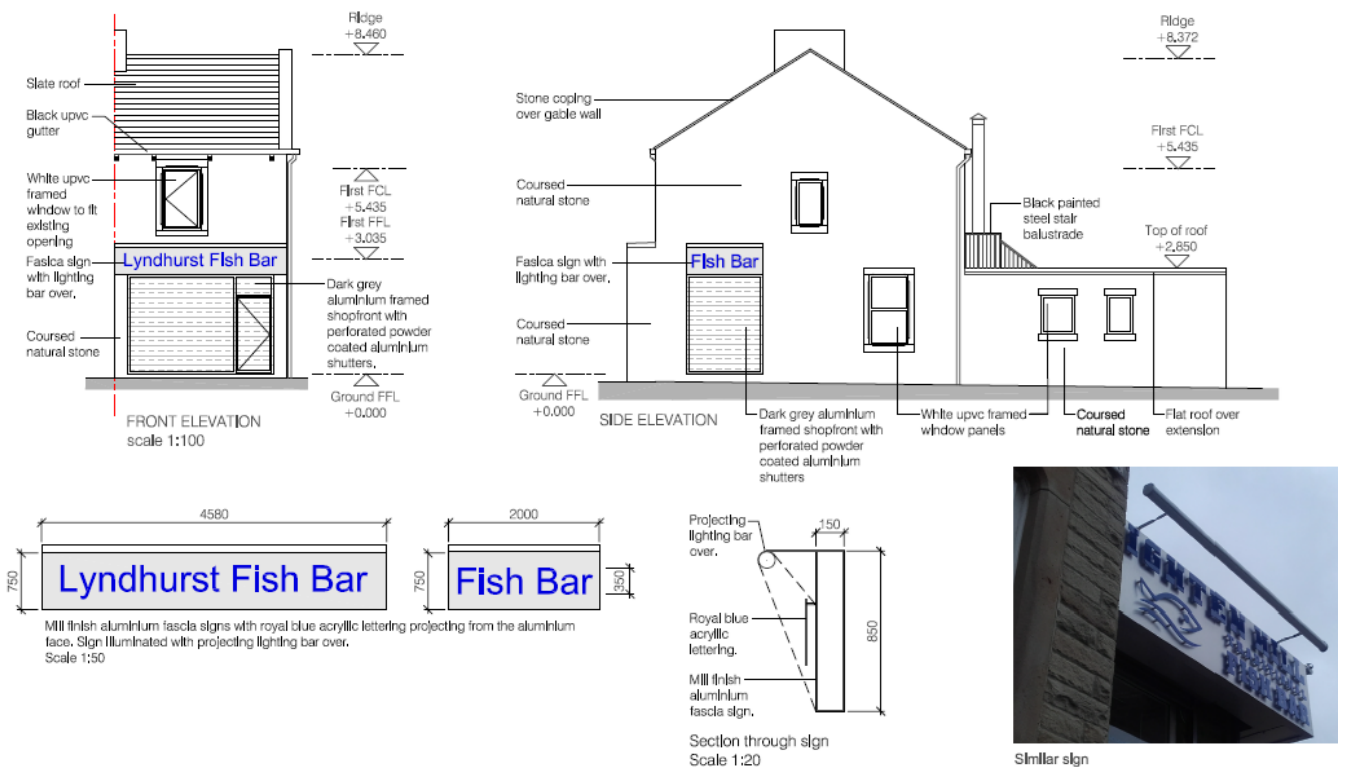
**Planning and Environmental Considerations:**

The property is a long established fish and chip shop and is an end terrace on Lyndhurst road within a mainly residential area; there are other commercial properties scattered along Lyndhurst Road.

The proposal involves the erection of two externally illuminated fascia signs one on the side elevation and one on the Lyndhurst Road frontage. The main considerations are public amenity and highway considerations.



113 Lyndhurst Road



**Proposed fascia signs with projecting external lighting bars over**

The proposed signs would consist of 'mill finish' aluminium with royal blue acrylic lettering projecting from the aluminium face. The signs would be illuminated with a projecting lighting bar over each of the two signs; the applicant has pointed out that the signs would be similar in appearance to those at Ightenhill Chippy on Padiham Road (see photo above). The proposed fascia signs and lighting bars are considered to be acceptable in terms of visual amenity.

It is considered that the fascia signs, although proposed on a property within a residential area would not have an unacceptable adverse impact on residential



amenity. The lighting bar (with an illumination level of 450 candelas per square metre) will direct light at the sign only and not into the street or the adjoining property and therefore avoid light spillage into the windows of the neighbouring property. The lighting will not be 'neon' as mentioned by the objector. This type of sign, with external lighting, is a type which is common on this type of retail property within a residential area and there are other retail properties on Lyndhurst Road with similar external lighting bars over their fascia signs.

In terms of highway considerations the Highway Authority is of the opinion that the proposed signs/lighting will not have a significant impact on highway safety.

#### *Conclusion*

The proposals are considered to be acceptable in respect of public amenity and highway safety and do not conflict with the Local Plan policies listed above.

#### **Recommendation:**

Grant subject to the following conditions:

#### **Conditions**

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. Express consent is granted for the period of five years (from the date of this notice).
7. Any external source of lighting shall be effectively screened from the view of drivers on the adjoining public highway.

## **Reasons**

1. 1 - 5 Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.
6. Imposed by Regulation 14 (7) (a).
7. To avoid glare, dazzle or distraction to passing motorists.

LAB  
15.7.2019

Housing & Development  
Town Hall, Manchester Road

Ref.

## FULR3/2019/03

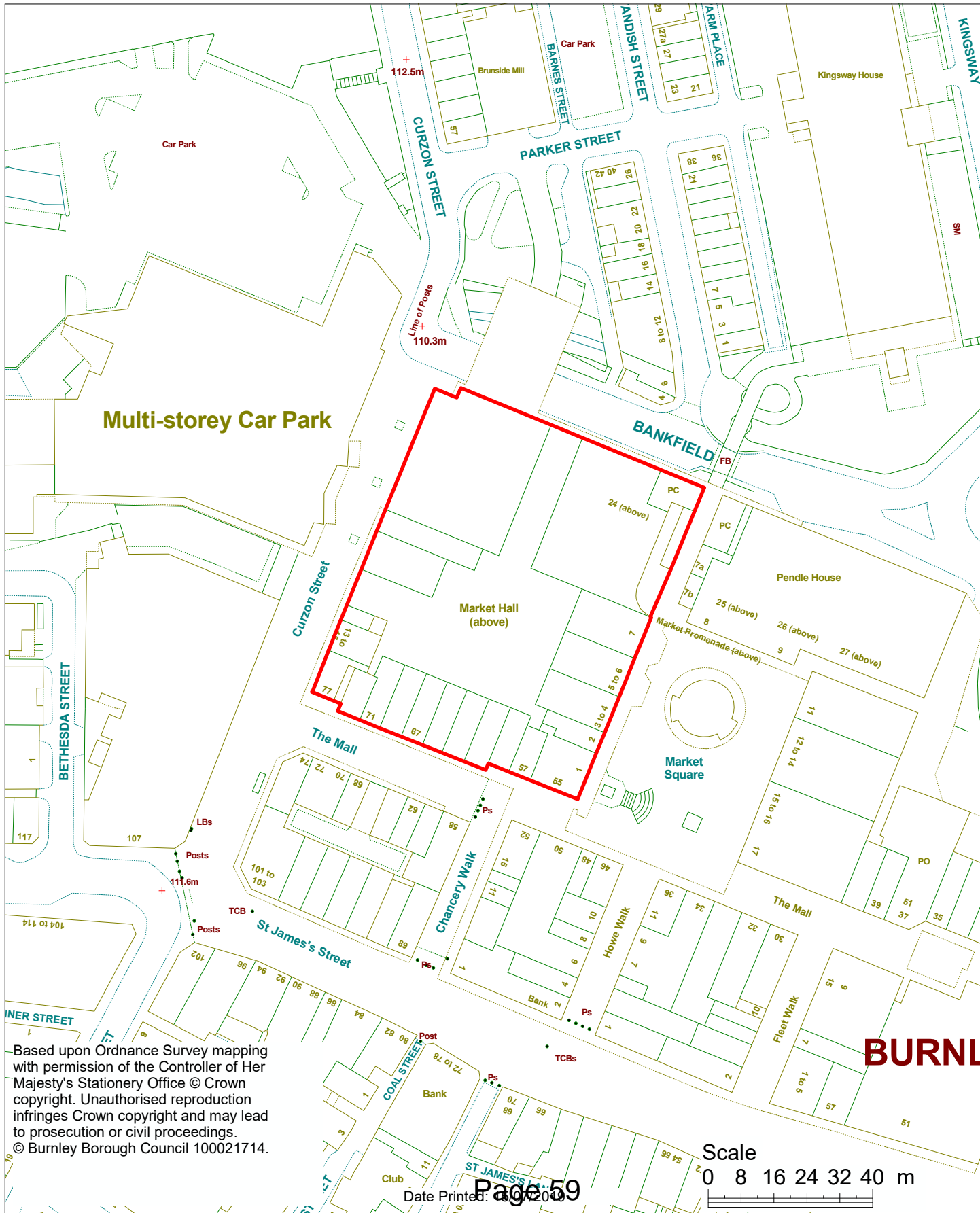
Paul Gatrell Head of Housing and Development

Location:

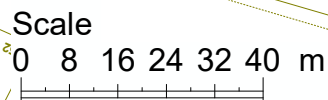


## Burnley Market Hall, Curzon Street, Burnley

1:1250



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Proposed hand rail erected to the perimeter of the market hall roof.  
Burnley Market Hall Curzon Street Burnley Lancashire

**Background:**

The site is located within the town centre as defined in Burnley’s adopted Local Plan. The proposal forms part of series of improvements and alterations to the market hall.

The application has been brought to Committee as the applicant is Burnley Borough Council.

**Proposal**

The application proposes a hand rail to be erected around the perimeter of the market hall roof.

The hand rail will be 848mm in height and is made from galvanised steel and at its longest stretch will be 70m in length.

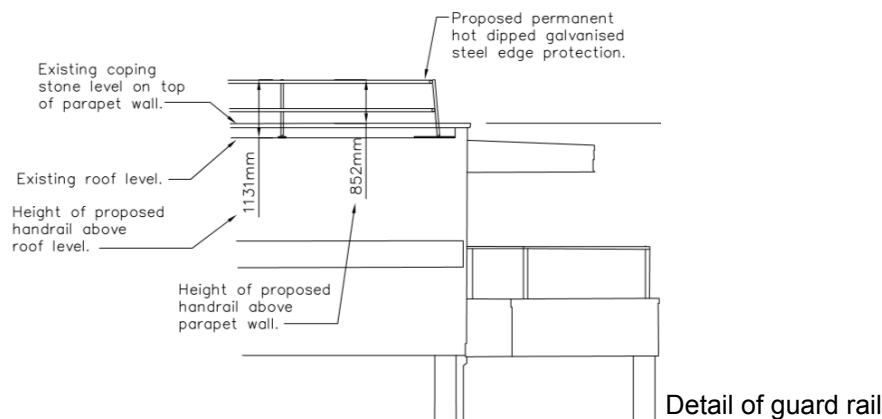


Image of the guard rail taken from the manufactures details (Trad safety systems)

**Relevant Policies:**

Burnley's Local Plan – adopted July 2018

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

TC2 – Development within Burnley and Padiham town centres.

**Site History:** None relevant to the site

**Consultation Responses:**

Environmental Health	No Comment Received at time of the report
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Health & Safety Team	No Comment Received at the time of the report
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Publicity

No comments received to date (period for publicity expires on the 30 July 2019 following the committee date).

**Planning and Environmental Considerations:**

The scheme is relatively minor in the context of the site. The safety rail will be visible in parts but will not have any detrimental impact upon the character and appearance of the area. The guard rail is necessary to protect maintenance staff of the building and it is not uncommon for fixtures such as this within a commercial setting.

The development is in accordance with the policies of the adopted Local Plan.

**Recommendation: Delegate authority to the Head of Housing and Development Control to approve the application subject to no objections being received prior to the end of the statutory period of publicity and subject to the following conditions:-**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed on this notice below.

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

PF  
12.7.2019

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

25<sup>th</sup> July 2019

Housing and Development

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## List of Delegated Decisions

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
APP/2018/0116	Ms S Murtagh	Buildings On Land At Finsley Gate Burnley Lancashire	Demolition of derelict buildings	Refuse	18th June 2019
APP/2018/0437	Mrs Joan Barber	384 Brunshaw Road Burnley Lancashire BB10 3HU	Application to prune T7 & T8 Lime Trees covered by the Burnley (Ivy Bank, Brunshaw Road) Tree Preservation Order 1984	Approve with Conditions	2nd July 2019
APP/2018/0470	Mr J Cicconi	29 31 Bridge Street Burnley Lancashire BB11 1AD	Proposed change of use of upper floors to bed and breakfast accommodation	Approve with Conditions	27th June 2019
APP/2018/0484	Mr F Owen	Park Gate Barn Hameldon Road Hapton Lancashire	Change of use and conversion of agricultural building to form 1 dwelling	Approve with Conditions	19th June 2019
APP/2018/0562	Mr Ian Walker	1 Bull Street Burnley Lancashire BB11 1DW	Retention of access gates to existing private car park	Approve with Conditions	8th July 2019
APP/2018/0579	Mr A Brennand	15 Kingsland Road Burnley Lancashire BB11 3PU	Application to prune three Horse Chestnut Trees covered by the Burnley (Kingsland Road, Burnley) Tree Preservation Order 1989 and within Burnley Wood Conservation Area	Approve with Conditions	2nd July 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
ENQ/2018/0597	Mr Sultan Kishewar	164 166 St James Street Burnley Lancashire BB11 1NR	Change of use of existing premises retail A1 to A5/A3	Enquiry	28th June 2019
APP/2019/0019	Dr Syed Raza	24 Pennine Grove Padiham Lancashire BB12 9AB	Proposal to erect two storey extension to side of bungalow	Refuse	4th July 2019
APP/2019/0086	Mr James Maguire	Burnley General Hospital Casterton Avenue Burnley Lancashire BB10 2PH	Variation of condition 2 of planning application APP/2017/0315, involving changes to lift core; alterations to window openings & new door and further info re-plant	Approve with Conditions	20th June 2019
APP/2019/0102	Mr & Mrs Dewhurst	14 Pennine Grove Padiham Lancashire BB12 9AB	Proposed two storey extension to front and external alterations	Approve with Conditions	17th June 2019
APP/2019/0101	Mr D Burke	Land Off Magnesium Way Burnley Lancashire BB12 7BF	Proposed agricultural storage building (re-submission of APP/2018/0527)	Approve with Conditions	9th July 2019
COU/2019/0168		5-9 Nicholas Street Burnley Lancashire BB11 2AQ	Proposed change of use from offices to HMO (sui generis) and replacement windows	Approve with Conditions	9th July 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
LBC/2019/0162		5-9 Nicholas Street Burnley Lancashire BB11 2AQ	Alterations and replacement windows to convert property into a House in Multiple Occupation (sui generis)	Approve with Conditions	9th July 2019
APP/2019/0126	Mr Huckerby	28 Trevelyan House Church Street Padiham Lancashire BB12 8HG	Proposed new single storey extension in to existing court yard with flat roof terrace above. Conversion of grassed area on North Street into parking spaces. Addition of timber gate and pedestrian access door	Approve with Conditions	24th June 2019
APP/2019/0127	Mr Huckerby	28 Trevelyan House Church Street Padiham Lancashire BB12 8HG	Proposed new single storey extension in to existing court yard with flat roof terrace above. Conversion of grassed area on North Street into parking spaces. Addition of timber gate and pedestrian access door	Approve with Conditions	24th June 2019
APP/2019/0115	Mrs Sandra Byrne	11 Lowerhouse Crescent Burnley Lancashire BB12 6LR	Flat roof extension to rear and side of bungalow	Approve with Conditions	17th June 2019
APP/2019/0136	Mr Brian Cooper	Broad Bank Hill Barn Halifax Road Briercliffe Lancashire BB10 3RB	Proposed orangery	Approve with Conditions	14th June 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
COU/2019/0262		79 Church Street Burnley Lancashire BB11 2RS	Change of use to 16 bed HMO (sui generis)	Application Withdrawn	12th July 2019
FUL/2019/0185	Ms Chantelle Greenhalgh	Hubie Street Plumbing Warehouse Limited Hubie Street Burnley Lancashire BB12 0BD	Proposed change of use from retail/plumbing warehouse to workshop and premises	Approve with Conditions	21st June 2019
LBC/2019/0181	Mrs Julia Service	29 Rosehill Rd Burnley BB11 2JS	Proposed demolition of porch and fit new entrance door	Approve with Conditions	19th June 2019
APP/2019/0138	Mr Paul Kennedy	10 Dovedale Drive Burnley Lancashire BB12 8XD	Proposed extension over existing garage	Approve with Conditions	19th June 2019
APP/2019/0131	Mr Fazal Subhan	Plot 22 15 Armytage Grove Burnley Lancashire BB12 0AR	Proposed single storey extension of the existing garage to create additional storage space	Refuse	2nd July 2019
FUL/2019/0189	Mrs Rebecca Johnston	Electricity Substation Bancroft Rd Burnley	Proposal to alter the line of the 2.4 metre high palisade fencing and to reposition the entrance gates	Approve with Conditions	20th June 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2019/0160	Mr Daniel Pollard	45 Westbourne Avenue Burnley Lancashire BB11 4DG	Proposed to demolish existing garage and utility construct 2 storey extension comprising garage, kitchen, bedroom and study	Approve with Conditions	17th June 2019
TIC/2019/0175	Mrs Nasreen Hussain	151 Manchester Road Burnley Lancashire BB11 4HT	To fell one tree within Palatine Conservation Area	No Objection	17th June 2019
HOU/2019/0172	Mr And Mrs J Holye	37 Maple Bank Burnley Lancashire BB10 3FD	Proposed removal of existing conservatory and erection of new single storey rear extension	Approve with Conditions	27th June 2019
PA/2019/0192	Mr R Storton	Barn At Lane House Farm Burnley Road Cliviger Burnley BB10 4SU	Notification for prior approval agricultural to residential	Prior Approval not required accept	12th July 2019
FUL/2019/0177	Mrs G Harvey-Clapham	Morecambes Lodge Cemetery Lane Burnley Lancashire BB11 5QB	Erect two log cabins (workshops) and one steel container (following removal of one static caravan and one steel container)	Approve with Conditions	12th July 2019
FUL/2019/0180	Mr A Sharples	First And Second Floors 16 Ormerod Street Burnley BB11 1EP	Proposed change of use and conversion of the first and second floors of the building to form eight self-contained flats	Approve with Conditions	5th July 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
TIC/2019/0207		Rockwood Nursery School Kingsland Road Burnley Lancashire BB11 3PU	Fell T1 (common lime, T2 (ash), T3 (sycamore)	No Objection	1st July 2019
HOU/2019/0187	Mr Arshad	5 St Georges Square Burnley Lancashire BB10 3FG	Proposed rear single storey extension with pitched roof	Approve with Conditions	18th June 2019
VAR/2019/0210	Burnley Football Club	Harry Potts Ways Burnley Football Club Athletic Co Ltd Brunshaw Road Burnley BB10 4BX	Variation of condition 2 on planning permission APP/2014/0260 to amend the appearance of elevation to Harry Potts Way to include new entrance signage and canopy to main reception entrance doors (already constructed) and alteration to ticket office including new doors and entrance canopy.	Approve with Conditions	27th June 2019
HOU/2019/0195	Mr Wayne Graham	11A Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	Proposed bathroom extension to rear of bungalow	Approve with Conditions	21st June 2019
COU/2019/0213	Rosana Davies	8A Brennand Street Burnley Lancashire BB10 1SU	Proposed change of use from shop to house in multiple occupation and associated alterations	Approve with Conditions	2nd July 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2019/0218	Mr & Mrs I Stansbie	3 Richmond Avenue Cliviger Lancashire BB10 4JL	Proposed alterations to existing rear extension, windows and new raised patio areas. Removal of monopitch roof and provision of new flat roof.	Approve with Conditions	28th June 2019
TIC/2019/0217	Gillian Fox	1 Queen Street Padiham Lancashire BB12 8JW	Pruning and removal of damaged/dead branches and hedges	No Objection	18th June 2019
COU/2019/0219	Mr Khan	Vale Garage 143 Colne Road Burnley Lancashire BB10 1EZ	Proposed retention and part change of use A1 and A2. Single storey side side and rear extension with new roof. Resubmission of APP/2018/0314	Application Withdrawn	26th June 2019
HOU/2019/0214	Mr Phil Astin	67 Red Lees Road Cliviger Lancashire BB10 4HZ	Proposed side extension to garage	Approve with Conditions	8th July 2019
TIC/2019/0215	Mr Gerald Vaughan	240 Briercliffe Road Burnley Lancashire BB10 2NZ	Fell (T1) self seeded sycamore	No Objection	24th June 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
LCC/2019/0266	Governors Of St Peters CE Primary	St Peters C E School Church Street Burnley Lancashire BB11 2DL	Proposed erection of 4.4m high mesh fence	No Objection	3rd July 2019
CND/2019/0247	Mr Clive Durkin	Land Off Florence Avenue Burnley BB11 5LR	Approval of details reserved by condition on planning permission APP/2018/0513: condition 9 (Documentation for Japenese Knotweed and associated monitoring)	Conditions discharged	12th July 2019
FUL/2019/0246	Mr Grogan	Alma Inn Accrington Road Burnley Lancashire BB11 5AL	Proposed Change of Use from Public House into 6 Bedroom House in Multiple Occupation (HMO)	Approve with Conditions	8th July 2019
NMA/2019/0238	Chris Astley	Land between Kiddrow Lane and Scott Street, Burnley	Replacement of plots 53 to 60 with plots 53 to 58	Non-Material Minor Amendment Granted	4th July 2019
ESR/2019/0292	Jane Knowles	Wyre Street Padiham Lancashire BB12 8DJ	Request for screening opinion in connection with the proposed Padiham Flood Risk Managment Scheme	Not EIA development	18th June 2019
HOU/2019/0271	Mr Mujeeb Rehman	110 Marsden Road Burnley Lancashire BB10 2QP	Proposed two storey extension to west side of dwelling	Refuse	12th July 2019



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2019/0256	Mrs Alex Maybury	523 Brunshaw Road Burnley Lancashire BB10 4HP	Proposed single story extension to rear of property	Approve with Conditions	11th July 2019
PAH/2019/0282	Mr M Whittaker	5 Mayfair Road Worsthorne-with-hurstwood Lancashire BB10 4HW	Proposed single storey rear extension	Prior Approval not required accept	10th July 2019
FUL/2019/0274	Mr Stephen Ingham	Aircelle Hurel Dubois Compound Eng Belling Whole Site Bancroft Road Burnley Lancashire BB10 2TQ	Increase height of a section of roofing in unit B2 to accommodate new production machine	Approve with Conditions	9th July 2019
PAH/2019/0285	Mr And Mrs Peter Schofield	12 Deerplay Close Burnley Lancashire BB10 2EA	Single storey rear extension	Prior Approval not required accept	11th July 2019
NMA/2019/0312		52 Bevington Close Burnley Lancashire BB11 4SD	Amendment proposed re-position the window in the wet room from the side wall into the centre of the rear wall (in reference to planning permission APP/2018/0455)	Non-Material Minor Amendment Granted	4th July 2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
NMA/2019/0365	Mr Ian Perrin	274 Manchester Road Burnley Habergham Eaves Lancashire BB11 5NJ	Amendment change of Blue slate to Marley Modern concrete tiles (in reference to planning application APP/2019/0144)	Non-Material Minor Amendment Granted	12th July 2019

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

25<sup>th</sup> July 2019

Housing and Development

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

Date: 25<sup>th</sup> July 2019

**PART III**

Town and Country Planning Act 1990

**NOT/2018/0596**      Appeal against refusal to grant prior approval for a change of use of agricultural building to 2no. dwellings with associated parking at the Barn, Manchester Road, Habergham Eaves, Burnley

Appeal by: Mr Marc Karoo  
Date of appeal decision: 1<sup>st</sup> July 2019

**Background**

An appeal was made to the Secretary of State against the Council's decision to refuse prior approval for the above proposal for the following reason:-

“The proposal fails to amount to Permitted Development under Class Q (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) on the grounds that the proposed works would be so extensive as to amount to substantial re-building of the existing structure rather than a conversion and would not therefore fall within the scope of permitted development under this Class.”

The appeal relates to an agricultural building constructed approximately 25 years ago, comprising a dwarf brick cavity wall to approximately 1.6m with corrugated vertical sheet cladding above with a duo pitched corrugated sheet clad roof and a concrete slab floor.

**Appeal Decision**

The appeal is DISMISSED.

**Inspector's Considerations**

The Inspector determined that the main issue was whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), with particular regard to the building operations reasonably necessary to convert the building to residential use.

The Inspector refers to the Planning Practice Guidance (PPG) which provides advice on the interpretation of Class Q of the GPDO. It clarifies that Class Q assumes that the agricultural building is capable of functioning as a dwelling. Whereas Class Q permits building operations that are reasonable necessary for the conversion of the building to residential use, it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is only

therefore where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

In this case, the Inspector noted that the appellant's Structural Investigation report advised that the proposed building fabric should be designed/built independently of the steel frame of the existing agricultural building. The new external walls would not be supported off the existing walls but by a lightweight timber frame that would be constructed internally. Whilst internal works are not generally development, it would appear in this case that the lightweight timber framed would perform a function beyond that of an internal wall – it would support the upper part of the external wall construction. As a consequence, the Inspector found that there was reasonable doubt that the existing frame would not be strong enough to take the loading associated with external works reasonably necessary to provide for residential use. Having regard to the Hibbert case (Hibbert v SSCLG and Rushcliffe BC, 2016), these works would exceed what could be reasonably be described as conversion and would comprise an element of rebuilding.

In conclusion, the Inspector stated that the extent of the works proposed would go beyond what could be described as conversion and would fall outside the scope of permitted development rights under Class Q(b). As such, the proposal would not be permitted development.

### **Procedures**

Appeal dealt with by Written Representations

Approximate cost of appeal: £300

### Background Papers

Planning application and appeal file NOT/2018/0596

Report author: Janet Filbin Ext 3216