

DEVELOPMENT CONTROL COMMITTEE

Thursday, 19th September, 2019
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

**Thursday, 19th September, 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.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 16

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

3. Additional Items of Business

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

4. Declaration of Interest

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications

17 - 18

To consider reports on planning applications for development permission:

- | | |
|---|---------|
| a) APP/2019/0110 Causeway Farm The Long Causeway Burnley | 19 - 28 |
| b) FUL/2019/0255 Springbank West Street Padiham | 29 - 46 |

c)	FUL/2019/0260 Ivy Mount Cottage 376 Brunshaw Road Burnley	47 - 58
d)	FUL/2019/0317 Hill Crest Higher Timber Hill New Road	59 - 68
e)	FUL/2019/0371 7-9 Yorke Street Burnley	69 - 78
f)	FUL/2019/0408 79 Church Street Burnley	79 - 90
g)	FUL/2019/0421 St Stephens C of E School Woodgrove Road Burnley	91 - 96
h)	HOU/2019/0331 30 Dovedale Drive Ightenhill Burnley	97 - 106
i)	HOU/2019/0397 428 Rossendale Road Habergham Eaves Burnley	107 - 114
j)	HOU/2019/0399 155 Brownside Road Worsthorne	115 - 122
7.	Decisions taken under the Scheme of Delegation	123 - 132

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

MEMBERSHIP OF COMMITTEE

Councillor Alan Hosker (Chair)
Councillor Mark Payne (Vice-Chair)
Councillor Afrasiab Anwar
Councillor Gordon Birtwistle
Councillor Frank Cant
Councillor Saeed Chaudhary
Councillor Ivor Emo
Councillor Andy Fewings

Councillor Sue Graham
Councillor John Harbour
Councillor Mohammed Ishtiaq
Councillor Marcus Johnstone
Councillor Gordon Lishman
Councillor Neil Mottershead
Councillor Asif Raja
Councillor Jeff Sumner

PUBLISHED

Wednesday, 11 September 2019

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 21st August, 2019 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Alison McEwan	– Democracy Officer
Claudia Wilcock	– Administration Officer
Erika Eden-Porter	– Principal Planner

28. Apologies

Apologies for absence were received from Cllr Saeed Chaudhary.

29. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

30. 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.	Cllr Cosima Towneley	APP/2019/0155 – Land west of Red Lees Road, Cliviger, Burnley
2.	David Brackley	APP/2019/0155 – Land west of Red Lees Road, Cliviger, Burnley
3.	Steven Hartley	APP/2019/0098 – Thorney Bank Industrial Estate
4.	Janice Minihan	COU/2019/0326 and ADV/2019/0327 – 26 St Mathew St

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

31. APP/2019/0155 -Land to the West of Red Lees Road, Burnley

Residential development for the erection 129 dwellings including means of access, areas of public open space and all associated works. The proposal affects Public Footpath Nos. 88, 89 and 90 and involves the diversion of Public Footpath Nos. 89 and 90.

The Committee was advised by the Senior Solicitor prior to the vote on the resolution to refuse that the committee would not have delegated authority to pass such a resolution as this would be a decision that was substantially contrary to the Local Plan and that the application would therefore have to be determined by Full Council.

Decision:

The resolution to refuse planning permission was carried and the reasons provided were : the application did not meet the requirements of Policies SP1 (Sustainability) and SP5 (Development Quality and Sustainability) of Burnley's Local Plan (2018).

In accordance with the legal advice and Part 3 of Burnley Borough Council's Constitution at Section A.1.a.3 - Delegations to the Development Control Committee, the matter stands referred to Full Council for final determination.

Motion to refuse planning permission against officer recommendation (Motion)	
That planning permission be refused as the application did not meet the requirements of policies SP1(Sustainability) and SP5 (Development Quality and Sustainability) of Burnley's Local Plan (2018).	
Councillor Alan Hosker	For
Councillor Mark Payne	For
Councillor Afrasiab Anwar	For

Councillor Gordon Birtwistle	For
Councillor Frank Cant	Against
Councillor Ivor Emo	For
Councillor Andy Fewings	For
Councillor Sue Graham	Against
Councillor John Harbour	Against
Councillor Mohammed Ishtiaq	Against
Councillor Marcus Johnstone	Against
Councillor Gordon Lishman	For
Councillor Neil Mottershead	For
Councillor Asif Raja	Abstain
Councillor Jeff Sumner	For
Carried	

32. APP/2019/0098 - Thorney Bank Industrial Estate, Burnley Rd, Hapton

Full Planning Application

Proposed use of land for siting of 40 self-storage containers

THORNEY BANK INDUSTRIAL ESTATE BURNLEY ROAD HAPTON 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 (Ref. FO.190219.A); Existing Site Plan, received 01 March 2019; Proposed Site Plan, received 04 July 2019.
3. Before the development is brought into use, the customer car parking area identified on the Proposed Site Plan shall be signposted and provided for the parking of customers vehicles in connection with the storage containers and shall thereafter be retained for that purpose.
4. Before the development is brought into use the extension to the footpath (area coloured brown on the Proposed Site Plan) shall be constructed and made available for use by pedestrians, and shall thereafter be so retained.
5. Containers shall be single height up to 2.5m high above ground level only and shall not be sited on the approved site other than in the positions and layout as indicated on the approved plans.

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 highway safety.
4. In the interests of highway safety and to provide for pedestrians entering the site.
5. To ensure a satisfactory appearance to the development, having regard to its rural surroundings, in accordance with Policies EMP5 and SP5 of Burnley's Local Plan (July 2018).

33. COU/2019/0326 - 26 St Mathew Street, Burnley

Town and Country Planning Act 1990

Proposed change of use from use class (A1) to (A2) and residential (sui generis) accommodation to 8 bedroomed HMO

26 St Matthew Street Burnley Lancashire BB11 4JJ

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

Conditions and Reasons for 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 20/6/19 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. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 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

NE5 of the adopted Local Plan.

5. The external doors shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents in accordance with policy NE5 of the adopted Local Plan.

6. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

7. No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

8. No part of the approved scheme shall be first occupied until secure cycle storage provision has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

34. ADV/2019/0327 - 26 St Matthew Street, Burnley
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The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Display of 1 no. fascia sign to front elevation

26 St Matthew Street Burnley Lancashire BB11 4JJ

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

Conditions and Reasons for conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed at the end of the decision notice.

Reason: For the avoidance of doubt and to clarify the nature of the consent hereby approved.

2. 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.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

3. 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.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

4. 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.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

5. 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.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

6. 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.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

35. OUT/2019/0196 - 7 Southern Avenue, Burnley

Outline Planning Application

Outline application for erection of a single dwelling including details of access and layout with vehicular access from Southern Court (other matters reserved for future approval

7 SOUTHERN AVENUE BURNLEY

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

Conditions:

1. Details of the scale and appearance of the building and the landscaping of the site (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings DWG 00B, DWG 01B and DWG 02C received 26/04/19, together with any detailed plans subsequently approved in respect of the reserved matters. Drawing DWG 03B Proposed ground Floor and First Floor Plans received 26/04/19 is for indicative purposes only.
5. No development shall start until a scheme detailing the improvements to the junction of Southern Court and Ightenhill Park Lane has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.
6. 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 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays or 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.

Reasons:

1. The application is in outline only and does not contain complete details of the proposed development.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In the interests of highway safety having regard to the poor sightlines at the junction of Southern Court and Ightenhill Park Lane in accordance with Policy IC1 of Burnley’s Local Plan (July 2018).

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

36. HOU/2019/0220 - 50 Clockhouse Avenue, Burnley

Town and Country Planning Act 1990

Proposed erection of an outbuilding

50 Clockhouse Avenue Burnley Lancashire BB10 2SU

Decision: That planning permission be granted subject to the following 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.
2. The development shall be carried out in accordance with the approved plans listed on this notice below.
3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 18/6/19 and shall not be varied without the prior written approval of the Local Planning Authority.
4. The outbuilding hereby approved shall only be used for uses ancillary to the main dwelling, and shall not be used as a separate dwelling.

Reasons:

1. In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning 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. In the interests of highway safety and to protect off street parking provision in the future in accordance with policy IC3 of Burnley's adopted Local Plan.

37. FULR3/2019/0249 - 33-35 Burnley Road, Padiham

Full Planning Application

Reinstatement of 2 no. former shops at ground floor level and 2 no apartments to first and second floors, existing party wall to be reinstated and some internal wall reconfigured to create living space. New entrance cores to rear to gain access to the first floor apartments.

NOS. 33-35 BURNLEY ROAD PADIHAM

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: 04 001 A (Block Plan), 01 002 A (Existing Plans), 04 002 A (proposed Plans), 02 001 A (Existing Elevations) and 05 001 A (Proposed Elevations) received on 7 May 2019.
3. Before any plant and/or machinery is used on the premises, it shall be enclosed with sound-insulating material and/or mounted in a way that will minimise transmission of structure-borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority, and thereafter maintained.
4. The replacement window frames shall be timber painted sliding sash windows. As insufficient details have been provided regarding the details of the replacement windows, before any of the existing window frames on the building are removed precise details of like-for-like replacement windows including scaled elevation and profile plans of the new windows at 1:20; detailed window sectional plans at 1:5 and full scale 1:1 details showing glazing bar sections shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the windows shall be installed in accordance with the approved details and shall be retained as such thereafter.
5. As insufficient joinery details have been provided regarding the replacement shopfronts, before the shopfronts are removed joinery details including door panels, mullion and transoms, cills and cornices should be provided as part of the planning application at a scale of no more than 1:20 as appropriate and should carefully match patterns and profiles traditional to the area. Once approved by the Local Planning Authority the shopfront should be constructed in accordance with the approved details and shall be retained as such thereafter.
6. All of the internal and external doors to the retail use (Class A1) hereby permitted shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.
7. The retail use (Class A1) hereby permitted shall only be open for business between 08:00 and 18.00 hours unless otherwise approved in writing by the Local Planning Authority.
8. Before development is commenced a fully detailed scheme for the soundproofing the apartments hereby permitted against internally generated noise from the commercial uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented prior to the occupation of the residential uses hereby permitted. The approved works shall thereafter be permanently retained.
9. For the avoidance of doubt, this permission requires the removal of the existing external roller shutter to No.33 Burnley Road. Any proposals to install external roller

shutters to the development hereby approved shall be subject to a separate planning application.

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 safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
4. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
5. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
6. To safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
7. To protect the amenities of nearby/attached residential properties in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
8. To safeguard the residents of the apartments hereby approved from potential noise disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
9. To protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies TC8, HE2 and HE3 of Burnley's Local Plan (July 2018).

38. HOU/2019/0234 - 95 Rosehill Road, Burnley
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Town and Country Planning Act 1990
Proposed Conservatory extension to 1st floor rear terrace
95 Rosehill Road Burnley Lancashire BB11 2JH

Decision: That the application be approved subject to the following 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.
2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans.

Reasons:

1. In accordance with Section 91(1) of the Town & Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
2. To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

39. HOU/2019/0237 - 2 Westwood Road, Burnley

Town and Country Planning Act 1990

Proposed two storey side extension and a single storey side extension

2 Westwood Road Burnley Lancashire BB12 0HR

Decision: That planning permission be granted subject to the following 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.
2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans.

Reasons:

1. In accordance with Section 91(1) of the Town & Country Planning Act 1990 as amended by the Planning & Compulsory Purchase Act 2004.
2. To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

40. HOU/2019/0358 - 47 Windermere Avenue, Burnley

Town and Country Planning Act 1990

Proposed single storey extension to kitchen and sun room to rear and construct dormers to front and rear and porch to front.

47 Windermere Avenue Burnley Lancashire BB10 2AB

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

Conditions and Reasons for 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

41. Decisions taken under the Scheme of Delegation

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

42. Appeals & Other Decisions - FDO/2019/0275 Proposed Footpath Diversion Order, Land west of Red Lees Road, Cliviger

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

Decision: To authorise the Head of Legal and Democratic Services to make an Order under s257 of the Town and Country Planning Act 1990 to divert public footpaths 89 and 90 (Cliviger) as set out on the plan attached to the report and in the event that there are outstanding objections following a period of consultation and negotiation, to refer the Order to the Secretary of State for determination.

Reason for Decision: 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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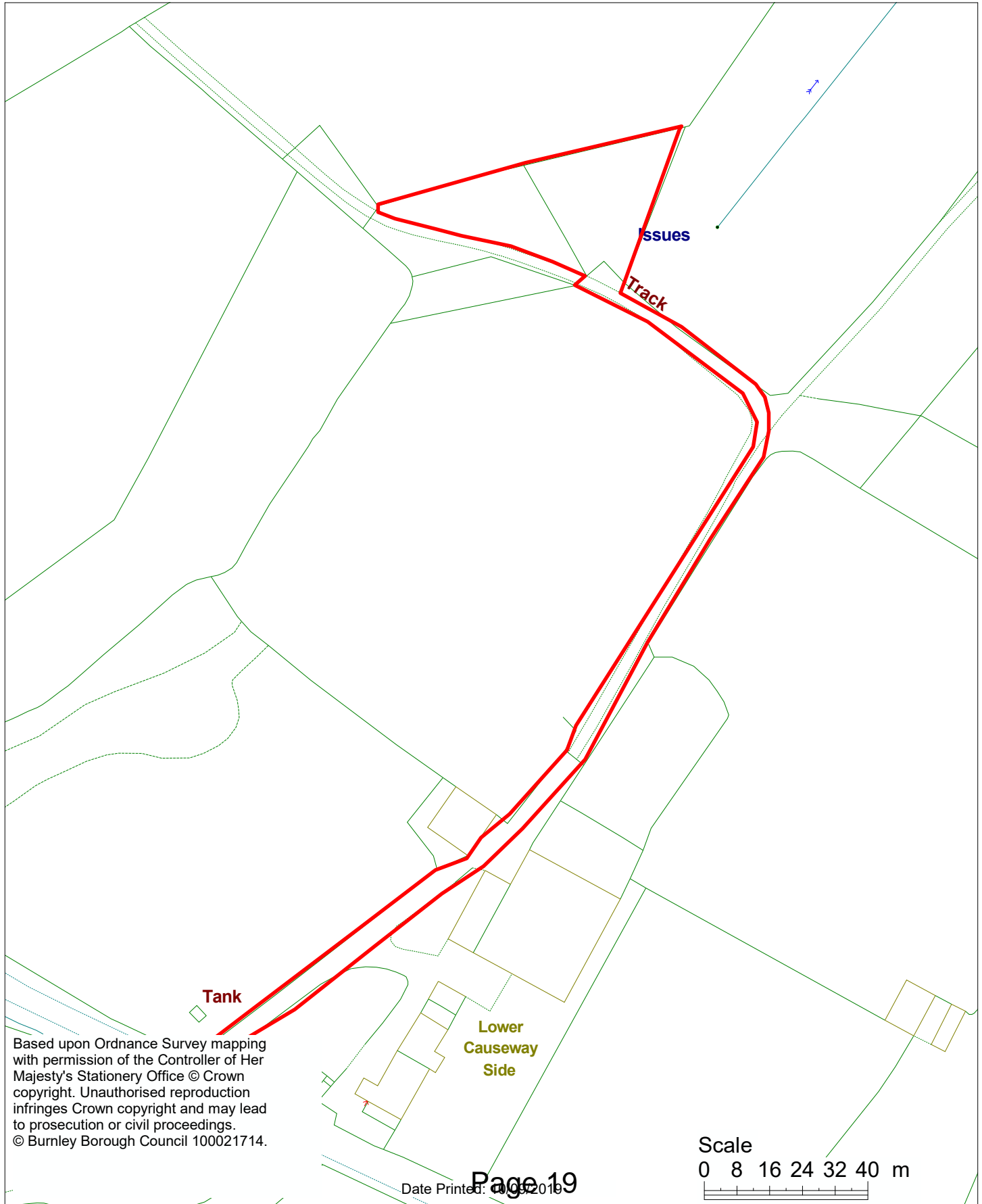
Paul Gatrell Head of Housing and Development

Location:



Causewayside Farm, The Long Causeway, Burnley

1:1250



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Proposed agricultural storage building
Causewayside Farm The Long Causeway Burnley Lancashire

Background:

The site is located outside the settlement boundary in an area of open countryside and is accessed from Long Causeway. Lower Causeway Side and Causewayside Farm are located directly off the road and the application site lies approximately 200m to the north of the properties.

Causewayside Farm has altered over the years with the various selling off of parcels of land. Within close proximity to the application site there has been 2 planning approvals for the conversion under class Q prior approvals of agricultural buildings to dwellings.

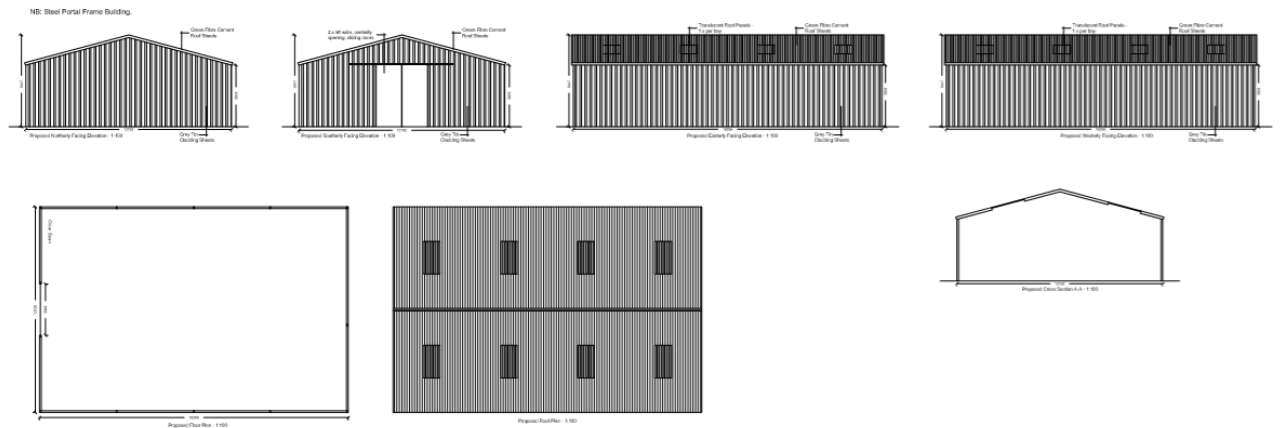
This application has been referred to planning committee as an objection has been received from the Parish Council.



Location of new building

Proposal

The application seeks consent for the erection of an agricultural storage building located approximately 200m to the north of Causeway Farm. The building will have a footprint of 220sqm, and will be 12.1m in width, 18.2m in length, 3.6m to the eaves and 5.4m to the ridge. Proposed materials will be grey tin clad sheets to the elevations, a sliding door to the front elevation, 8 translucent roof panels and the roof will be constructed with green fibre cement roof sheets.



Proposed plans

Access to the building will be from an existing access road which serves Causewayside Farm.

The application has been supported with:

- Associated land holdings
- Storage Requirements (table listing the agricultural machinery)



Access track from Long Causeway

Both buildings to the left and right of this photo have been granted Prior Approval under class Q for the conversion of the buildings to dwellings.

Relevant Policies:

Burnley's Local Plan 2018

SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability

NPPF 2019

Site History: (No history to the actual site but various history on the surrounding land)

App/2017/0551 – Application for approval of details reserved by condition 3 of planning permission APP/2017/0391 – Discharged 8/1/18

NOT/2017/0439 – Prior approval – agricultural to residential for one dwelling. Granted 22/12/17

APP/2017/0391 – Proposed demolition of rear conservatory and erection of garden room, front porch, detached rear garage, extension of dwelling into adjoin store/former shippon. Granted 25/10/17

Consultation Responses:

Parish Council

- object on the grounds of need and visibility in the landscape
- note that a previous barn was given permission to be converted into 3 homes.

Highways

It is not expected that the proposed building will generate any additional traffic once it is complete.

There is a concern over the location of the proposed building site and that the access from Red Lees Road though Mereclough is quite narrow and steep in some places, it is expected that any order placed with a supplier will make them aware of the issues regarding the access.

Should you wish to support the application we would look for the following condition to be added

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) Wheel washing facilities
- ii) Measures to control the emission of dust and dirt during construction
- iii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- iv) Routing of delivery vehicles to/from site

As the access to the site is already in place and there are only 2 properties at the junction of Long Causeway, it is not considered necessary for a pre-commencement construction method statement. There is also no demolition required as part of the development as the site is currently undeveloped.

United Utilities

We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above. In line with these comments, we recommend the following condition is attached to any approval notice.

Recommended Condition

Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

*Reason: To secure proper drainage and to manage the risk of flooding and pollution.
Planning and Environmental Considerations*

ADAS Agricultural Consultants Assessment

The application appears consistent with its intended agricultural purpose. We would not contest the function or design of the proposal based on the supplied information. We note the previous planning permission for conversion of a highly similar agricultural building to a residential dwelling.

Greater Manchester Ecology Unit

We do not wish to raise any objections to the application on nature conservation grounds.

The proposed storage building will not affect any designated wildlife sites, specially protected species or priority habitats. The site would appear to be served by an existing trackway, so no vegetation clearance would seem to be needed to facilitate access to the site.

Given its upland position the new building will be prominent in the landscape. Generally we would not recommend tree planting in the uplands, but in this case I note there has been some relatively recent tree planting on nearby sites so the introduction of trees as a landscape screen for the building may be appropriate for this site and may contribute to nature conservation enhancement. Birch, hazel or hawthorn would not be out of place.

Planning and Environmental Considerations:

The principle of development

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.

Policy SP4, details the development strategy for the borough. Part 4 of this policy states that; *the open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.*

Policy EMP5 of the Burnley's adopted Local plan gives support for existing or new businesses in the open countryside. Whilst the policy does not refer directly to agricultural buildings, the policy does not preclude them and given the building is within the open countryside and has been evidenced for housing agricultural machines and vehicle's then in principle the development is acceptable providing the development meets all other Local Plan policies.

Main issues

The main issues in the consideration of this application are;

- design/materials;
- the impact of the development on residential amenity;
- Other issues

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 siting of the building is 200m from the applicant's home. The land is relatively flat with an area of trees to the south western boundary. Whilst the trees will help to soften the impact of the building, it will still be visible when viewed from Lower Causeway Side and Causewayside Farm. It is not uncommon to have buildings of this nature in the open countryside, and it not considered that the appearance of the agricultural storage building will be of detrimental to the character of the immediate surroundings.

There appears to be a large area of hard standing which is already in place, and whilst an area of hardstanding would be necessary to enter the building the amount of hard standing is at its limit and any further hardcore would not be characteristic of the open countryside.

The design and choice in materials for the building appear to be fit for purpose and this view is shared with the agricultural consultants who have assessed the application.

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 reasoning of overlooking.

The proposed building would be sited approximately 200m from the applicant's home and therefore is it not considered to have impact upon residential amenity. The more recent Prior Approvals for conversion under class Q would be closer to the building, but given that this type of building is not uncommon in the open countryside and would be located a sufficient enough distance, it would unlikely result in a detrimental impact in regards to a visual or noise amenity impact.

Other Issues

The applicant has supported the application with details on the agricultural holdings and a schedule of agricultural equipment to be stored.

The Parish Council has raised concerns over the need and this has also been raised with the Council's agricultural consultant. The surrounding farmland has been sold off in parcels and the loss of storage buildings to conversions through Prior Approval class Q. As the applicant has produced evidence of a business and the types of machinery and equipment to be stored, along with land holdings, the Council has no evidence otherwise to question the purpose and need of the building. A condition will be placed to ensure that the building is only used for agricultural purposes to safeguard the character of the open countryside.

Recommendation: Approve subject to 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 received 9/4/19 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. The building hereby permitted shall be used for agricultural purposes only (as defined in Section 336 (1) of the Town and Country Planning Act 1990).

Reason: To ensure that the building is used solely for agricultural purposes and to safeguard the open countryside in accordance with policy SP4 of Burnley's adopted Local Plan

5. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

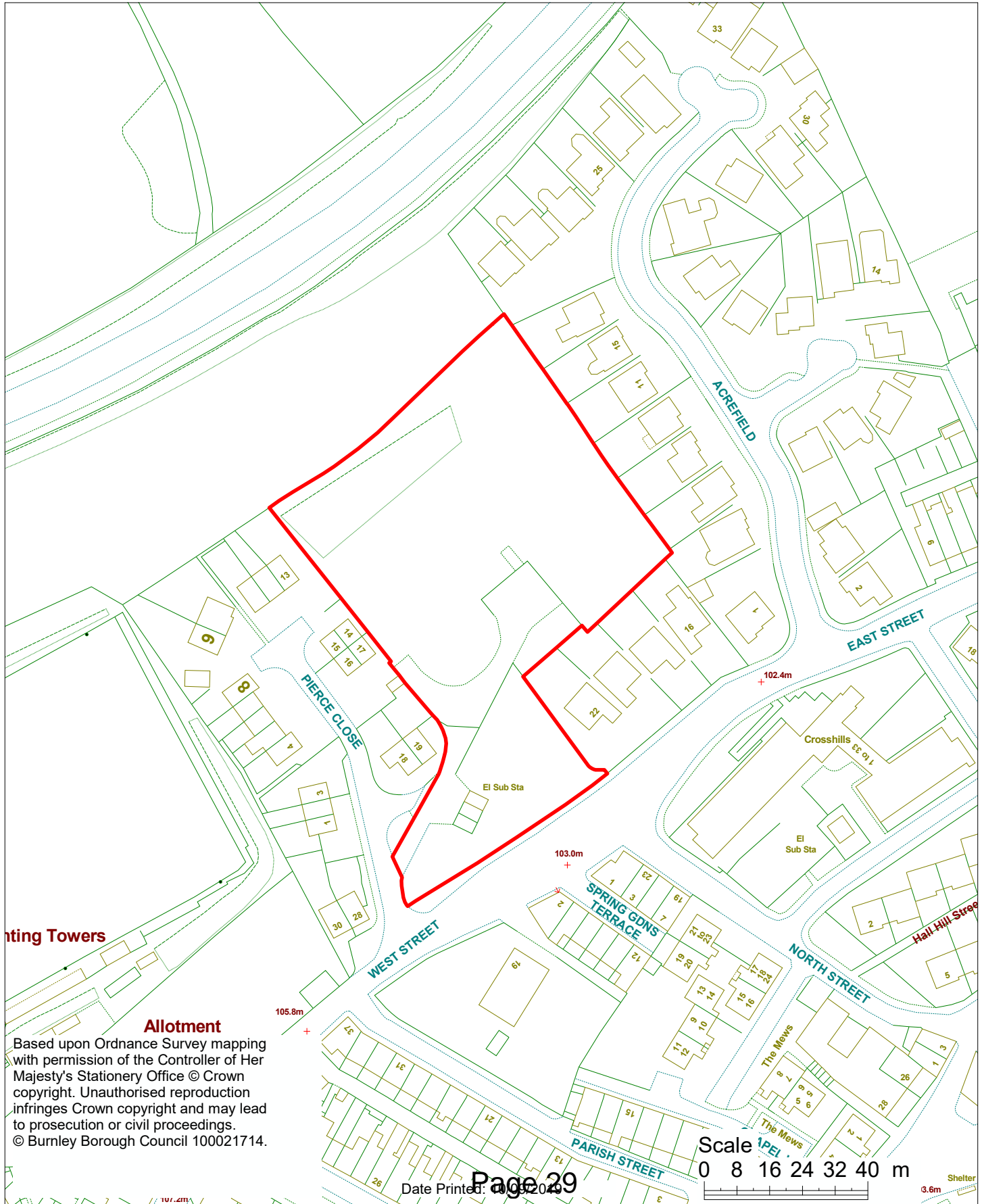
Paula Fitzgerald
10th September 2019

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Springbank, West Street, Padiham

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Town and Country Planning Act 1990

Residential development of six semi-detached houses and nine detached houses and access road (demolition of garages attached to electricity substation)

Springbank West Street Padiham Lancashire

Background:

The proposal is for a residential development of 15 houses on approximately 0.63ha on cleared land to the north side of West Street. The site is irregular in shape with a short frontage to West Street and levels that rise in a northerly direction towards a woodland that separate the site from the A6068 by-pass. The site was formerly occupied by a day centre that has been demolished and is now partly under grass with expansive areas of hardstanding. The site is bound on three sides by existing houses – Acrefield to the east, West Street and East Street to the south and Pierce Close to the west. The site was formerly occupied by Springbank day centre and has a private access with a junction at Pierce Close/West Street. The site is adjacent to the Padiham Conservation Area on its south side.

Pierce Close



Cleared site



Widen and improve
existing adopted
highway to form
access

Existing drive to the former day
centre

The proposal seeks to extend and improve the existing adopted highway which currently terminates at the front of properties 18 and 19 Pierce Close and form a new estate road generally along the route of the existing access. The existing electricity sub-station between the proposed access road and West Street would be retained and a new development of nine detached houses (4 bedroom) and six semi-detached houses (3 bedroom).

Proposed Site Layout



There are a number of trees mainly around the edges of the site and further trees on the embankment beyond the north edge of the site. Those indicated with dotted lines on the above site layout would be removed, most of which are category C trees which are of lower quality and their removal would be necessary to accommodate the proposed dwellings. A single category B tree is proposed for removal (beech) which is located to plots 9 and 10 towards the north corner of the site. New tree planting is proposed along the proposed estate road.

The proposed houses have been slightly modified since first submitted to reduce the scale of some of the roofs which as amended would vary between 7.6m and 8.6m high and consist of gable roofs that reflects the form of local housing. The proposed street scene to the north side of the site is indicated below:-

Proposed street scene plots 9-15:

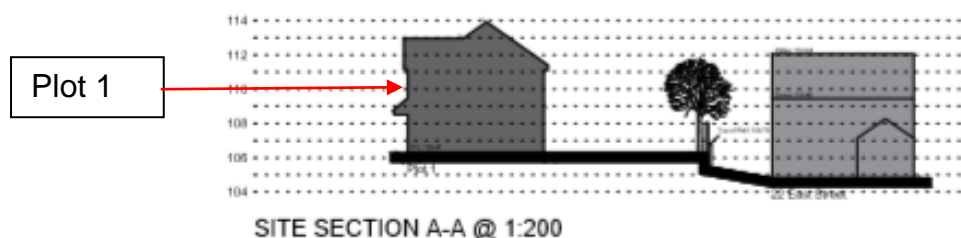


STREET SCENE A-A

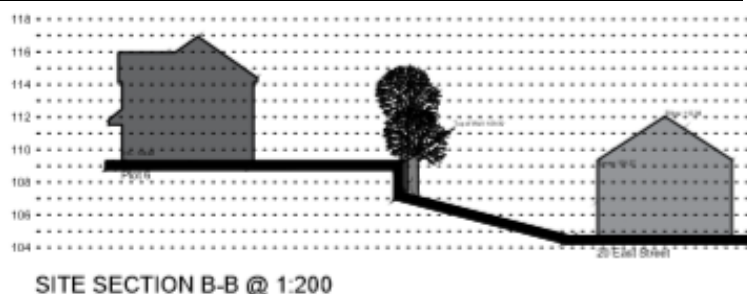
The entrance dwelling (plot 1) would be built in reconstituted stone whilst the remainder of the development which is largely contained by perimeter development would be constructed in brick.

The site is elevated above the adjoining properties at East Street.

Rear of plot 1 faces the mainly blank gable of lower house at 22 East Street



Rear of plot 6 faces the rear of lower house at 20 East Street



The separation distances between existing and proposed houses is approximately 15m between an elevation with habitable rooms and a principally blank gable (non-habitable window) and 21m between opposing rear elevations.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS4 – Housing developments
- HE2 – Designated heritage assets
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC3 – Car parking standards
- IC4 – Infrastructure and Planning Contributions

The National Planning Policy Framework (2019)

Site History:

No relevant history.

Consultation Responses:

LCC Highways

No objection; recommend conditions to require a Construction Method Statement and the provision of wheel washing facilities during construction.

Lead Local Flood Authority (LCC)

No objection subject to a condition to require final details of the design of the drainage scheme, based on sustainable drainage principles, to be agreed and implemented.

LCC School Planning Team

Advise that an education contribution is not required.

Greater Manchester Ecology Unit

The risk of impacting roosting bats is very low but as a precautionary measure a number of reasonable avoidance measures (RAMs) have been recommended in the applicant's ecology appraisal and a condition to this effect should be placed on any permission. The drystone wall, trees and scrub on the site have the potential to support nesting birds. Recommend that works affecting the drystone wall and tree/scrub works should not be undertaken in the main bird breeding season (March-August inclusive) unless nesting birds have found to be absent by a suitably qualified person. The adjacent woodland has the potential to support mammals such as hedgehog which could wander into the site. A condition is recommended to require reasonable avoidance measures. The woodland area adjacent to the site should be protected. Artificial lighting can affect the feeding and commuting behaviour of bats and therefore recommend that any lighting during construction and post development be directed away from any of the adjacent trees. The invasive Wall cotoneaster is present on the site; the applicant should be made aware of its presence and ensure that it is disposed of. Also recommend that opportunities for biodiversity enhancement be incorporated into the new development; these should include bat bricks and/or tubes, bird boxes and native tree and shrub planting.

Head of Greenspaces and Amenities

Seeks a contribution to be used to improve recreation facilities in Memorial Park which is the district park for this area. The Memorial Park development plan identifies a need to improve play facilities for disabled children on the play area and a contribution will be used towards this purpose. On the basis of the viability assessment submitted by the applicant, the applicant is requested to pay £5000 for this purpose.

Publicity

Five letters have been received from neighbouring properties on Acrefield, East Street and Pierce Close which raise objections/concerns. Two of the letters state they are in favour of the development but have some concerns. The objections/concerns are listed below:-

- The standard of housing should compliment the area in terms of design and materials
- Object to the proposed access in front of existing properties which is a quiet cul-de-sac.
- Overlooking from the development into first floor rooms (East Street)
- Impact on enjoyment of quiet and peaceful location
- Concern that local infrastructure cannot support the volume of large family residences, with reference to play areas and clubs for children/youth
- Trees should be retained

- Request that new trees to be planted wont grow so high as to impact on the light of adjoining Acrefield properties
- Concern over any potential damage to the drystone wall which belongs to the houses on Acrefield and question whether there will be any new perimeter fencing to protect the stone wall
- Concerns over surface water following heavy rain draining to the back gardens of Acrefield.

Planning and Environmental Considerations:

Principle of proposal

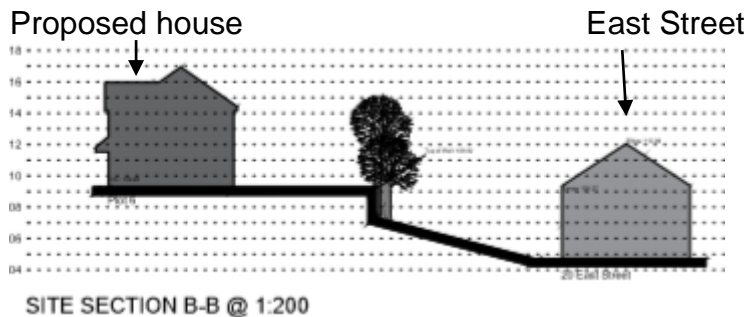
Policy SP4 identifies Padiham as a Key Service Centre at the second tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. The accessibility of the site within the existing urban area of Padiham and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. In addition, the National Planning Policy Framework (2019) states that local planning authorities should support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes. There is in this case a clear benefit from the re-use of a previously developed site for new homes within an existing primarily residential area that is accessible to shops, facilities, amenities and public transport. The principle of the proposal is therefore acceptable. Consideration should also be given to the impacts of the development, particularly in respect of the effect on the character and appearance of the local area, the impact on residential amenities, the impact on the site's ecology, highway safety and on the need for affordable housing/local infrastructure.

Impact on residential amenities

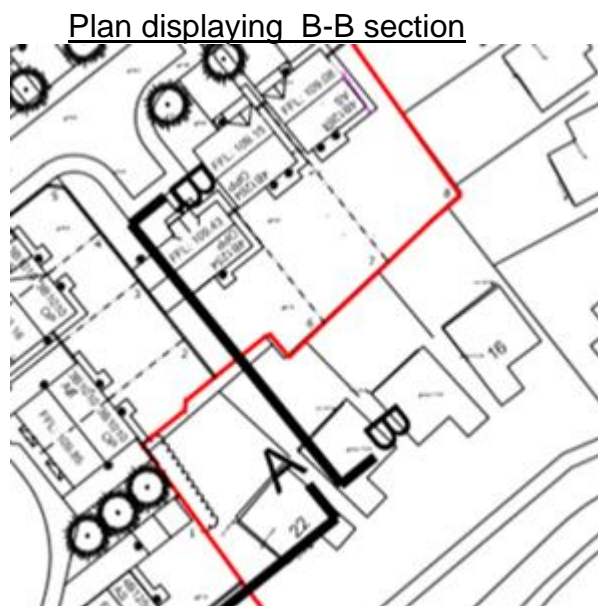
Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity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

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; this requires a minimum distance of 20m between habitable rooms or 15m where habitable rooms face blank gables or gables with non-habitable rooms. The layout of the proposed development would comply with these requirements.

An objection from a neighbour on East Street is concerned that the development would lead to overlooking into the existing first floor bedroom windows. The interface distance between habitable windows would along this axis be a minimum of 21m up to a maximum of 26m. The proposed houses are at an elevated level as indicated on the section which is drawn below.



This provides a minimum separation distance of 21m. The outlook from the rear first floor bedroom windows would be over the roofs of the lower houses on east Street and not directly into bedroom windows.



It would however in respect of Plot 6 be reasonable to protect existing residents from any future enlargements such as rear dormers which could otherwise be constructed under permitted development rights. A condition to restrict permitted development rights is recommended. This is unnecessary for the adjacent plots 7 and 8 where there is a greater separation distance (25-26m).

An objection has also been received on the basis that the proposed estate road will lead to traffic passing the front of their property.

Properties 18 and 19 Pierce Close



Proposed route of new estate road



The fronts of these properties currently face a turning area that is part of the adopted highway. The addition of passing traffic would increase background traffic noise to a certain degree but the scale of the development (15 dwellings) would result only in modest levels of passing traffic which would not be unreasonable within a built-up residential area. The impact of the traffic would therefore not have a dominating or significantly detrimental impact on existing residential amenities. Concerns have been expressed by residents over an existing drystone wall to the rear of Acrefield. The applicant affirms that a new perimeter fence would be erected on the development side of the drystone wall and as such it is not expected that the existing wall would be affected by the development.

New tree planting is proposed (19 no. new trees) within the development will use species that are suitable close to houses and should not therefore lead to any significant overshadowing or loss of daylight.

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

Impact on visual amenities, design and layout

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context. Policy HE2 also requires consideration to the affect of the proposal on the setting of the Padiham Conservation Area.

The proposed scheme is most prominent along its frontage with West Street. The existing sub-station is not affected by the proposal and the trees between the sub-station and West Street would be mostly retained. The stone retaining wall in its use of natural stone contributes to the character of the conservation area and this would also not be affected by the development.

Site's frontage



Gable side of Plot 1



The side gable of Plot 1 would be set back from the boundary wall by 11.5m and has been designed with some windows, including a bay window to avoid a blank appearance from the street view. This property would be constructed in reconstituted stone whilst the remainder of the development which is largely contained by existing development and is visually and physically separated from the conservation area

would be constructed in brick. A condition is recommended to ensure that details of the external materials are agreed with the local planning authority. This would have a satisfactory appearance to West/East Street and would not significantly affect the setting of the Padiham Conservation Area.

The site would be screened from views from the A6068 bypass by the intervening woodland.

Minor changes have been made to the scheme since it was first submitted. Some house types have been modified by replacing large hipped roofs with gable roofs which better reflects the form of housing in the surrounding area. A number of the detached houses have been modified by reducing the ridge height (now vary between 7.6m and 8.6m) to ensure that the roofs appear in proportion and to avoid any dwelling appearing overly conspicuous or dominating.

The design of the proposed houses is conventional with a mix of semi-detached and detached with six house types in a coherent design that would appear in keeping with the surrounding developments at Pierce Close and Acrefield. Careful attention has been paid to the corner properties which incorporate dual aspect elevations to provide an attractive street appearance. The use of tree planting along the estate road will also contribute to the quality of the living environment. The gross density of the scheme is approximately 25 dwellings per hectare (dph) which is in accordance with policy HS3 which states that as a minimum, developments should seek to achieve 25 dph.

No open space is proposed within the site. Policy HS4 states that for developments 10 and 49 dwellings, they will be expected provide public open space but where this impractical or unusable then the Council will negotiate with the developer a commuted sum for the benefit of existing public open space nearby. In this case, the scale of the development coupled with the shape and characteristics of the site would make open space on site impractical and unusable. As such, the applicant has agreed to pay a contribution towards improving the existing play facilities at Memorial Park which is close to the site. The figure that has been arrived at for this (£5000) takes into account the viability assessment that has been submitted to the Council and reviewed by the Council's head of Property who accepts the position that is put forward. On this basis, the agreed contribution would make an acceptable contribution to improving existing open space and would therefore comply with Policy HS4.

In conclusion, the visual impact of the development and its design and layout would be appropriate within its context, would respect the local area and the setting of the Padiham Conservation Area. The proposal therefore complies in these respects with Policies SP5, HS4 and HS3

Impact on trees

Policy NE4 states that development proposals should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. An Arboricultural Constraints Appraisal has been submitted with the application to assess the significance of trees within the site. Clusters of small and lower quality Category C trees would be removed close to the site entrance, in the south east corner of the site, along the site's boundaries with Acrefield and Pierce Close. A single Category B (beech) tree close to the site's northern boundary would also be removed due to the proximity of the footprint of the proposed new houses which would lead to root damage and pressure for future removal due to the level of garden

coverage. The loss of the lower quality trees which in some cases is necessary for the construction and in some cases is due to their condition would not have a significant impact on the visual amenities of the area. The loss of the Category B beech tree is in this case mitigated by the presence of the adjacent woodland. New tree planting (19no.) would mitigate against the losses and subject to a condition to require a landscaping scheme and protection measures for retained trees and the adjoining woodland, the impact of the proposal on trees is acceptable and would not conflict with Policy NE4.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The site has no ecological designation but it is acknowledged that the site contains trees and drystone walls which can attract bats and birds. GMEU has examined the ecological appraisal submitted with the application and makes comments and recommendations for conditions which are detailed in their consultation response. The recommended conditions are necessary to protect wildlife and to ensure opportunities are created for biodiversity gains. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

Impact on parking and highway safety

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each three bedroom dwelling and three car parking spaces for each dwelling with four or more bedrooms. A Transport Statement was submitted with the application.

The site is accessible within the existing built-up area and Padiham town centre and is accessible to public transport.

The proposed access to the site involves the widening and extension of the existing adopted highway that currently terminates at the front of nos. 18 and 19 Pierce Close. This route has been taken rather than the existing driveway to Springbank in order to have turning movements further away from the junction of West Street and Pierce Close. The estate road has been designed to a width of 5.5m and a footway to the whole of one side and for sections where there is development to each side, there will be footways on both sides. Each property has the required level of off-street parking to comply with Policy IC3. A condition is required to ensure that there is electric car charging points for detached dwellings.

The proposed highway and parking layout would provide adequate access, visibility and parking. No objections have been made by the local highway authority. Conditions that they recommend in respect of wheel washing facilities and a Construction Management Plan are necessary. Further conditions are recommended to ensure the details of the road construction are agreed and implemented and to ensure car parking provision is available for use prior to occupation. A condition is also recommended which would prevent garages from being converted to living space in order to maintain car parking spaces at the required level. Subject to these provisions, the proposal would have an acceptable impact on highway safety and parking.

Affordable Housing

Policy HS2 seeks to ensure there is a sufficient supply of good quality affordable housing by, amongst other things, requiring the provision of affordable housing through all housing developments of over 10 units. The policy states that the exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to individual site and market conditions.

In this case, the applicant has submitted a viability assessment which has been reviewed by the Council's Property Services Manager and he agrees that the levels of value and costs are such that the site would be unviable if any contributions were sought. The scheme is therefore unlikely to be viable or to go ahead if an affordable housing contribution is sought. Policy HS2 allows in these instances for developments to go ahead without any provision for affordable housing. The proposed development does not therefore in this case conflict with Policy HS2.

Other issues

A condition is necessary therefore to require a desk top study and where necessary, a remediation strategy prior to the commencement of the development.

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. In this case, the site falls within Flood Zone 1 where there is the least risk to flooding. A neighbour objection referred to surface water from the site draining to their back garden. A drainage scheme for the site has been submitted and subject to final details would provide for the adequate drainage of the site. On this basis, the proposal is likely to result in improvements to the site's drainage would not significantly affect flooding.

Conclusion

The proposal would contribute to the supply of new housing within existing Development Boundaries at a sustainable location in the urban area of Padiham. The development is of an appropriate scale, massing and design to respect the existing local area and is adequately spaced to safeguard residential amenities. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

Recommendation: Delegate authority to the Head of Housing and Development Control to approve the development subject to the completion of a s106 Agreement to secure a contribution towards the improvement of existing public open space and to 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 listed on this notice below.
3. Prior to construction work commencing on the approved dwellings, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) measures to control noise during construction;
 - vii) wheel washing facilities;
 - viii) details of working hours;
 - ix) details of phasing of the development and timescales for completion of stages of the development;
 - x) routing of delivery vehicles to/from the site; and,
 - xi) contact details for the site manager.
5. No construction of the approved dwellings shall be commenced until a scheme for the construction of the site access has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved scheme has been carried out and completed in accordance with the approved details.
6. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
 - a) A desktop study to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.
 - b) If necessary following the recommendations of a) above, a site investigation designed for the site using the information obtained from (a) above; and,
 - c) a site investigation and associated risk assessment; and,
 - d) a Method Statement and remediation strategy, based on the Information obtained from c) above.

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

7. Prior to the construction of any built development, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained and details of new planting shall be submitted to and approved in writing by the Local Planning Authority.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
9. No works to trees or shrubs shall be carried out between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
11. Prior to any earthworks taking place, a method statement detailing eradication and/or control and/or avoidance measures for Wall cotoneaster should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented and adhered to in full throughout the course of the development.
12. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
13. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
15. No detached dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
16. During the site works and construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays.
17. No dwelling hereby approved shall be first occupied until refuse and recycling storage facilities have been provided in accordance with details that shall be previously submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall thereafter be retained at all times.
18. Prior to the commencement of the construction of any dwelling, a scheme of boundary treatment which shall include design and material specifications,

shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out and completed prior to the first occupation of any dwelling to which that part of the approved boundary treatment relates and shall be retained at all times thereafter.

19. The development shall be carried out at all times in accordance with Reasonable Avoidance Measures (RAM's) in accordance with the recommendations at section 5.7 of the Ecological Appraisal submitted with the application (prepared by Bowland Ecology, dated January 2018).
20. The development shall be carried out at all times in accordance with Reasonable Avoidance Measures (RAM's) for the protection of mammals as listed below:-
 - All excavations on the site shall be covered at night or a ramp provided to allow hedgehogs/mammals to exit excavations;
 - All excavations shall be checked for hedgehogs/mammals each morning prior to the re-commencement of any works;
 - All stored building materials that could be used as temporary resting places by hedgehogs/mammals shall be stored off the ground on pallets or similar; and,
 - If any hedgehogs/mammals are found then they should be carefully moved to a safe area.
21. No development shall be commenced until a scheme for the means of protecting the woodland to the north of the site and the trees to be retained indicated on drawing number 17-149/PL01RevF, which shall be in accordance with BS 5837 (2012) and include the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
22. No external lighting during the construction process shall at any time be directed towards the adjacent woodland or trees on the application site. No other external lighting shall at any time thereafter be installed that directly illuminates any part of the adjacent woodland or trees within the site.
23. Prior to the commencement of built development, a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:-
 - Bat brick and/or tubes within the new development;
 - Bird boxes; and
 - Native tree and shrub planting.
 - Details of the timing and timescales for the implementation of the scheme.The approved scheme shall thereafter be carried out and completed in accordance with the approved details.

24. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at Plot 6 without express planning permission first being obtained from the Local Planning Authority.
25. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
26. The new estate road/access between the site and Sycamore Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
27. Prior to the commencement of built development, details of finished floor levels for all the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the safety and amenities of residents in the surrounding area are satisfactorily protected and disturbance is minimised, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
5. To ensure the minor changes to the highway that are necessitated by the development are agreed and carried out in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To ensure the site is made suitable for residential use, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The investigation and report is required prior to the commencement of development to ensure that measures that are necessary to make the development acceptable can be carried out at an appropriate stage in the development.

7. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the Policy NE5 and the National Planning Policy Framework. The intrusive investigations and remedial work details are required prior to the commencement of development to ensure that the appropriate precautions, including any mitigation measures, can be carried out at the appropriate stage in the development of the site, in the interests of public safety.
8. In the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of semi-natural habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
9. To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
10. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
11. In order to prevent the spread of an invasive species, in accordance with the Wildlife and Countryside Act 1981 and Policy NE1 of Burnley's Local Plan (July 2018).
12. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
13. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
14. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
15. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
16. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
17. To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual

amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

18. To ensure a satisfactory edge to the development and a satisfactory appearance within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
19. To ensure adequate protection to bats, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
20. To ensure adequate protection to hedgehogs and other mammals, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
21. To ensure adequate protection for the long term health of the adjacent woodland and trees on the site which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policies NE4 and NE1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
22. To protect bats and birds that may nest in trees due to the harmful impact of artificial light on wildlife, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
23. To ensure the scheme provides opportunities for biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
24. To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement within the roof at Plot 6 having regard to its relationship with existing dwellings on East Street and their residential amenities, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).
25. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
26. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
27. To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

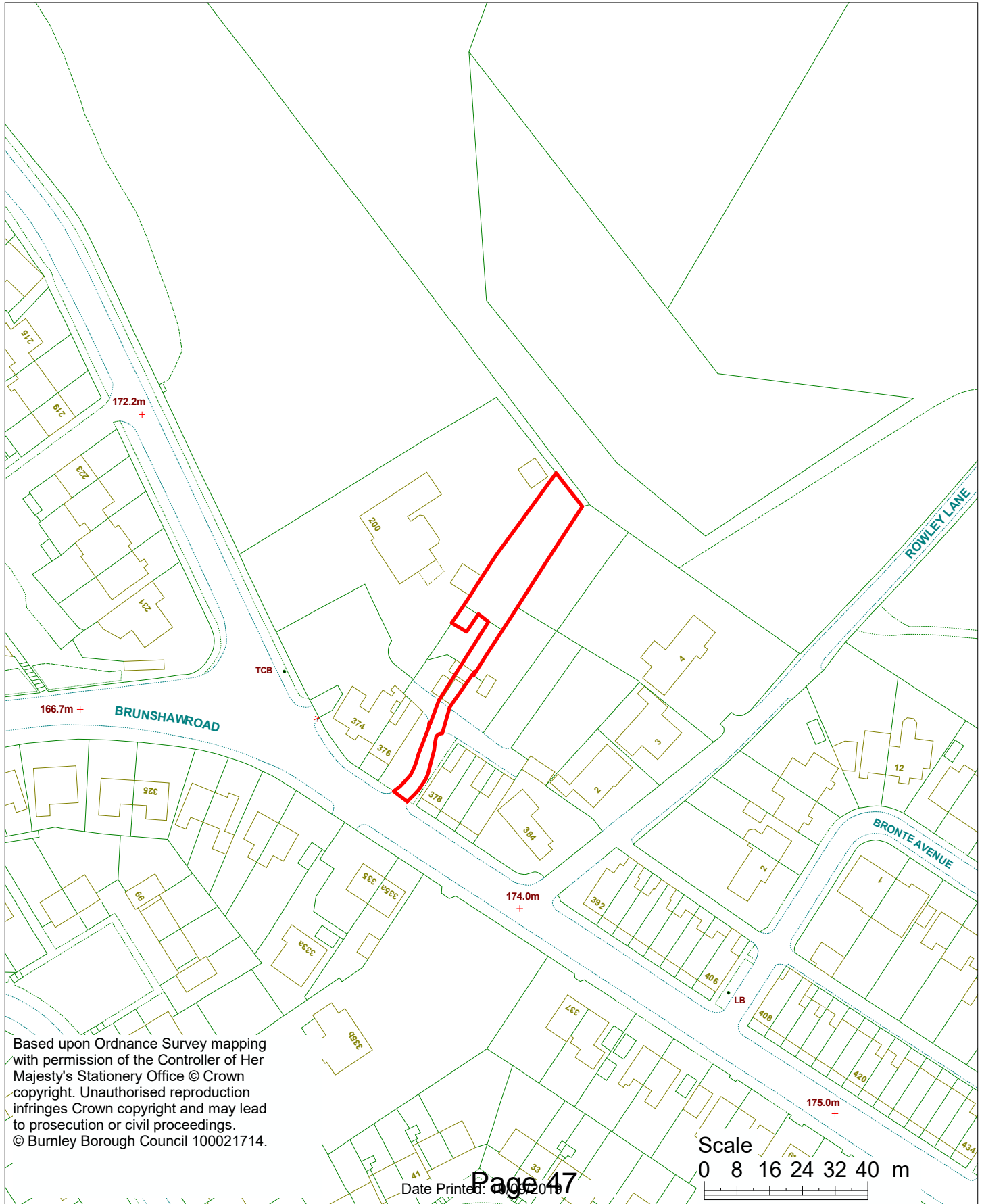
Paul Gatrell Head of Housing and Development

Location:



Ivy Mount Cottage, 376 Brunshaw Road, Burnley

1:1250



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**Application Recommended for Approve with
Conditions**
Brunshaw

FUL/2019/0260

Town and Country Planning Act 1990

Proposed new dwelling with access from Brunshaw Road (amended scheme)

Ivy Mount Cottage 376 Brunshaw Road Burnley Lancashire

Background:

The application site is located on the land to rear of No. 376 Brunshaw Road. The land is currently grassed with trees and low level shrubs. The site is within the settlement boundary as defined in Burnley's adopted Local Plan.

Permission was granted for the erection of one dwelling on land to the rear of 376 Brunshaw Road in 2008 (APP/2008/0671), a more recent application in 2017 received consent for the alteration of the access road to the site.



Relationship of the site and the rear of No 376 and 374 Brunshaw Road



Relationship with the common boundary with No. 200 Ridge Avenue



Street view image taken from google.com

Relevant Policies:

Proposal

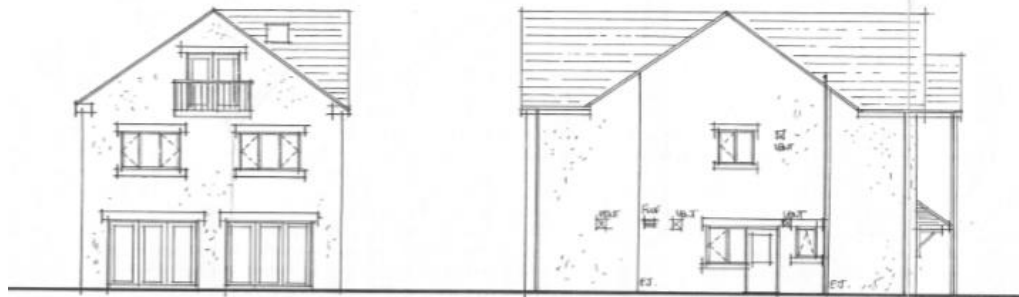
The application seeks consent for a detached, 3 storey, 5 bedroom property with access from Brunshaw Road.

The dwelling would be constructed in stone with stone quoins, hardwood framed double glazing windows and doors and a blue slate roof. The dwelling will be 12.4m in length, 8.1m in width, 5.4m to the eaves and 8.5m to the ridge. The footprint of the dwelling would be approximately 100sqm.



fits to be 'escape type'

Wrought iron guarding, 1100mm high to patio doors



Rear Elevation

Side Elevation



Burnley Local Plan

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:

12/87/0847 – outline app. – erection of one dwelling – c/c
12/90/0698 – outline app. - erection of one dwelling – c/c
12/91/0587 – sec. 64 – erection of porch – pp not required
12/02/0552 – proposed single garage – granted
APP/2005/0360 – erection of dwelling – refused
APP/2007/0784 – outline app. detached 2-storey dwelling including means of access – c/c
APP/2008/0671 – reserved matters for erection of dwelling (07/0784) – c/c
APP/2011/0123 – proposed erection of dwelling – refused
APP/2011/0355 – discharge of conditions 2, 3, and 6

Consultation Responses:

United Utilities

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

LCC Highways – No objection

Publicity - 4 letters of objection received

- increased volume in traffic relating to the owners of the proposed development
- increase maintenance of the road surface from Brunshaw rd to the boundary of the proposed dwelling.
- highway safety both, turning into and leaving the single track road
- Increased noise disturbance

- The impact on the trees and the landscape
- Possible impact on wildlife foxes, badgers etc
- Design of the property being 3 storey is not un keeping with the other properties around. A 2 storey property would be less intrusive
- Over bearing impact on garden space
- Reduce privacy for the garden area

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.

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

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. 200 Ridge Avenue which lies approximately 26m to the north east of the site. The western boundary (side elevation)

of the proposed dwelling would be 2m away from the common boundary with No.200 Ridge Avenue. The existing boundary between the existing garden spaces is a 2m high fence with some shrubs and small trees. The proposed side elevation would include a door and 2 windows on the side elevation onto No. 200 Ridge Avenue. The ground floor openings would not be visible from the garden area given the height of the fence, and the 1st floor windows will serve a bathroom which will be obscured glazed. Whilst the proposed dwelling will be visible from No. 200 Ridge Avenue and 374 and 376 officers do not consider the development to cause an overbearing impact on the surrounding dwellings.

From the front elevation of the proposed dwelling to the rear of 374 and 376 Brunshaw Road is approximately 45m. Officers do not consider there to be any issues in terms of overlooking to any of the surrounding properties.

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.

There are a range of house types within the area surrounding the property; terraced along Brunshaw Road, semi-detached adjacent and a collection of detached properties to the east on Rowley Lane and No. 200 Ridge Avenue.

The proposed dwelling would not be visible from the street scene being located approximately 45m away from the road which runs between No. 376 and 378 Brunshaw Road. The proposal will therefore not have a detrimental impact on the street scene.

The design of the dwelling has not altered since it was previously given consent in 2008. The proposed materials of the property will be artificial stone, with stone heads, cills and quoins, blue and hard wood framed double glazed windows. The use of natural materials compliments the surrounding properties and would be in accordance with policy SP5 of the adopted Local Plan.

Traffic and Parking

Paragraph 108 of the NPPF advises that planning decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

NPPF Paragraph 109 states, Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show parking space for 3 vehicles

which would meet the parking standard requirements. Neighbours have raised concerns over the potential increase use of the existing road and the maintenance. As highways have assessed the application and the parking requirements have been met, issues on maintenance would be a civil issue which would need to be picked with the applicant.

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, or detrimental impact on the residential amenities of neighbouring dwellings and on highway safety grounds. On balance, the proposal is considered to comply with the council's development plan and there are no material considerations which outweigh this finding.

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 received 17/6/19 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. 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

5. The development shall not be occupied until the car parking areas to serve the development 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

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: Reason: To enable the local planning authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan.

7. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 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.

Paula Fitzgerald
9th September 2019

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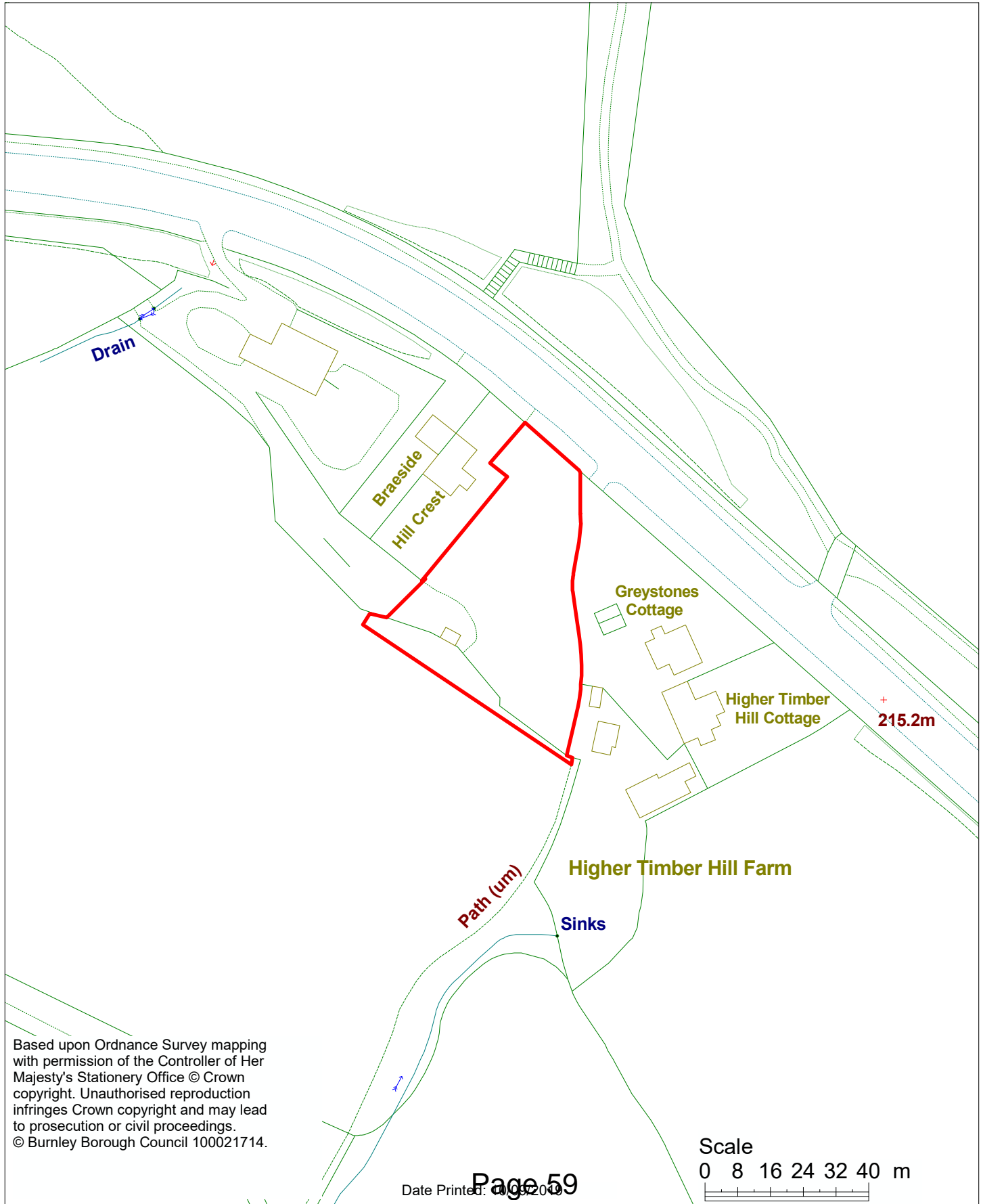
Paul Gatrell Head of Housing and Development

Location:



Hill Crest, Higher Timber Hill, New Road, Burnley

1:1250



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**Application Recommended for Approve with
Conditions**

FUL/2019/0317

Coal Clough with Deerplay

Town and Country Planning Act 1990

Extension of stables, creation of muck midden and formation of new horse track to stables.

Hill Crest Higher Timber Hill New Road Burnley

Background:

The site is located outside the settlement boundary in an area of open countryside. Hill Crest is a semi-detached property (attached to Braeside) and sits on an elevated position off New Road. Access to the property is via New Road which runs to the rear of both properties.

Greystones Cottage and Higher Timber Hill Cottage lie to the east of the site approximately 46m from the existing stables. The area is rural in nature and to the south the land rises to open farmland.

The application has been brought to committee as 1 neighbour objection has been received.



Existing stable block August 2019



Horse gate onto New Road



Horse path which has been created leading upto the stables

Proposal

This is a part retrospective application for the extension of an existing stable block with the creation of a muck midden and a horse path which runs from New Road.

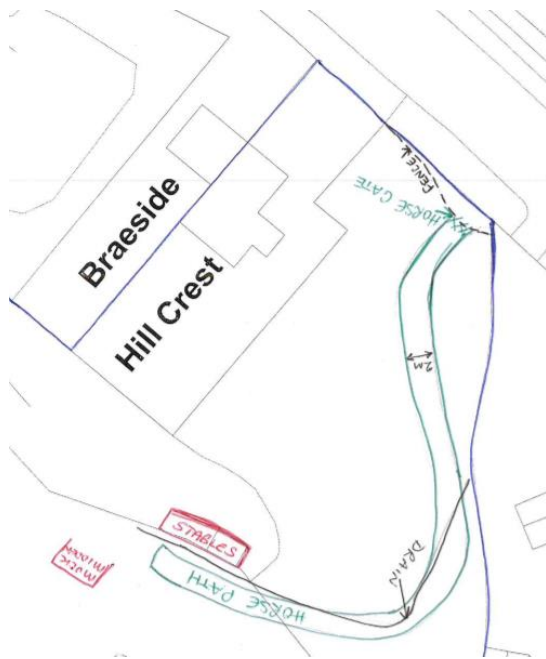
The existing stable block (shown on pictures below) is located approximately 32m to the south of Hill Crest. The existing stable block is proposed to be extended with total dimensions 12.3m in length, 3.1 in width and 3.9m to the highest part of the mono pitch roof. A muck midden will also be located approximately 7m to the west of the stable block.

Proposed materials are; wooden frame, fibre board roofing and wooden doors. The existing materials of the stables are corrugated sheet and metal roof which are not fit for purpose.

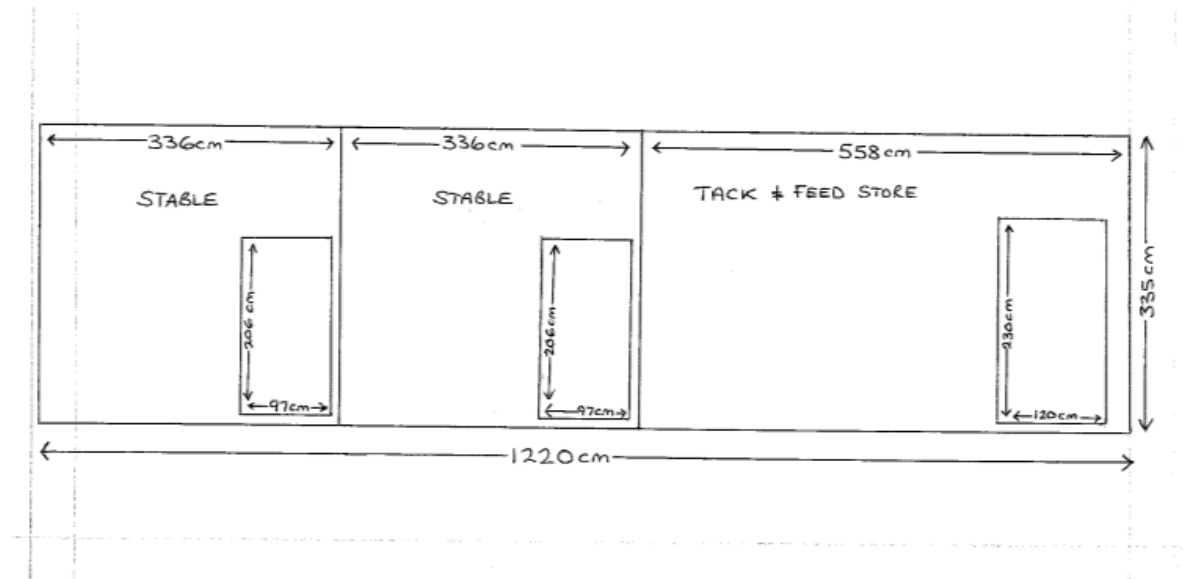
The original scheme included the creation of large yard area which would have required a large area of infilling into the hillside. This has now been removed from the plans and amended plans were received on the 14th August. These plans were made available online and neighbours were given 10 days to make any further comments.

The horse path which is already in place, consists of a wooden gate, set back from New Road. The path then meanders up the steep gradient to the side of the existing stable. The finished material of the path is hardcore rubble. The creation of the track has created some impact to a previously natural slope, however in time grass will grow back on the side of the track. A planning condition will be placed to restrict the use of the track to horses only.

It is the intention that the track will provide safer and increased visibility for the applicant in order to cross New Road and meet an existing bridle path.



Proposed site plan



Proposed front elevation

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- EMP7 – Equestrian Development

NPPF 2019

Site History: None relevant

Consultation Responses:

Parish Council – no comments

Environmental Health - **no** objection, suggested condition on hours of construction

Highways – no objection subject to conditions

With respect to the proposed application we would not wish to raise an objection to the principle of the proposals. However, there are a number of concerns regarding the nature un-authorised work that has been carried out to the adopted highway.

In order to fully support this application we would look for the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act.

The work required in order satisfy the legal agreement shall include the following, The reinstatement of the vast majority grassed verge The remaining surface to be made up of a suitable bound material leading from the gate to the rear edge of the kerb The provision of bollards to prevent the area being used for additional parking

Additionally the gates will need to be altered so that they open away from the adopted highway verge and the area between the rear of the verge and the gates to be made up of a bound surface, this area should be large enough for a horse to stand whilst the gate is opened.

Publicity – 1 letter of objection received

- The road must not be used for vehicle traffic
- There must be no parking on the former grass verge on New Road

Planning and Environmental Considerations:

The principle of development

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.

Policy SP4, details the development strategy for the borough. Part 4 of this policy states that; *the open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.*

Policy EMP7, details requirements for equestrian development including; access, siting and scale and design and materials.

Whilst the site is located within the open countryside the development of stables would be appropriate providing proposals meet the criteria set out in policy EMP 7.

Main issues

The main issues in the consideration of this application are;

- design/materials;
- the impact of the development on residential amenity;
- Impact upon 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.

The existing stable block is of modest size and is related to the applicant's property. The construction of the existing stables is not fit for purpose and from a visual perspective are not traditional stable materials. The extension of the stables will move closer to Hill Crest rather than Greystone Cottage. It is considered that the design and appearance of the stables block will not be detrimental to the character of the immediate surroundings.

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 reasoning of overlooking.

The location of the property is rural in nature and it is not uncommon to have stables closely associated with residential properties. The stables are not visible to Braeside and stand approximately 46m to the west of Greystones Cottage. The photo below illustrates a large area of mature trees which naturally screen the stable. Whilst the view will be more open in Winter, officers do not consider the scale and use of the stables and horse track to be of detriment to any of the surrounding properties.

Highways

Lancashire County Council highways have considered the application and whilst they have no objection in principle, they have recommended a series of conditions.

A neighbour objection was received with concerns over the use of the horse track for vehicular access and the use of the grass verge on New Road as parking. The application does not alter the use of the small strip of parking on New Lane and the horse track is only suitable for the use of horses. Due to the gradient it would be unsuitable for vehicles.

Additional Photos



View from the stable block looking to Greystones Cottage

Recommendation: Approve subject to 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 received 3/7/19 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. The stable building hereby permitted shall be for private use only and shall not be used in connection with any commercial enterprise such as livery stables or riding school.

Reason: For the avoidance of doubt as the more intensive commercial use of the development could be detrimental to the appearance and character of the locality, the amenities of nearby residents or highways safety contrary to policy SP 5 of the adopted Local Plan.

5. Before the access is used for equestrian purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the verge. The gates shall open away from the highway.

Reasons: To permit horses to stand clear of the carriageway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a horse and rider to wait off the adopted verge.

6. Before the access is used for equestrian purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

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

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences. For the avoidance of doubt the scheme shall include the surfacing details and provision of bollards to prevent vehicle parking.

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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 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 NE5 of the adopted Local Plan.

9. The horse track hereby approved, shall at no time be used vehicles including the loading and unloading of horses.

Reason: In the interests of highway and pedestrian safety, in order to comply with Policy IC1 of Burnley's adopted local Plan

Paula Fitzgerald
9th September 2019

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Housing & Development
Town Hall, Manchester Road

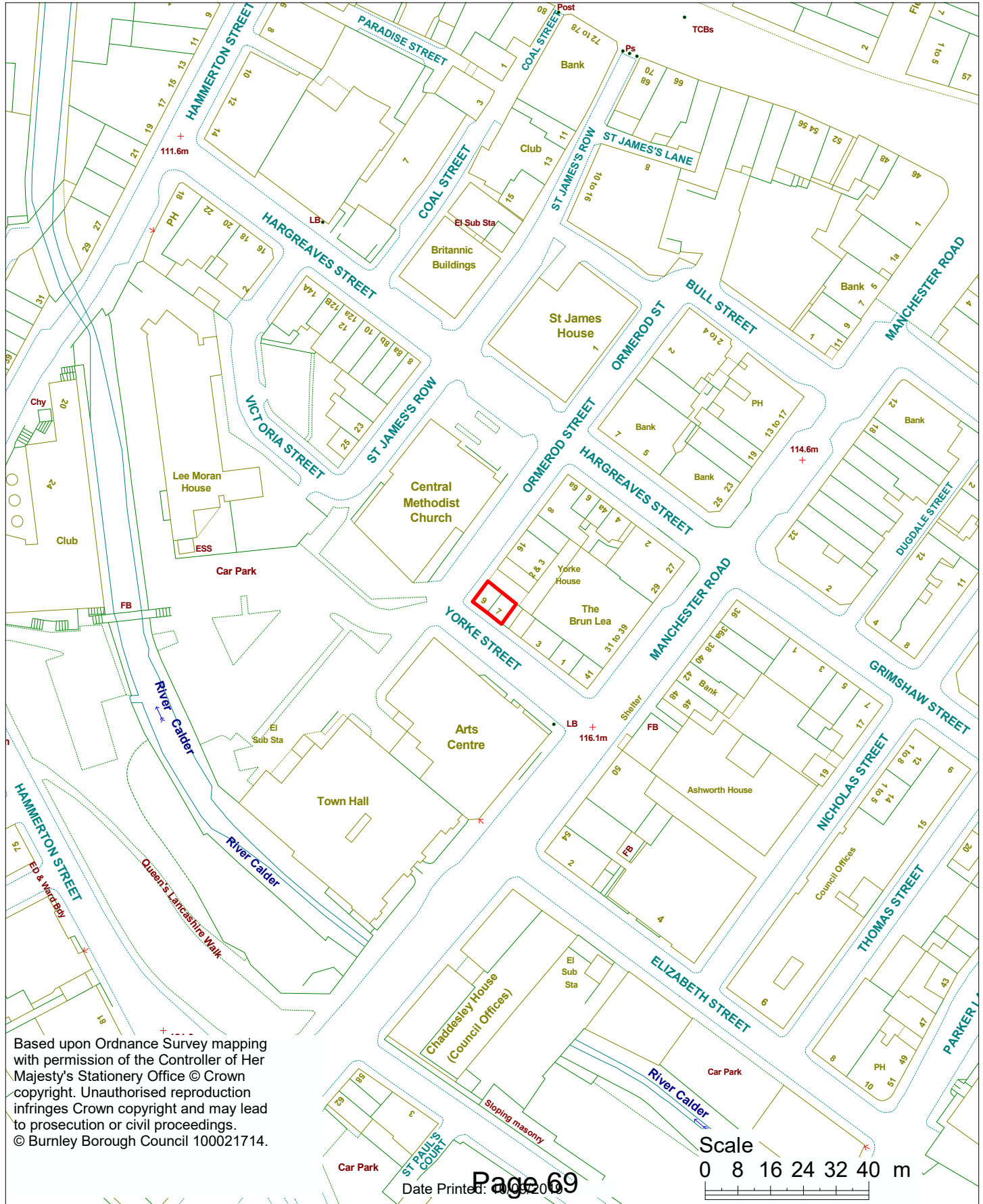
Paul Gatrell Head of Housing and Development

Location:



7-9 Yorke Street, Burnley

1:1250



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Application Recommended for Approval
Daneshouse With Stoneyholme

FUL/2019/0371

Town and Country Planning Act 1990

Proposed change of use of sandwich shop and nightclub to retail use (Class A1) or gin bar (Class A4) and install new shop frontage
7-9 Yorke Street Burnley Lancashire BB11 1HD

Background:

The application site is located at No.7-9 Yorke Street, Burnley which is a two-storey property. The ground floor of number 7 is vacant and was previously used by 'Atlas Food Box'. The properties 7&9 Yorke Street are locally listed buildings and located within the defined Town Centre Conservation Area and the Town Centre boundary.

Photograph A



Photograph B



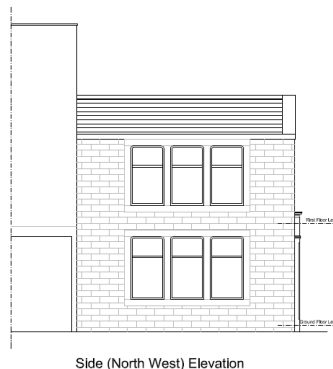
Proposal:

The application seeks planning permission for the proposed change of use of sandwich shop and nightclub to retail use (Class A1) or gin bar (Class A4). The application also seeks the installation of new shop frontage at No.7-9 Yorke Street, Burnley.

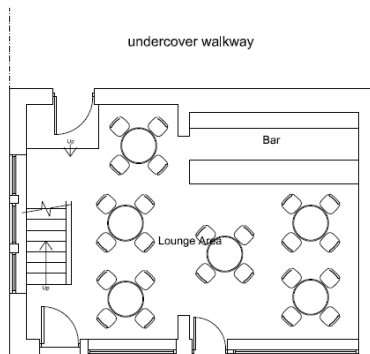
The application will the internal connection of the two properties to allow for a gin bar. The bar would be at ground floor with seating/lounge area. The first floor would have an area marked for restrooms, and a lounge area.

The proposal also seeks to implement a new shop front with three pilasters to the front elevation measuring 3.65m in height, with a depth of 0.22m. The width of the pilasters would be 0.4m. Two large window openings are also proposed to front elevation.

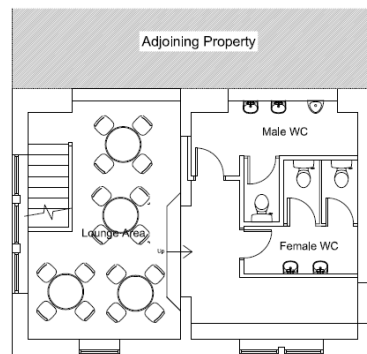
Proposed Front and Side Elevation



Proposed Floor Plans



Ground Floor Plan



First Floor Plan

Relevant Policies:

- Burnley Local Plan (2018)
 - SP1 – Achieving sustainable development
 - SP5 – Development quality and sustainability
 - TC2 – Development within Burnley and Padiham town centres
 - HE2 – Designated heritage assets
 - HE3 – Non-designated heritage assets
 - NE5 – Environmental protection
 - IC1 – Sustainable travel
 - IC2 – Managing transport and travel impacts
 - IC3 – Car parking standards
- The National Planning Policy Framework
- Planning (Listed Buildings and Conservation Areas) Act 1990

Site History:

Various previous applications for advertisement consent. In addition, there have been previous applications for a cash machine which have been refused.

Consultation Responses:

Environmental Health

Have raised no objection to the proposed development subject to the following conditions:

- Point 64 (burning of waste)
- Point 85 (disposal of waste)

LCC Highways

Have raised no objection to the proposed development.

Lancashire Constabulary

Lancashire Constabulary note that to mitigate the risk of crime or anti-social behaviour affecting costumers, staff and the local community the applicant should adopt 'Secured by Design (SBD) principles. It is further noted that the applicant will have to consulted with Lancashire Constabulary Licensing Team if the gin bar is to be developed.

Street-scene

No comments or objections have been received.

Publicity

One objection has been received during the consultation process. Their comments have been summarised below:

- Proposal will have an adverse effect on the surrounding area.
- Increase in noise pollution/Proposal should require sound proofing.
- Potential for anti-social behaviour.
- Existing bars/lounge bars are not beside residential properties.
- Use of plasterboard to delineate his property.
- Request that the applicant does not change the concept of the proposal.
- Unclear arrangements of refuse and recycling.
- Washing/cleaning facilities are not shown.
- Fire exit has not been demonstrated on the plans.
- Unclear of what the plumbing arrangements would be.
- No adjoining neighbours were consulted.

Planning and Environmental Considerations:

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) 2019 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- Economic
- Social
- Environmental

Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that '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 NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Burnley's Local Plan (2018)

Burnley's Local Plan, which was adopted on the 31st July 2018, covers the whole of Burnley borough for the period from 2012 to 2032. It provides the statutory planning framework for the borough. The Local Plan will be used to guide decisions on planning applications and areas where investment should be prioritised.

The Plan contains a vision, objectives and an overall strategy for development. It includes policies on both the scale of development and its overall pattern across the

borough. It allocates many of the sites that are needed to accommodate new development along with areas to be protected or enhanced.

Main issues

- Principle of the development
- Impact on the character of the area
- Impact on residential amenities
- Impact on parking, highway and safety
- Refuse and recycling
- Third party representations

Principle of the Development

The site is located on Yorke Street within the Burnley town centre where there are a variety of town centre uses. The proposal is for a change of use to A1 (Retail) or A4 (Gin bar). Policy TC2 relates to development in Burnley town centre and guiding the preferred location main town centre uses (Classes A1-A5) and where these types of uses will be supported.

The application proposal is for an A1 (Retail) or A4 (Gin bar) use. No details have been provided regarding the proposed A1 (Retail) use; however, it is noted that the existing use of the premises as a sandwich shop would fall within A1 (Retail) and does not therefore require permission. As such, the application is considered on its merits for an A4 use.

The building is vacant, and the proposed A4 use would, in principle, be a suitable town centre use and would comply with Policy TC2. The main issues relate to the impact of the proposal on heritage assets and on neighbouring occupiers.

Impact on the character of the area

Policy SP 5 of the adopted Local Plan 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 TC8, which sets out the criteria for new or alterations to existing shopfronts. This is further supported in the NPPF, Paragraph 124, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The proposal has also been considered against the adopted Shopfront and Advertisement Design SPD.

The change of use will see some structural alterations to the external appearance of the property with the erection three pilasters to the front elevation measuring 3.65m in height, with a depth of 0.22m. The width of the pilasters would be 0.4m with signage boards. The proposal will also see two window openings to front elevation. Proposed materials are timber for the pilasters, signage boards and window frames which reflect the locally listed heritage status.

In considering the application, officers note, the character of the area is mixed given its town centre location, and therefore on balance do not consider there to be any impact on the existing street scene. Several bars/pubs have been granted planning permission within the town centre, and this proposal would not result in an incongruous form of development. The development considered to be acceptable in accordance with Policies TC8 and SP5.

Impact on residential amenities

Policy SP5 of Burnley's Local Plan (2018) seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking. Furthermore, Policy NE5 states, development proposals, as appropriate to their nature and scale, should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation.

Due to the nature of the proposal, the development would result in an increase of noise in the locality as expected, however, the development is with the town centre setting with a number of similar uses e.g. bar/pubs. On balance, given its town centre location this form development would not result in level of noise disturbance which would warrant the refusal of the application. Additionally, the Council's Environmental Health Team have been consulted regarding the development and have raised no objections to the application, subject conditions relating to the burning of waste and commercial waste disposal. These have been conditioned added or added as informatives accordingly.

In considering the proposal against the relevant policies for the development plan, in this town centre setting, the scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy, noise nuisance or overshadowing and as such complies with policies SP5 and NE5 of the adopted Local Plan.

Impact on parking, highways and safety

Paragraph 108 of the NPPF advises that planning decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

NPPF Paragraph 109 states, Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Local Highways Authority have assessed the application and do not object to the principle of the change of use subject to conditions on the refuse and cycle store. These have been conditioned added or added as informatives accordingly.

Refuse and Recycling

The applicant notes that the refuse area for the application will be in the contained courtyard and service area to the rear. This is a communal area used by the surrounding properties. The commercial bin storage area is close to the main entrance of the site and there is ready access to it from Ormerod Street Collections. As such there is no impact on the refuse collection service for this area because refuse collection already takes place on the adjacent properties.

The Council has consulted with the Street-scene department and have received no comments or objections regarding the development. Therefore, refuse and recycling is acceptable.

Third Party Representations

During the consultation process one objection has been received. Their comments will now be addressed.

- Proposal will have an adverse effect on the surrounding area.
- Increase in noise pollution/Proposal should require sound proofing.
- Potential for anti-social behaviour.

These comments have been addressed in the section above.

- Existing bars/lounge bars are not beside residential properties.

The location of the development is within the town centre which is considered acceptable.

- Use of plasterboard to delineate his property.
- Request that the applicant does not change the concept of the proposal.
- Washing/cleaning facilities are not shown.

This is not a material planning consideration.

- Unclear arrangements of refuse and recycling.

Environmental Health have been consulted and have no objection subject to conditions.

- Fire exit has not been demonstrated on the plans.
- Unclear of what the plumbing arrangements would be.

The applicant would be required to meet the required building control criteria.

- No adjoining neighbours were consulted.

The adjoining properties were consulted on the 23rd July 2019.

Conclusion

The development brings back into use a redundant building in the town centre. The development would not have detrimental impact upon the Conservation Area, non-designated heritage assets or the surrounding properties.

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. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 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

4. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

5. The development, hereby approved, shall be used only for A4 use.

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

6. Prior to any work on the shopfront, full and precise joinery details (at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The joinery details should carefully match patterns and profiles traditional to the area. Once approved by the Local Planning Authority the shopfront should be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance to the development and to protect the character and appearance of the Conservation Area in accordance with Policies TC8, HE2 and SP5 of Burnley's Local Plan (July 2018)

7. Prior to the removal of any existing window frames on the building precise details of replacement windows including scaled elevation and profile plans of the new windows at 1:20; detailed window sectional plans at 1:5 and full scale 1:1 details showing any moulding details shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the windows shall be installed in accordance with the approved details and shall be retained as such thereafter

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance to the development and to protect the character and appearance of the Conservation Area in accordance with Policies HE2 and SP5 of Burnley's Local Plan (July 2018).

Ronan Kelly
10TH September 2019

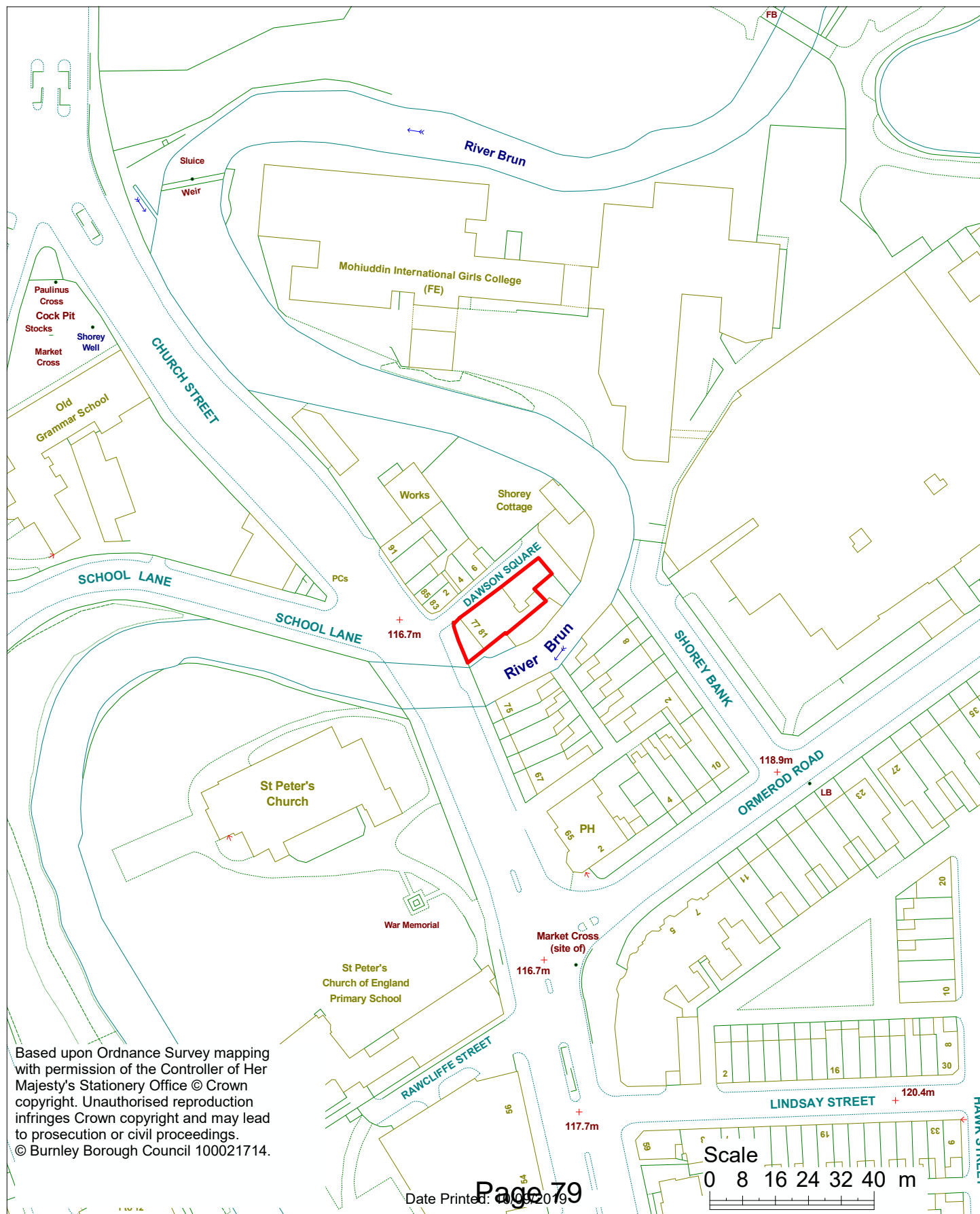
Paul Gatrell Head of Housing and Development

Location:



79 Church Street, Burnley

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**Application Recommended for Approve with
Conditions**
Bank Hall

FUL/2019/0408

Town and Country Planning Act 1990

Change of use from offices to 13 person house in multiple occupation

79 Church Street Burnley Lancashire BB11 2RS

Background:

The site is located within the defined development boundary as designated in Burnley's Local Plan, adjacent to the town centre boundary.

The site also forms part of the 'Top o the Town' Conservation Area and is locally listed and therefore considered as a non-designated heritage asset.

Furthermore, the site is also located with flood zone 2 as designated by the most up to date flood zone maps.

To the north of the site is Dawson Square with a series of residential properties, the property also attaches onto No. 77 which does not form part of this application. St Peter's Church lies to the west.



Church Street – taken from google.co.uk



Dawson Square

79 Church Street

A previous application 2019/0262 was withdrawn in June as a resultant of unresolved issues with the submission.

This application has reduced the number of rooms from 15 to 13 and the application has been supported with the following documents:

- Heritage statement
- Refuse statement
- Supporting letter from UCLAN

Proposal

The application seeks consent for the change of use of the existing property into a 13 bed HMO.

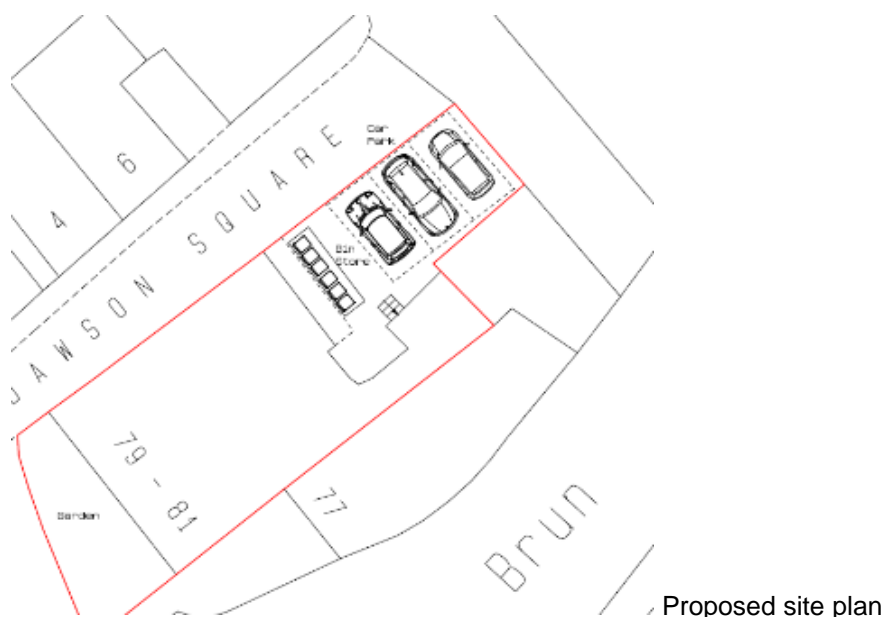
The existing property is set over 4 levels; basement, ground floor, 1st floor and 2nd floor. Accommodation will be set over the floors as follows:

Basement – communal area including kitchen, laundry
Ground floor – 4 bedrooms including shared w/c and kitchen
1st Floor - 5 bedrooms with kitchen and shared wc/showers
2nd Floor – 4 bedrooms all with ensuite bathrooms

There are no physical alterations to the external appearance of the building, aside from minor alterations to windows on the gable elevation facing onto Dawson Square.

A refuse and recycling area will be created to the rear of the property. Details of management of the store is covered within the refuse statement but principally the management company will be responsible for the safe management of the area.

A cycle store will also be provided as detailed on plan within the basement of the building and there is already spaces for 3 cars to the rear of the building which will be maintained as detailed on the submitted plans.



Relevant Policies:

Burnley's Local Plan 2018

HS4 – Housing Developments
SP5 – Development Quality and Sustainability
HE2 – Designated Heritage Assets
HE3 – Non-designated Heritage Assets
CC4 – Development and Flood Risk

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 50, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1st of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

Site History:

COU/2019/0262 – change of use to 15 bed HMO – Withdrawn June 2019

Consultation Responses:

Highways – No objection

Environmental Health – No objection subject to a condition restricting hours of construction.

Housing Strategy – No objection, the change of use meets the Councils HMO standards

Publicity – 2 letters of objection have been received summarised as follows:

- privacy with adjacent properties on Dawson Square which stand approximately 5m from the gable elevation of the application site to the front elevation of properties on Dawson Square
- the use of the building as a 13 bed HMO is considered to be over development
- the creation of an unsightly bin store area
- potential increase in noise from residents
- impact on the character of the area

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 the Conservation Area and non-designated heritage asset
- Impact on residential amenity
- Impact on housing provision
- Impact on highway network
- Flood risk
- Other issues such as bin storage and cycle storage

Design: Impact on the character of the area

Policy SP 5 of the adopted Local Plan 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. This is further supported in the NPPF, Paragraph 124, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

The change of use does not involve any major alterations to the external appearance of the property and as such there will be little impact on the existing street scene. The character of the area is predominantly residential but there are commercial uses within the vicinity.

Concerns have been raised by local residents regarding the intense use of the site. Whilst the building will be used by more people, the site is on the edge of the town centre within walking distance to UCLAN and as such would represent a sustainable location. Issues on refuse collection have been detailed as part of the application and a condition has been recommended.

Impact on the conservation area and locally listed building

The site is located within the 'Top o the Town' Conservation Area (a designated heritage asset) and also it is a locally listed building (a non-designated heritage asset).

In accordance with para 193 of the NPPF:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

The change of use of the property to a HMO will not alter the external appearance of the building and will therefore not have a detrimental impact upon the conservation area nor the non-designated heritage asset. The building which has been vacant will be brought back into use which will add to the overall mix of housing provision in the borough.

Impact on 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 reasoning of overlooking.

There are existing windows on the gable elevation of the property as shown on the photo below. On close inspection some of the windows which serve the 1st floor are part obscured at the lower pane. The following treatment of the windows on the gable elevation:



Basement – to remain in situ and will serve some natural light to a lounge area

Ground floor windows – internal block up window

2nd floor windows to serve study room will be half obscured

Serving a lounge area, half obscure glaze

Window to be blocked up internally

Accepting there is a close relationship between the gable elevation and the front elevation of properties along Dawson Square, there will be an overall reduction in number of openings and the use of part obscure glazing is enough to mitigate against any potential 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 policies HS4 part 3, HS5 and SP5.

Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore, policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary.

Policy HS4 of the adopted Local Plan refers to housing developments, in particular part 3) is relevant to this application site requiring developments to provide functional amenity space, habitable rooms with adequate levels of sunlight and adequate levels of privacy.

Impact on the Highway Network

Paragraph 108 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 if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of the parking provision on site, there are only 3 spaces available and 3 spaces being retained so the development remains the same in terms of parking provision. The Council's parking standards as set out in Appendix 9 of the adopted Local Plan state 1 space per 1 bedroom HMO. The application does not meet this standard, but as the site is located close to the town centre, in an accessible location for bus and train services. Additionally, secure cycle storage offered as part of the application thereby providing a range of alternative modes of transport for future occupiers.

Furthermore, LCC highways have assessed the application and do not raise any objections.

Impact on flood risk

Paragraph 155 of the NPPF states, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*'

The application site is located within flood zone 2 and on the boundary of flood zone 3. The change of use to residential would be classified as 'more vulnerable' development as set out in the EA flood risk classification and within zone 2, development is considered to be appropriate.

The development does not require to carry out a 'sequential test' as a change of use is one of the exceptions which the EA set out.

Other issues; including bin storage, cycle storage

The application has been supported with a refuse and recycling statement. Bin storage has been indicated to be located to the rear. A condition will be placed to ensure that an appropriate scheme for the enclosure of the store is submitted prior to development.

Cycle storage has been included in the basement of the building.

Other supporting photos



Rear elevation showing the location of the bin store and parking area

Recommendation: Approve subject to 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 6/819 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. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 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 NE5 of the adopted Local Plan.

5. The external doors shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents in accordance with policy NE5 of the adopted Local Plan.

6. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

7. Prior to the occupation of development, a detailed scheme showing the external treatment of the bin store shall have been submitted to the Local Planning Authority for approval. The approved bin storage shall be made available prior to first use/occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy SPF of Burnley's adopted Local Plan

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

8. No part of the approved scheme shall be first occupied until secure cycle storage provision has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

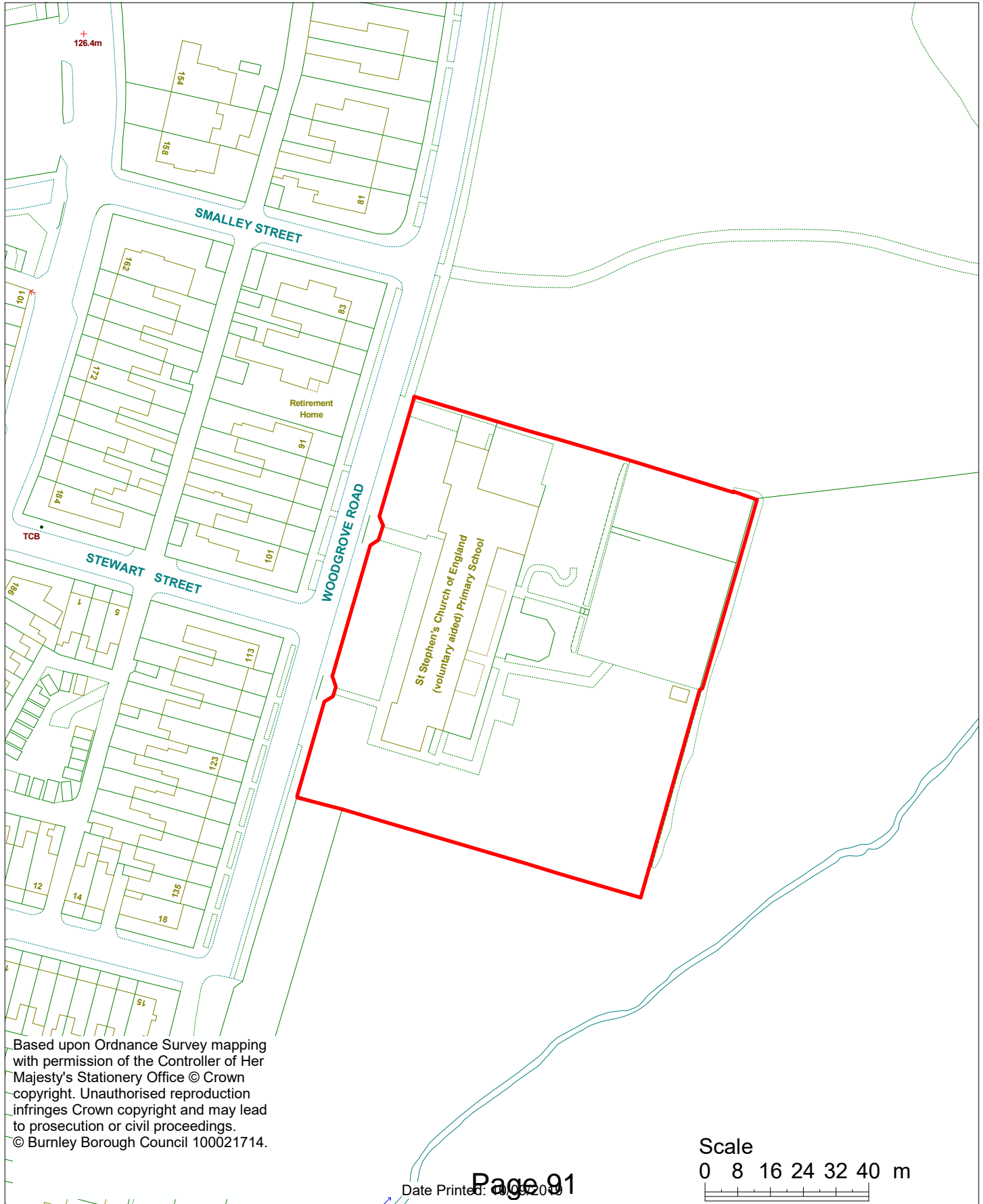
Paula Fitzgerald
9th September 2019

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St Stephens C Of E School, Woodgrove Road, Burnley

1:1250



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**Application Recommended for Approve with
Conditions**

FUL/2019/0421

Rosehill With Burnley Wood

Town and Country Planning Act 1990

Proposed single story extension to the front (west) elevation of the school

St Stephens C Of E School Woodgrove Road Burnley Lancashire

Background:

St Stephen's School is located within the defined settlement boundary as designated in Burnley's Local Plan, in which policy SP4 applies.

The application has been brought to Committee as the Council has received 1 neighbour objection to the application.



Existing front elevation

Proposal

The application proposes a single storey extension to the front (west elevation) of the school.

The extension will project 1.5m from the existing front elevation, 9.2m in length and 3.5m to the ridge of the flat roof. Proposed materials will be to match the existing; brick, aluminium windows. The extension will provide a 'nature' room for the school.



Proposed elevation



Proposed site plan

Relevant Policies:

Burnley's Local Plan – adopted July 2018

SP4 – Development Strategy
 SP5 – Development Quality and Sustainability

Site History: None relevant to the site

Consultation Responses:

Publicity – 1 neighbour comment received

Loss of blossom tree

Will the development impact on parking provision?

Hours of construction?

Will residents parking be taken into consideration?

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No Comment Received.
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Environmental Health	No Comment Received.
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Planning and Environmental Considerations:

The scheme is relatively minor in the context of the whole site, and whilst the extension is to the front of the school, it is not considered to have any detrimental impact upon the character and appearance of the area.

The extension will not have an impact upon the parking provision of the school and this will not affect the current parking provisions for nearby residents.

There are no protected trees on the site and the application form confirms there will be no loss of trees as part of the development.

The development is therefore considered to be in accordance with the policies of the adopted Local Plan.

Recommendation: Approve subject to 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.

252-02	Elevations - Proposed	13th August 2019
252-04	Floor Plans - Proposed	13th August 2019
252-07	Location Plan	13th August 2019
252-07	Site plans	13th August 2019

- 3 All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received 14/8/19 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

Paula Fitzgerald
9th September 2019

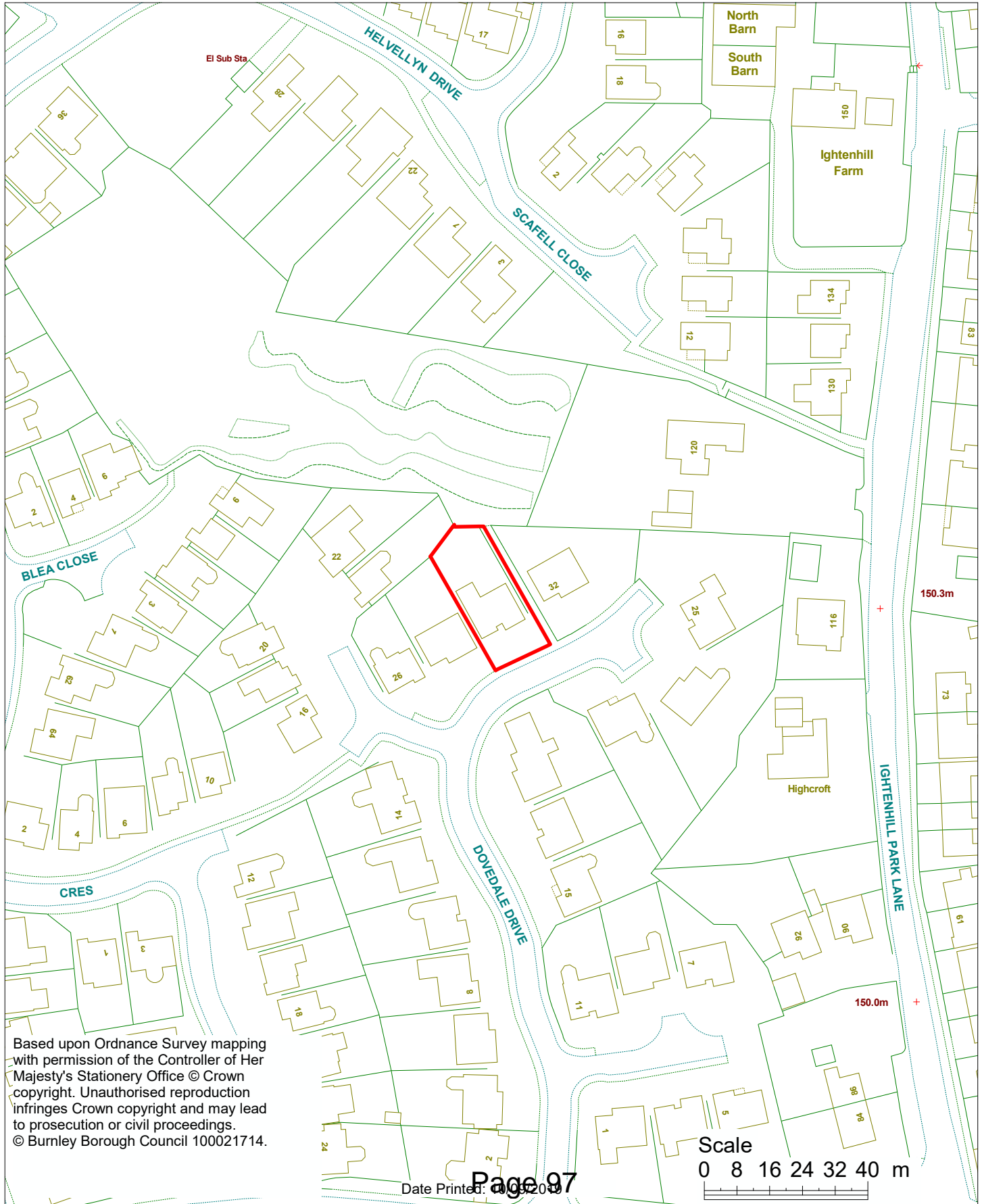
Paul Gatrell Head of Housing and Development

Location:



30 Dovedale Drive, Burnley

1:1250



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Town and Country Planning Act 1990
Proposed single storey side extension (east elevation)
30 Dovedale Drive, Burnley, Lancashire

Background:

The property is a detached dwelling and is positioned towards the head of a cul-de-sac on an estate of similar house types. It has a large front garden and driveway with parking to the front of the double garage. The dwelling has a generous rear garden, which is enclosed by trees/rear hedgerow and the hedgerow also extends partly down the east side elevation adjacent to the public footpath. To the north it partly shares a common rear boundary with No. 24 Dovedale Drive and the remainder of the boundary is against Public Open Space land which was provided under the terms of the Approval of Reserved Matters application for the housing development in 1988 (12/88/0420). The residential area of 40 dwellings was provided with an adopted public footpath in between Nos 30 and 32 Dovedale Drive to give access from the proposed new cul-de-sac (Dovedale Drive) to the Public Open Space.

Proposal:

The application seeks consent for an extension to an existing integral double garage which is positioned at the front of the property to extend it to create a slightly wider garage and store to rear. The plans show a length of 10.2m, with the width of 1.25m and the height to eaves 3m and ridge 5m. The proposed extension would leave a pathway between the extension and the boundary of the dwelling adjacent to the public footpath of 0.9m. The roof will have a hipped roof leaning away from the boundary/public footpath.

The large hedgerow bounding footpath has been removed and a dwarf wall and fence erected along the boundary. This element of the scheme has not been assessed as part of the application as the works are considered permitted development.

Proposed plans



Relevant Policies:

Burnley's Local Plan 2018

HS4 - Housing Developments
 HS5 - House Extensions and Alterations
 SP5 - Development Quality and Sustainability

NPPF 2019

Site History:

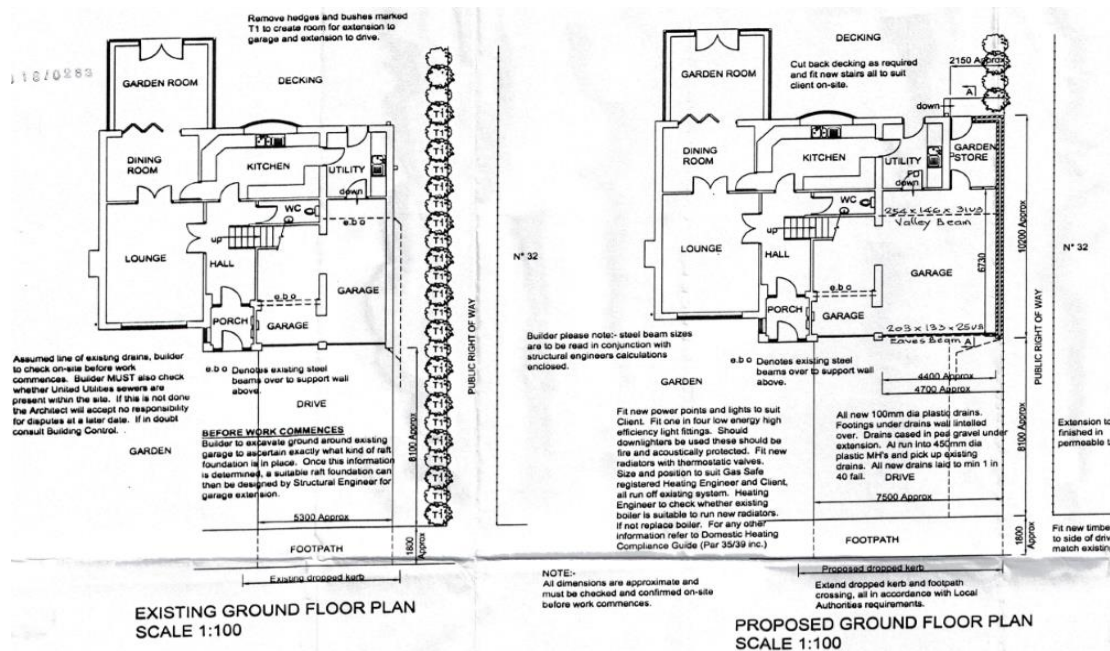
APP/2018/0263 – Proposed single storey side extension to provide extended garage and garden store - **Refused** - 1st August, 2018

Reason:- *The proposed extension by reason of its position and size would adversely affect the amenities of a footpath (that passes immediately adjacent to its side wall), unduly constricting and enclosing the footpath, thereby causing it to be less amenable, convenient and secure. This would be in conflict with Policies GP1, GP3, H13 and TM5 of the Burnley Local Plan, Second Review.*

An appeal was also lodged and dismissed: -

APP/Z2315/D/18/3210973 - lodged September, 2018 and dismissed by the Inspectorate for the same reason in November 2018.

The application that was refused differs from the current one now submitted as shown on the plans/photos below as the proposed extension is smaller and no longer abuts the footpath.



Consultation Responses:

Neighbour Objections:

One neighbour objection has been received and their objections are:-

- Application does not differ much from previous rejected application
- Still be considerable loss of light on footpath due to footprint/side elevation of existing building being moved closed to footpath
- Footpath is well used and already feels oppressive

Highways:

No objections on highway grounds.

Request that conditions be imposed to restrict conversion if the garage to living accommodation and to require it to be kept available for parking

(Comment – the dwelling house would retain three off-street driveway parking spaces, and in any event, as the garage would only be extended in a modest way by 1.25m, it would not be reasonable to impose the restrictive use condition. For those reasons, the condition would fail the test set by paragraph 55 of the NPPF).

Cadent Gas Ltd:

In relation to a gas pipeline along the front highway – Comments about safe working practices, for the information of the applicant.

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

Policy SP5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristic street layouts, scale and massing and use a palette of high-quality materials. This is detailed further in policy HS5, stating alterations and extensions to dwellings should be high quality in construction. This is further supported in the NPPF, Paragraph 124, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

Initial officer concerns over the size of the extension and its long, high flank wall, together with its overhanging verges and rain-water goods has now been overcome by reducing the size of extension to the garage. The reduction to 1.25m and leaving a 0.9m pathway to the boundary of the property and changing the roof design which incorporates a hipped roof is now considered to overcome the previously identified impact on the public footpath.

This is also helped by the removal of the large hedging along the footpath and replacing this with a small dwarf wall and fencing which now opens up the footpath and the full length of the pathway can be seen from the main footpath/highway. As noted, this element of the scheme has been undertaken through the provisions afforded under the General Permitted Development Regulations 2015 (as amended) and does not form part of the assessment of the application.

The proposal will match elements of the host dwelling by virtue of matching materials and on balance it is not considered the proposal will have an unacceptable impact on the character of the area in terms of design and appearance in accordance with Local Plan Policies SP5 and HS5 and the NPPF 2019.

Impact on the amenity of neighbours

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 reasoning of overlooking.

The extension has no windows on the side elevation closest to the footpath, with the main openings being to front and rear. There would be no loss of privacy, outlook or daylight to neighbouring properties and no loss of off-street parking. The proposal would be in accordance with this policy.

Recommendation: Approve subject to 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 received 12/7/19 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

Karen Morville
9th September 2019

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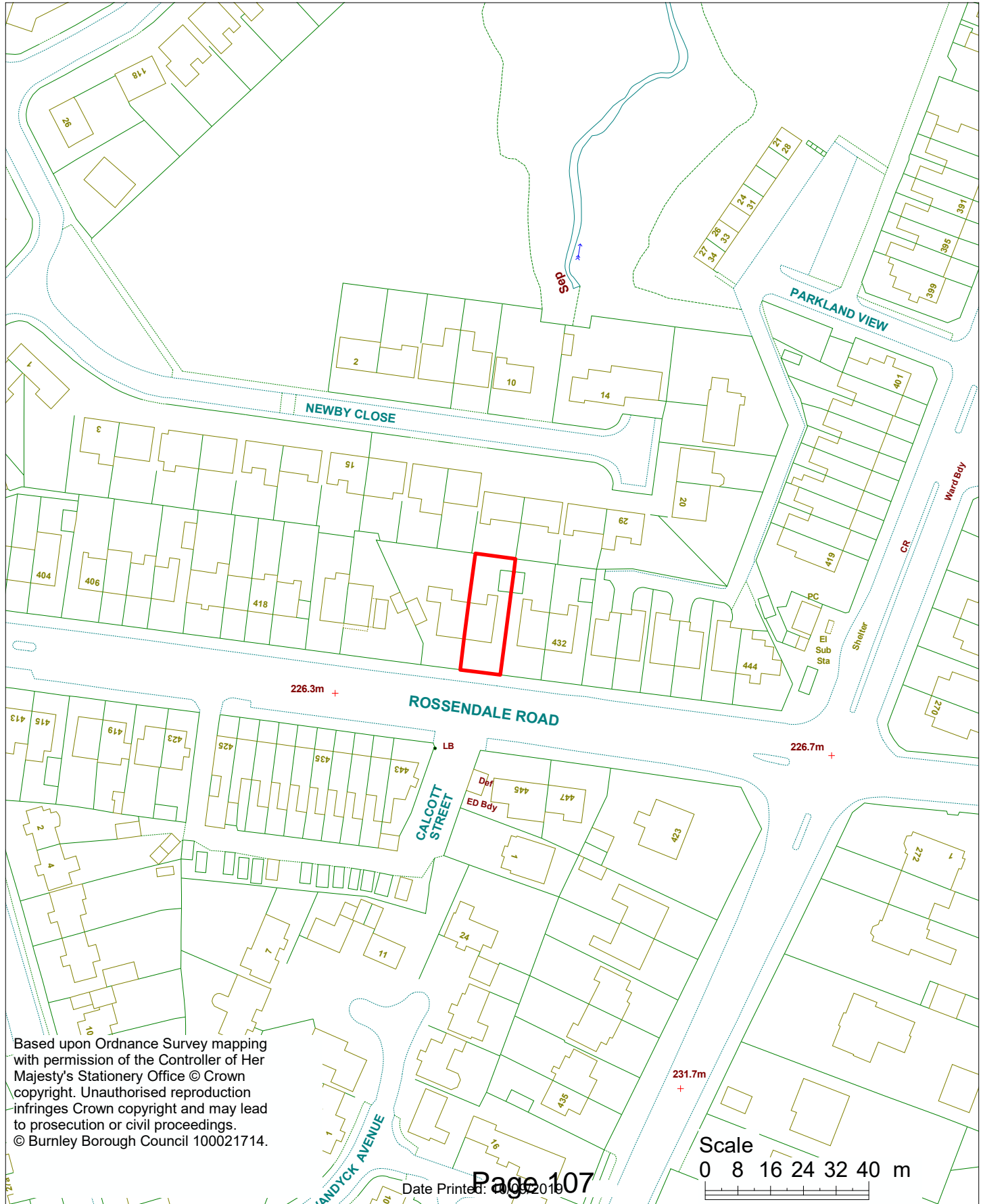
Paul Gatrell Head of Housing and Development

Location:



428 Rossendale Road, Burnley

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Town and Country Planning Act 1990
Proposed two storey extension
428 Rossendale Road, Burnley, Lancashire

Background:

The property is a semi-detached dwelling and is located on an area of Rossendale Road which comprises of similar semi-detached properties. The proposal is for a two-storey side extension to the property. The application site has private amenity space to the rear and ample parking/driveway to the front of the property.

The application has been brought to committee as

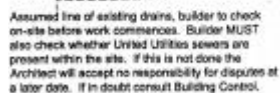


The proposal:

The application seeks planning permission for a proposed two-storey extension to the side of 428 Rossendale Road, Burnley to create a dining/kitchen area which will then change the internal layout of the dwelling to provide a rear lounge area and more habitable living space and also create one bedroom at first floor level.

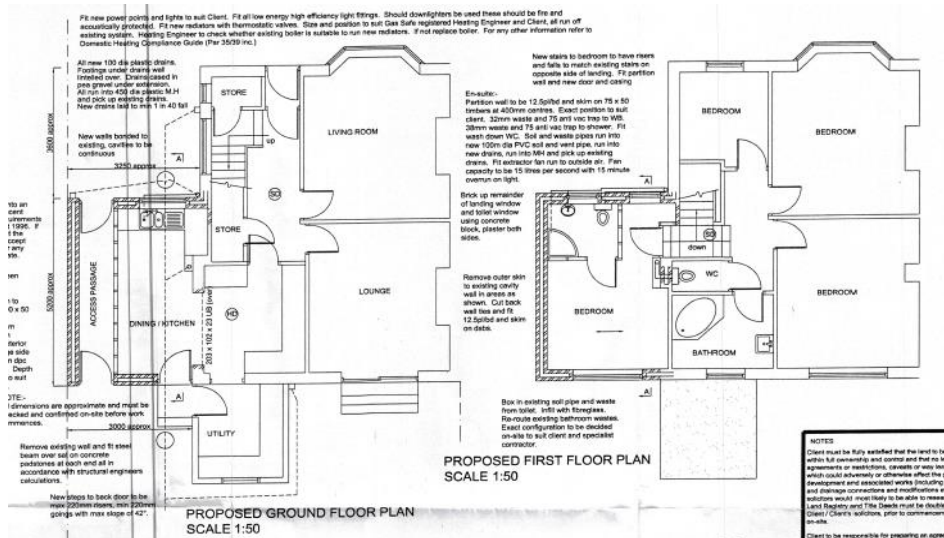
The proposed two storey extension will extend out from the existing gable elevation by 3.25m at the front and 3m at the rear and will be set back from the main front building line by 3.6m. The extension will be 5.2m in length and will join the rear building line at which there is a small utility room.

The extension will meet the existing eaves height of the property which is at 5.75m and will be 7.4m to ridge, which is lower than the existing ridge line of the main dwelling. Proposed materials of block and render will be to match that of the main dwelling and the roof tiles will be blue slate to match existing.



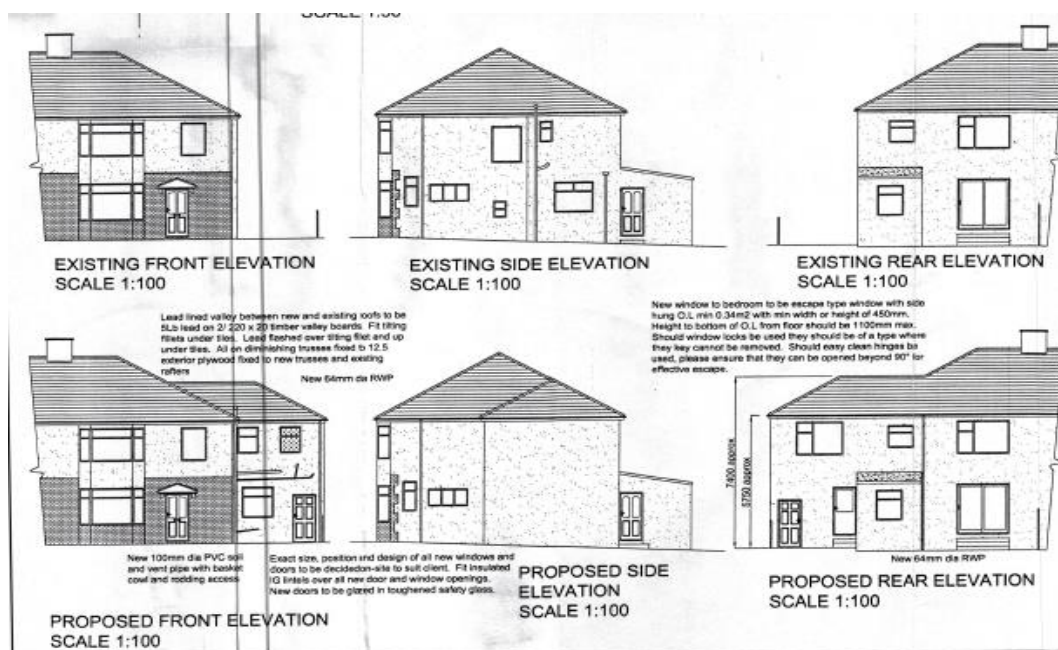
EXISTING FIRST
FLOOR PLAN
SCALE 1:100

EXISTING GROUND
FLOOR PLAN
SCALE 1:100



PROPOSED FIRST FLOOR PLAN
SCALE 1:50

PROPOSED GROUND FLOOR PLAN
SCALE 1:50



EXISTING FRONT ELEVATION
SCALE 1:100

EXISTING SIDE ELEVATION
SCALE 1:100

EXISTING REAR ELEVATION
SCALE 1:100

PROPOSED FRONT ELEVATION
SCALE 1:100

PROPOSED SIDE
ELEVATION
SCALE 1:100

PROPOSED REAR ELEVATION
SCALE 1:100

Relevant Policies:

Burnley's Local Plan 2018

HS5 - House extensions and Alterations

SP5 - Development Quality and Sustainability

NPPF 2019

Site History:

None

Consultation Responses:

Highways :

No objections to the principle of these works. Although provision should be made for 3 off-street parking spaces. These should be 5m x 2.4m. Based on the plan submitted, these can be accommodated and 2 are independently accessible using the existing dropped crossing.

Neighbour objections:

Neighbour objection have been received from 2 properties and are summarised as follows:

- Privacy due to the lay of the land
- Visual appearance – would block the opening of light between 428 and 430 Rossendale Rd giving the appearance of non semi-detached
- Risk of flooding
- Disturbance through building works
- Building on the boundary – associated guttering would protrude beyond boundary
- View of solid wall from kitchen window
- Loss of light to kitchen window and stairs/landing areas
- Accessibility whilst under construction

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

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

Policy SP5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristic street layouts, scale and massing and use a palette of high-quality materials. This is detailed further in policy HS5, stating alterations and extensions to dwellings should be high quality in construction. This is further supported in the NPPF, Paragraph 124, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

The two-storey extension will be visible from the street scene and will have some impact although as the extension is set back by 3.6m from the front building line which considered to be a sufficient set back distance, it is not considered to have a detrimental impact on the street scene.

The extension would not dominate the house and is considered to be proportionate to the existing dwelling by virtue of it being set back from the front building and stepped down from the existing ridge line.

The proposal matches elements of the host dwelling by virtue of its hipped 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 reasoning of overlooking.

Impact on the amenity of neighbours

The scheme does not have any windows on the side elevation (east) which abuts the boundary with 430 Rossendale Road and therefore there will be no issues in terms of outlook and privacy. This has been conditioned to accord with the approved plans ensuring privacy to the neighbouring property is compromised through the introduction of additional windows.

To the rear is No 23 Newby Close which is located approximately 21m from window to window which is sufficient distance to avoid concerns of overlooking. The window in the proposed extension is of the same distance from the rear neighbouring property

(23 Newby Close) as the existing rear windows. This scheme would not be detrimental to the amenity of the neighbouring residents at the rear in terms of overlooking, loss of privacy or overshadowing and as such complies with policy HS4 part 3.

Recommendation: Approve subject to 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. All windows and door positions shall be as per the approved drawings.

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 23/7/19 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

Karen Morville
10th September 2019

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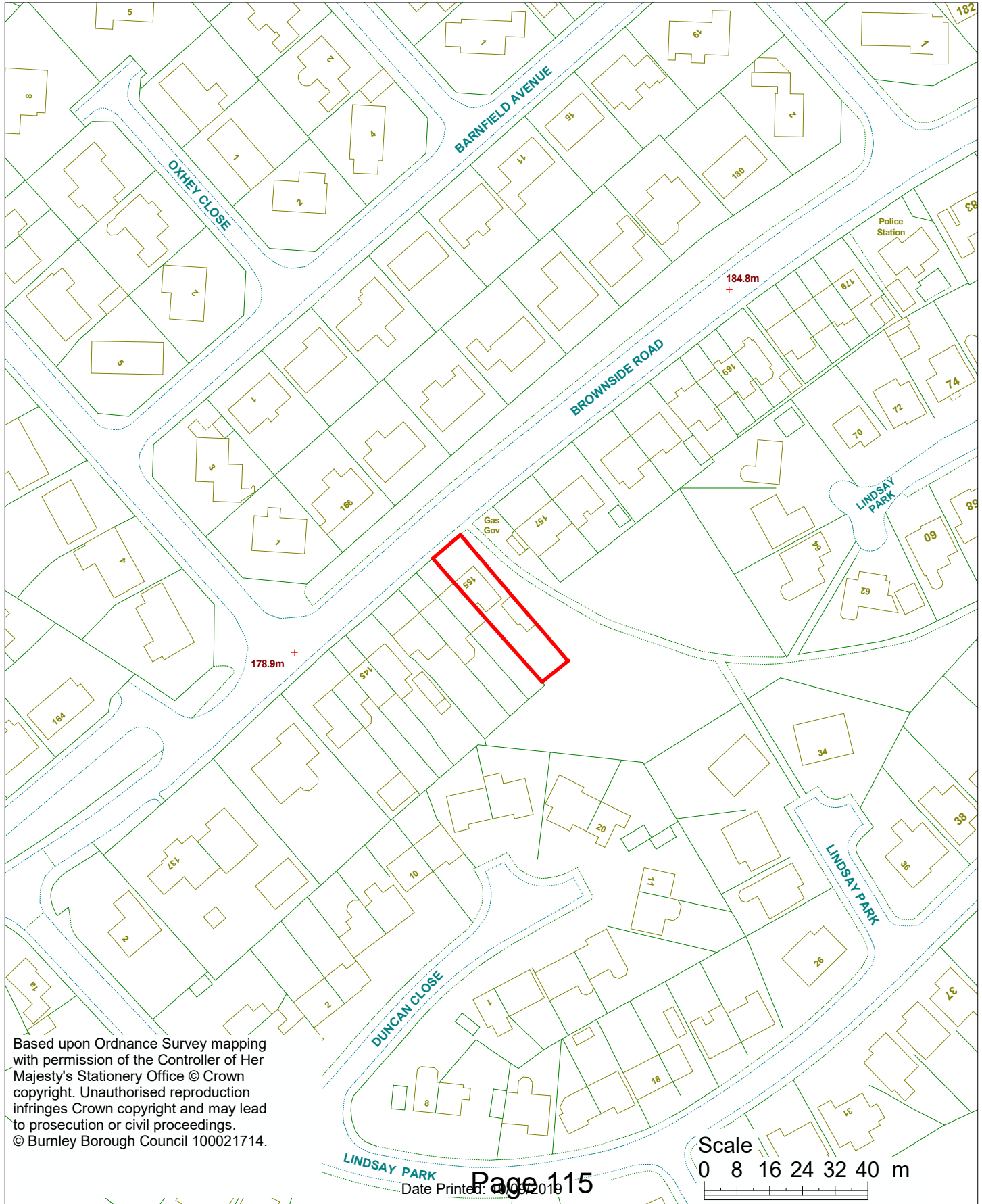
Paul Gatrell Head of Housing and Development

Location:



155 Brownside Road, Worsthorne, Burnley

1:1250



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Town and Country Planning Act 1990

Proposed two storey extension to side and single storey extension with roof lantern to the rear (following the removal of existing conservatory)

155 Brownside Road Worsthorne-with-Hurstwood Lancashire BB10 3JW

Background:

The application site is located at No. 155 Brownside Road Worsthorne-with-hurstwood which is a two-storey terraced property. The application site has private amenity space to the rear and a driveway/yard to the front of the property. The property also benefits from a two-storey outbuilding to the rear of the site.

The surrounding area can be classified as a mixture of semi-detached and terraced two storey dwellings with private amenity space to the rear with a front driveway.

The application has been brought to Committee for determination as the applicant is a local authority employee.

Photograph A



Photograph B



Proposal

This application seeks planning permission for a proposed two storey extension to the side and a single storey extension with roof lantern to the rear (following the removal of existing conservatory).

The proposed two storey side extension would have a maximum height of 8.97m dropping to 5.9m at the eaves. The width would be 2.8m and the depth would 7.66m. Two window openings are proposed to the front elevation and three window openings to the rear elevation.

The proposed extension to the rear would have a maximum height of 3.14m, the width would be 5.5m and the depth would be 3.02m. One bi-folding door is proposed to the rear elevation.

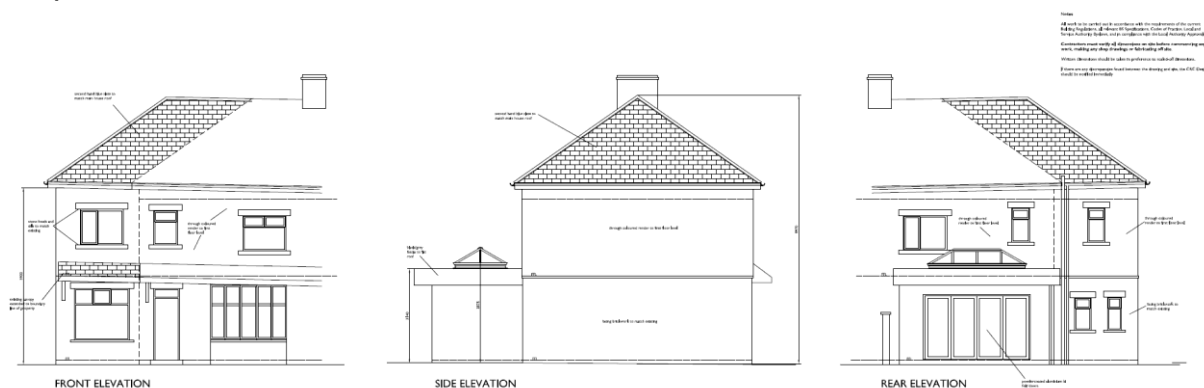
The proposed material finishes to the extension would be as follows:

- Walls – Red facing brickwork to match existing with through coloured render above off white colour.

- Roof – Second hand blue slate to match existing to extension fibreglass flat roof to single storey extension to rear.
- Windows – white Upvc
- Doors – powdercoated aluminium white
- Rainwater goods – Blacks Upvc

The proposed roof light would have a height of 0.73m. a depth of 1.65m and a width of 3.3m.

Proposed front, side and rear elevation



Relevant Policies:

- National Planning Policy Framework 2019
- National Planning Practice Guidance
- Burnley's Local Plan 2018
 - HS4 – Housing Developments
 - HS5 – House Extensions and Alterations
 - SP4 – Development Strategy
 - SP5 – Development Quality and Sustainability

Site History

No relevant site history.

Consultation Responses

Highways LCC raised no objection to the proposed development.

Publicity

No comments or objections have been received regarding the proposed development.

Planning and Environmental Considerations:

The principle of development

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) 2019 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- Economic
- Social
- Environmental

Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that '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 NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Burnley's Local Plan (2018)

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 Council's main policy in relation to extensions to houses/dwellings is outlined in HS5 'House Extension and Alterations'.

Main issues

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

Design: Impact on the character of the area

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. Policy SP 5 of the adopted Local Plan 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 of Burnley's Local Plan, stating the following:

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where:

- a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through

overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);

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

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

Single storey rear extension

Regarding criteria a), the proposed single storey extension is to the rear and is considered to be subordinate in scale when compared to the main dwelling.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The proposed extensions, if approved would result in a form of development which is considered to compliment the dwelling, with the proposed materials matching that of the main dwelling.

Amenity Impact

Regarding criteria c), the single storey extension would be built on the existing footprint of the conservatory and would be of a similar size to the existing. The proposed single storey rear extension is not anticipated to have any significant detrimental impacts on amenity through over-shadowing, over-looking or an over-bearing impact of the neighbouring properties.

Highways Impact

With regards to criteria d), the proposal would not result in an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles. LCC highways have been consulted to the proposal and have raised no objection

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Two-storey side extension

Regarding criteria a), it is acknowledged that the proposed two-storey side extension is not subordinate in scale when compared to the host dwelling. However, the extension has been designed taking into account the existing overall design of the host building and terrace block. It is considered, on balance, the proposed design would still allow for the original building form to be understood thereby achieving compliance with the aims of criterion a.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The development, if approved, would result in a form of development, which has been designed taking into account the existing design features of the main dwelling, and would not be detrimental the character and appearance of the host property and to the wider area.

Amenity Impact

Regarding criteria c), the two-storey side extension is not anticipated to have any significant detrimental impacts on amenity through over-shadowing, over-looking or an over-bearing impact of the neighbouring properties.

Highways Impact

With regards to criteria d), the proposal would not result in an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles. LCC highways have been consulted to the proposal and have raised no objection

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Conclusion:

The proposed development would not lead to a unreasonable level of overshadowing to neighbouring properties. The proposed scale, design and appearance of the extension would be acceptable.

Recommendation: Approve

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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. The materials to be used in the new development shall be carried out in accordance with drawing no. R.A 40/1A date stamped 3rd August 2019. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development.

Ronan Kelly
9th September 2019

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2018/0577	Mr R Storton	Lane House Farm Burnley Road Cliviger Lancashire BB10 4SU	Erection of building to provide two holiday cottages, access, parking and ancillary works	Refuse	16th August 2019
APP/2019/0007	Mr Aslam	Stanley Mill Shackleton Street Burnley Lancashire BB10 3BH	Install a roller shutter together with a single door to Cleaver Street elevation	Approve with Conditions	16th August 2019
APP/2019/0092	Mr Aslam	Stanley Mill Shackleton Street Burnley Lancashire BB10 3BH	Installation of a roller shutter together with a single door to Cleaver Street elevation	Approve with Conditions	16th August 2019
APP/2019/0139	Mr Liam Waterworth	53 Harold Avenue Burnley Lancashire BB11 5LJ	Two storey extension with single storey garage, to side of dwelling (Demolish existing detached garage)	Application Withdrawn	27th August 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CEA/2019/0410	Mr Philip Stirpe	Pennine View Trafalgar Street Burnley Lancashire BB11 1TQ	Certificate of Lawfulness for a proposed use as a home (for less than six persons) with care provided	Lawful Dev Cert issued	6th September 2019
CND/2019/0229	Mr Paul Foster	Prairie Sports Village Windermere Avenue Burnley Lancashire BB10 2FU	Approval of details reserved by condition 3 (details of design of artificial pitch) and condition 8 (surface water drainage) of APP/2018/0395	Conditions discharged	4th September 2019
CND/2019/0231	Mr Paul Foster	Prairie Sports Village Windermere Avenue Burnley Lancashire BB10 2FU	Discharge Condition 4 (floodlighting) of APP/2018/0395	Conditions discharged	4th September 2019
CND/2019/0323	Pagor Properties Limited	32-36 Coal Clough Lane Burnley Lancashire BB11 4PG	Discharge of Condition 1 (Commencement of development) and 10 (landscaping scheme) of planning permission APP/2016/0348 for conversion to 8 flats	Conditions discharged	5th September 2019
CND/2019/0374	Pagor Properties Limited	32-36 Coal Clough Lane Burnley BB11 4PG	Discharge of Condition 5 (land contamination) and 6 (sound insulation) of planning permission APP/2016/0348	Conditions part discharged	5th September 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2019/0391	Mr Andrew Brown	Crow Wood Leisure Limited Holme Road Stoneyholme Burnley Lancashire BB12 0RT	Discharge of Condition 5 (landscaping) and Condition 22 (lighting details) of planning permission APP/2017/0329	Conditions discharged	19th August 2019
COU/2019/0202	Mr Ali Shah	95 Parliament Street Burnley Lancashire BB11 3JY	Proposed change of use of ground floor space from a shop to a studio flat, with alterations to front elevation	Approve with Conditions	4th September 2019
COU/2019/0284	Ms Donna Hartley	Badger Hole Barn Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3JP	Proposed change of use from garage/store to the three bedroom detached dormer bungalow and increase of pitch of roof	Application Withdrawn	15th August 2019
COU/2019/0305	Mr Jangir Munir	20 Violet Street Burnley Lancashire BB10 1PU	Proposed change of use of one dwelling into two self contained flats	Approve with Conditions	15th August 2019
FUL/2019/0230	Mr Kee Moore	Kee And Lock Woodlands Mill Hill Lane Hapton Burnley BB11 5QX	Erection of a storage container, solar panels and associated car parking	Refuse	16th August 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0328	Mr Pap	25 March Street Burnley Lancashire BB12 0BU	Retrospective application for shed, siting of caravan, hardstanding, fencing, gates and decking on allotment site	Refuse	16th August 2019
FUL/2019/0362	Mr S Marsden	Springhill Cottage 112 Manchester Road Burnley Lancashire BB11 4HS	Proposed erection of garage	Approve with Conditions	16th August 2019
HOU/2019/0308	Mr Steven Baldwin	15 Villiers Street Burnley Lancashire BB11 5ER	Proposed kitchen extension	Approve with Conditions	15th August 2019
HOU/2019/0336	Mr Ted Critchley	19 Hunters Drive Burnley Lancashire BB12 0HT	Proposed bedroom extension over existing garage	Approve with Conditions	16th August 2019
HOU/2019/0345	Mrs Rubab Rafiq	68 Belvedere Road Burnley Lancashire BB10 4BE	Proposed extension to rear	Approve with Conditions	23rd August 2019
HOU/2019/0356	Mr Darren Smithies	70 Harold Street Burnley Lancashire BB11 4DZ	Proposed two storey rear-side extension and first floor extension over existing	Approve with Conditions	15th August 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0364	Mrs Saima Kauser	11 Salus Street Burnley Lancashire BB10 3EZ	Proposed bedroom and wet room extension to side/rear	Approve with Conditions	6th September 2019
HOU/2019/0370	Mr Jon Carey	56 Leigh Park Hapton Burnley Lancashire BB11 5PD	Proposed first floor balcony to front elevation	Refuse	16th August 2019
HOU/2019/0381	Mr And Mrs Sudall	54 Kiddrow Lane Burnley Lancashire BB12 6LH	Proposed extension to side to form garage	Approve with Conditions	19th August 2019
HOU/2019/0383	Mr Paul Yates	45 Barry Street Burnley Lancashire BB12 6DT	Proposed single storey rear extension	Approve with Conditions	6th September 2019
HOU/2019/0384	Mrs Francine Whittaker	476 Brunshaw Road Burnley Lancashire BB10 3JB	Proposed single storey side extension	Approve with Conditions	27th August 2019
HOU/2019/0405	Mr Andy Green	75 Ightenhill Park Lane Burnley Lancashire BB12 0LL	Proposed bedroom/wetroom extension	Approve with Conditions	6th September 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0406	Mr Ali Shah	40 Ribchester Avenue Burnley Lancashire BB10 4PD	Proposed first floor extension over ground floor to side	Approve with Conditions	6th September 2019
LBC/2019/0208	Ms Mary Wallace	2 Hill End House Halifax Road Briercliffe Lancashire BB10 3QL	Proposal to replace existing windows in the main bathroom	Approve with Conditions	21st August 2019
NMA/2019/0400	Miss Sam Ali	2 Hargrove Cottages Barrowford Road Padiham Lancashire BB12 8TY	Amendment to insert double doors to west side elevation and window to front facing elevation of approved extension (non-material minor amendment to APP/2019/0051)	Non-Material Minor Amendment Granted	15th August 2019
NMA/2019/0416	Mr S Collier	78 Coal Clough Lane Burnley Lancashire BB11 4NW	Amendment to remove existing glazed roof over kitchen/rear yard and replace with new slate roof to match existing roof. Replace existing door with steel security shutter door (in reference to planning permission APP/2016/0058).	Non-Material Minor Amendment Granted	6th September 2019
PAH/2019/0369	Mr Mark Windle	6 Constable Avenue Burnley Lancashire BB11 2PA	Proposed single storey rear extension	Prior Approval not required accept	15th August 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2019/0398	Mrs Osewski	34 Ighten Road Burnley Lancashire BB12 0HP	Proposed single storey pitched roof extension	Prior Approval not required accept	23rd August 2019
PAH/2019/0404	Mr Andrew Preston	17 Barley Grove Burnley Lancashire BB10 4QP	Proposed single storey extension to rear	Prior Approval not required accept	3rd September 2019
TIC/2019/0393	Mr paul Coates	167 Woodgrove Road Burnley Lancashire BB11 3EQ	Fell laburnum tree and prune oak tree	Unconditional Approval	23rd August 2019
TIC/2019/0402	Mr Oldham	St James Vicarage Church Street Briercliffe Lancashire BB10 2HU	Reduce canopy by 3m of one sycamore and fell one sycamore	No Objection	6th September 2019
VAR/2019/0250	Mr Jonathon Bullas	The Cow Shed Causeway Side Farm Long Causeway Cliviger BB10 4RP	Application to vary Conditions 1 and 7 attached to NOT/2017/0439 in respect of changes to external cladding, internal layout and erection of steel frame structure to form mezzanine floor	Approve with Conditions	6th September 2019
VAR/2019/0300	Mr N Windswor	46 Church Street Padiham Lancashire BB12 8JQ	Variation of Condition 5 on planning permission APP/2017/0142 to allow operation of delivery service between 18.00 and 22.30 on any day	Refuse	16th August 2019

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