

Application Recommended for Approve with Conditions

FUL/2020/0193

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

Retrospective application for shed, greenhouse and timber fencing (re-submission of FUL/2019/0328)

Land Opposite 23 March Street, Burnley, Lancashire

Background:

The application site is located on land opposite No.23 March Street. This application is a re-submission of a previously refused application for the site which included the siting of a caravan, a large metal shed and decking along with a boundary fence. The re-submission is now for a smaller detached timber-clad shed, a timber/glass greenhouse and a small artificially grassed area at the entrance to the site along with a number of timber vegetation planters set in wooden bark. A 1.7m to 1.9m high timber fence defines the south eastern boundary.

The caravan and decking have been removed following engagement with the council's Enforcement Officer.

The application site falls within the development boundary for Burnley and is adjacent other allotments of which some are used for growing a range of food and some are currently un-used. The area is a predominately residential with two-storey terraced dwellings and is within close proximity to Stoneyholme Nursery School.

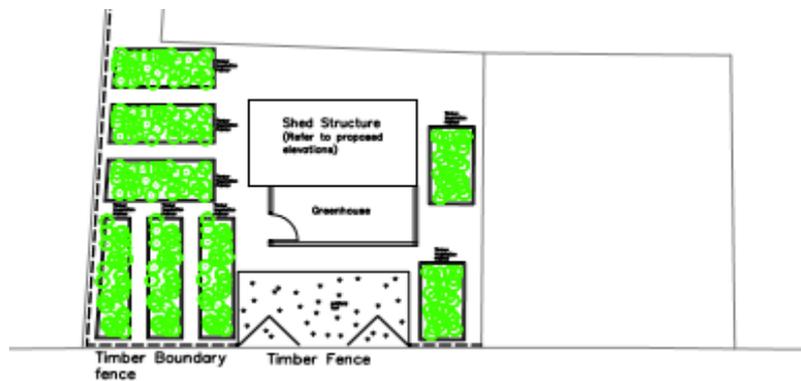
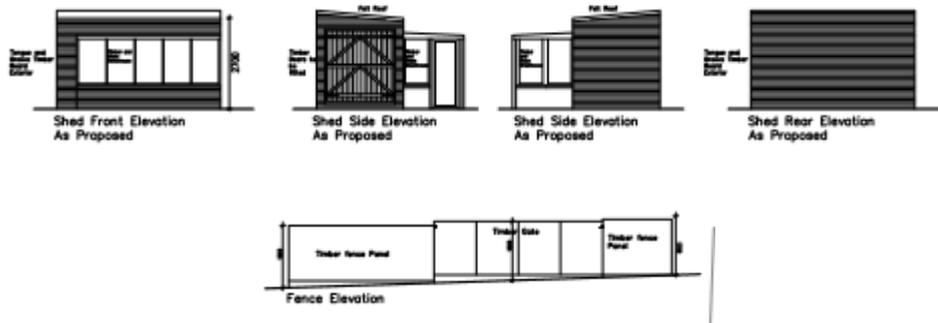


Proposal:

The application seeks retrospective permission for a smaller timber-clad shed, a greenhouse, timber vegetation planters and boundary fence. The shed has a width of 2.6m and a length of 4.9m. The maximum height is 2.9m dropping to 2.7m. The shed has a timber exterior of tongue and groove board with a felt roof.

The greenhouse is constructed in timber and glass and has a width of 1.8m and is 4.3m in length and the height is 2.2m.

A timber fence is also erected on the south eastern boundary with a maximum height of 1.9m dropping to 1.7m.



Proposed Site Layout



Site as it currently stands

Relevant Policies:

Burnley Local Plan

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

NPPF2019

Site History:

FUL/2019/0328 - Retrospective application for shed, siting of caravan, hardstanding, fencing, gates and decking on site – Refused 16th August, 2019

APP/2010/0098 - Proposed creation of community garden site and erection of portacabins, meeting rooms and polytunnels – Approved 29th April, 2010
Land adjacent March Street, Burnley (land near to the application site)

Consultation Responses:

Highways LCC – No comment received

(They did not raise any objections to the previous proposed development – FUL/2019/0328)

Publicity:

Ward Councillor – Councillor Shah Hussain has objected for the following reason:

- Is this the allotment that has been tarmac and has a caravan parked in it?

(The site used to have a small concrete base area at the entrance to the plot but this is no longer visible and has been covered in artificial grass. A caravan also used to stored on the plot, but this was removed some time ago)

Neighbour objections –

- Increase noise and disturbance (use of machinery)
- Smells and fumes (barbecues)
- Design, layout and appearance (concrete base)

(Having discussed these issues with the applicant, the use of machinery was in connection with the construction of the timber cladding and the reduction in size of the shed and also the building of the greenhouse and this was complete some time ago. Barbecues are happening at other plots within the vicinity and the concrete base is no longer visible and has been covered with artificial grass)

Planning and Environmental Considerations:

The principle of the 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) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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 nature and scale.

As the application site is located within the development limit for Burnley, the proposal is acceptable in principle subject the design, siting and impact.

Main issues

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

Impact on the character of the area including design and appearance

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites 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.

Policy SP5: Development Quality and Sustainability

The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

- *Energy efficiency* - Not applicable
- *Design and Layout* –

The changes made by the applicant to the previously refused application for the site are now considered to be acceptable. The reduction in size and height of the shed and the materials now used in its construction, along with the attached greenhouse, now resemble the normal structures on an allotment plot. The creation of timber vegetation planters now set in bark chippings over the site are normal characteristics of allotment plots and are considered acceptable.

- *Key gateways* – Not applicable

- *Materials* –

The materials used in the construction of the shed and greenhouse, the use of timber and glass are acceptable, along with timber vegetation planters and bark chippings

- *Accessibility* – Not applicable

- *Security* – A timber fence/gates at the front of the plot are considered appropriate and acceptable.

In summary, the development is now in keeping with the existing characteristics of the area and is more akin to an allotment use rather than a private garden use. The use of the plot can be conditioned to ensure that the site is used for allotment purposes only and not as a private residential garden plot.

Recommendation: Approve with conditions

Conditions:

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

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

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

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