

Full Planning Application

Proposed building of an additional dwelling attached to the former Junction Hotel  
JUNCTION HOTEL 63 ROSEGROVE LANE BURNLEY

**Agent:** ALB Properties

**Applicant:** Hindley Designs

The application is brought before Development Control Committee as objections have been received.

### **Site Description and Surrounding Area:**

The application site relates to the yard area of the former Junction Hotel Public House, recently converted into four dwellings. The former public house, sited to the south east of Rosegrove Lane, dates from the mid-1800s and is a simple and well-proportioned vernacular building built of coursed squared sandstone under a slate roof. An unadopted back street runs the length of the rear of the site and the wider terrace block and is accessed from Duncan Street (from the north east) and Lever Street (from the south west). No Waiting at Any Time parking restrictions are in place along the Rosegrove Lane frontage.

The application site is positioned between and shares a common boundary with No 65 Rosegrove Lane, an end of terrace property to its south west, and No 63d to which it will be attached. The site is bounded to the south east (front) by Rosegrove Lane and on its north west (rear) by the unadopted back street that runs the length of Nos 49 to 77 Rosegrove Lane.



The surrounding area is predominantly residential and is characterised by two storey stone built Victorian terraced housing laid out on relatively narrow plots and arranged along grid-iron streets. The terraces have shallow yards that provide amenity space at the rear and car parking is predominately on street. This high density layout with a uniform style of architecture and unity of materials, scale and massing give the surrounding townscape a strong and distinctive historic character. The vacant yard area is a prominent gap within the strong built frontage to Rosegrove Lane.

The site is located within the development boundary for the settlement of Burnley as defined in Burnley's Local Plan. It is considered to be in a sustainable location being well served by public transport and well related to an adequate range of existing services and facilities within a short walking distance.



South east (front) elevation to Rosegrove Lane



View across the site from the rear



View south west from Duncan Street



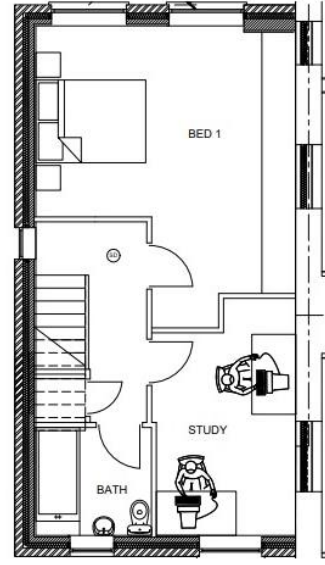
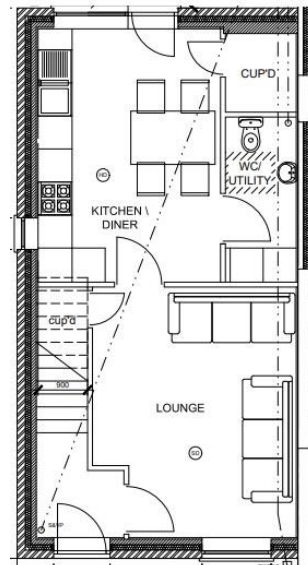
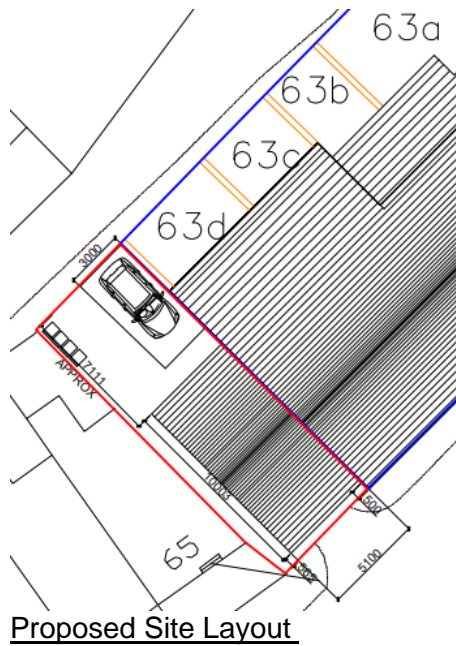
View north east from Leaver Street

### **Proposal:**

This application seeks planning permission to erect a new dwelling that will be physically attached to the south western gable of the former Junction Hotel on land, previously used as the yard area, of around 109sqm. The proposal has been modified through negotiation as set out below.

The proposed dwelling is a one-bedroomed cottage two storeys in height. It will project 5.0m from the gable of the former Junction Hotel. It will be set back from the front (south east) elevation by 0.5m and will have a depth of 10.0m which will be recessed behind the rear elevations of the dwellings to either side. The height of the building, which has a pitched roof broadly matching that of the host building, will be 8.0m to the ridge (being stepped down from the main roof ridge by 0.5m) and the eaves will run level at the front with a simple clipped eaves detail to the gable. The ground floor will comprise a lounge, kitchen/diner and utility/wc; and the first floor will have one double bedroom, a study and a bathroom. External materials will comprise natural stone coursed walls to match the host building with all new openings to the front elevation to be formed from natural stone cut surrounds. The roof will be finished in a tile to match the existing in colour and windows and doors will be uPVC. One off-street parking space will be provided at the rear and a small area of private outdoor

amenity space comparable in size to others in the terrace block. The existing unadopted back street will be utilised for vehicle access.



Proposed Site Layout

Proposed Ground Floor

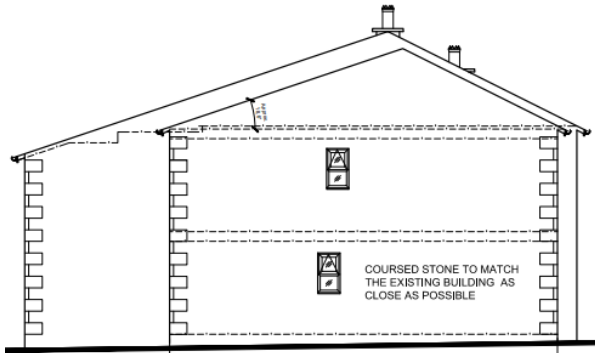
Proposed First Floor



Proposed south east (front) elevation shown highlighted in red



Proposed north west (rear) elevation shown highlighted in red



Proposed south west (side) elevation (against the flank wall of No.63d)

Discussions during the application process have been ongoing between officers, the Highway Authority and the applicant's representatives in order to address concerns relating to car parking, design and amenity. Revised drawings were submitted that reduced the depth of the dwelling and repositioned it further forward within the plot to allow an in-curtilage car parking space and the required manoeuvring space to be accommodated at the rear, accessed via the back street. Amenity issues (overshadowing and outlook) were addressed by re-configuring the internal floorspace; repositioning windows; and reducing the occupancy to a single bedroom to take account for the reduction in floorspace. Due to the nature of the revisions it was considered necessary to undertake further public consultation.

Officers are satisfied that the revised scheme has taken into consideration all the points that were raised during negotiation such that the issues relating to car parking, design and amenity have been satisfactorily overcome and can be suitably controlled through condition where necessary.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing developments
- IC1: Sustainable Travel
- IC3: Car Parking Standards
- NE5: Environmental Protection

The National Planning Policy Framework and National Design Guide (2019)

**Relevant Planning History:**

VAR/2020/0203: Variation of Condition 2 (approved plans) of APP/2017/0378 to allow alterations to the external elevations, including window and door openings; the internal layout; and the erection of a single storey rear extension to plots 63a and 63b – Granted

APP/2017/0378: Proposed change of use to 4 no. dwellings – Granted

**Consultation Responses:**

LCC Highways: Following initial concerns that the lack of in-curtilage parking would increase demand for on street parking to the detriment of highway safety, the Highways Authority raises no objection to the revised proposed layout to accommodate the required parking space to the rear of the dwelling subject to conditions to protect the interests of the safe

operation of the adopted highway during the construction phases including the submission and approval of a Construction Management Plan; restrictions to delivery times; and ensuring measures are taken to prevent stones, mud and debris being carried onto the public highway to the detriment of road safety. Conditions are also recommended to ensure adequate surface water drainage from the proposed driveway; and that require the reinstatement of the footway to the redundant vehicle crossover at the entrance of the site from Rosegrove Lane. Conditions should also be imposed to ensure the in-curtilage parking space is appropriately constructed, made available prior to occupation and retained for the lifetime of the development in order to avoid unnecessary parking on the highway to the detriment of highway safety.

Environmental Health: Raises no objection. Advise that a noise assessment and a landfill gas contamination investigation are secured through condition.

Ward Councillor: Objects on the basis that the lack of on-site parking would lead to parking on Rosegrove Lane where the road bends which would restrict visibility making it unsafe for pedestrians (young children and the elderly) and would cause obstructions on this busy main route.

Publicity:

Five letters of objection were received to the proposal as initially submitted with the main points summarised as follows:

- Development does not provide suitable on-site parking and does not meet the parking standard in the Local Plan
- Construction activity negatively impacting on neighbouring amenity and safety
- Inadequate on-street capacity to accommodate parking for a 3-bedroomed house
- Loss of light to the rear yard of adjacent dwelling No 65

During the second consultation (following submission of revised plans on 11.02.21) a further 8 letters of objection were submitted raising concerns in relation to parking and highway safety as summarised below:

- The back street is not suitable for access as the section running to the rear of Nos 63 to 49 is in disrepair and that at the rear of No 65 to 77 has been surfaced by local residents to provide a safe play area.
- The use of the back street as a thoroughfare poses safety risks to residents.
- The back street is unlit and unsafe for vehicles to use it for daily access.
- The recently converted pub has generated an additional 11 vehicles and as a result there is no more capacity on the surrounding streets for parking.
- Rosegrove Lane was subject to two traffic collisions in 2020 without the additional vehicles further restricting visibility.
- The back street is dangerous to enter from Leaver Street due to parking and peak periods at the chip shop.
- The access will cause disturbance to neighbours.
- The access via Leaver Street has cars parked on both sides restricting visibility for drivers and making it unsafe for pedestrians.
- The residents who paid for the resurfacing of the back street do not allow vehicles to use the unadopted back street so the parking would be unviable.
- The proposed study could be used as a bedroom resulting in a need for 2 on-site parking spaces.

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The material planning issues raised are considered in the report below.

## **Planning and Environmental Considerations:**

### **Principle of Development**

The site was last used as a yard for the recently converted pub, making it previously developed (brownfield) land. It is located within an existing residential area and within the development boundary as defined in Burnley's Local Plan. Policy SP4 provides the development strategy for the borough and supports the redevelopment of previously developed sites within the current built-up areas of Burnley and Padiham provided they are locationally sustainable and compatible with other relevant policies of the Local Plan.

The application site is considered to be in a sustainable location being well related to an adequate range of existing services and facilities including a regular bus and rail services within a short walking distance.

It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the following main matters:

- Visual impact (design and appearance)
- Impact on neighbouring amenity
- Living conditions of future occupants
- Highway safety and car parking

Other considerations include refuse and recycling provision and matters relating to land contamination.

### **Visual Impact (Design and Appearance)**

Local Plan Policy SP5 requires new development to be of a high standard of design and to respect their townscape setting and locally characteristic street layouts, scale, massing, detailing and use an appropriate palette of materials. This is detailed further in Policy HS4 stating new housing developments should be high quality in their construction and design.

In this instance, the setting is characterised principally by two storey stone built terraced houses of simple form with pitched slate roofs. Their characteristic features include a narrow and largely flat fronted facade with rhythmic door and window patterns and regular spaced chimney stacks providing strong vertical emphasis. The simple palette of material provides a consistent and uniform character.

In terms of layout, the proposed development has been positioned and laid out to respond positively to the streetscene and the constraints of the site. The orientation of the dwelling is acceptable and respects the overall grid iron pattern of the area and the established building line.

In respect to scale, form and massing, the proposed built form with its robust design, simple detailing and well-proportioned format will sit comfortably within the streetscene. The roof

form is simple and traditional and respects that of the host building. Furthermore, the low two storey height does not render it inappropriate or out of keeping and would be appropriate in scale and proportion when viewed in relation to the host building and adjacent properties. In this instance the applicant has applied good design principles to make the proposed dwelling appear as a subservient cottage style addition to the former pub which presents a satisfactory composition when considered as a whole.

In terms of detailing and materials, design cues have been taken from the existing windows, doors and elevational treatment of the host building such that the proposed dwelling would maintain the strong sense of uniformity, rhythm and proportions across the wider street frontage. Furthermore, the proposed design utilises a simple and appropriate palette of materials which would complement the host building and the surrounding traditional terraces. Whilst the resulting scheme shows a commitment to a high standard of design it is considered that its success is dependent upon a close attention to detail in design and choice of quality materials. Conditions are therefore advised to ensure the quality of the finished built form. With these provisions, the proposed development would have an acceptable impact on the character and appearance of the streetscene.

For the reasons set out above it is considered that the proposed dwelling is appropriately designed and would not have a detrimental impact upon the visual amenities of the host building or its setting in compliance with Policies SP5 and HS4.

### **Impact on Neighbouring Amenity**

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users through overlooking, lack of privacy or reduction of outlook or daylight. The nearest neighbouring properties with the potential to be impacted by the proposal are No 65 and No 63d Rosegrove Lane.

No 63d Rosegrove Lane: The rear elevation of the proposed dwelling would be recessed behind the flank wall of No 63d by approximately 4.0m. The extent of the recess is such that the proposed dwelling would not create any over-bearing impact or result in loss of privacy, light or outlook that would harm the residential amenity of the occupiers of the adjoining neighbour.

No 65 Rosegrove Lane: The proposed dwelling would be located approximately 1.0m from the shared boundary with No 65. The proposed dwelling is positioned within its plot such that the rear elevation will be recessed behind that of No 65 by approximately 2.0m and would project forward of the front elevation by approximately 2.5m. The forward projection of the proposed new dwelling would not cross the 45-degree line (on plan) when projected from the centre of the nearest ground floor (habitable room) window at No 65 such that the proposed dwelling would not create an over-bearing impact or result in loss of light or outlook sufficient to cause unacceptable harm the residential amenity of the occupiers of No 65. With regards to privacy, the extent of the recess at the rear and the positioning of windows are such that the proposed dwelling would not result in the loss of privacy or opportunities for direct overlooking that would result in unacceptable harm to neighbouring amenity.

Objections have been raised in relation to harm to neighbouring amenity during the construction phase. Whilst these concerns are recognised to be genuine and sympathised with, the temporary nature of construction noise and disturbance would not be sufficient to warrant the refusal of planning permission. Nevertheless, conditions would be applied to any eventual consent in order to safeguard neighbouring amenity during the construction phase

whilst specific instances of excessive noise or antisocial working practices would be dealt with under other legislation outside the planning process.

Taking account of the above, it is considered that the proposal would not give rise to any unacceptable adverse impacts upon neighbouring amenity such that a refusal would be warranted. The application is therefore found to comply with Policies SP5 and HS4.

### **Living Conditions of Future Occupants**

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size; offers appropriate outlook and adequate natural daylight; protects privacy; and provides good quality outdoor amenity space.

Whilst the Local Plan does not adopt the Nationally Described Space Standards, they are a useful guide to ensuring comfortable living space within developments. The proposed dwelling would significantly exceed the relevant standard and is acceptable in this respect.

The scheme has been designed with due regard to the amenity of its future occupants. The dwelling would benefit from an area of private outdoor amenity space, commensurate with its footprint, and with the main outlook being provided to the rear. The internal layout of each house and the positioning of windows provide sufficient natural daylight and ventilation for the future occupants. The future occupants would have adequate bin storage and a private car parking space.

Accordingly, it is considered that its future occupants would benefit from an acceptable level of residential amenity in accordance with Policies SP5 and HS4.

### **Highway Safety and Parking**

The NPPF states that 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. Local Plan Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards in Appendix 9. In applying the parking standards local circumstances can be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of on-street parking; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

Whilst the site is situated within a highly sustainable and accessible location that is well served by public transport, in this instance the combination of parking restrictions within the immediate vicinity of the site and the predominance of terraced housing results in high demand for on-street parking (parking stress). Neighbour objections also indicate that the availability of on-street parking causes problems in the area and inconveniences to residents.

Officers have monitored the levels of on-street parking stress within 100m of the application site and have found the levels to be above 90% at peak times. The results demonstrate that there is insufficient on-street capacity to safely accommodate additional on-street parking demand. Moreover, the Highways Authority advise that any additional stress would be prejudicial to the free flow of traffic and likely to lead to residents resorting to parking in



unsafe locations, on waiting restrictions, close to junctions, pavement parking etc which would be detrimental to highway safety.

In accordance with the parking standards, the proposal would generate a requirement for one in-curtilage parking space. The constraints of the site are such that it is not possible to provide a parking space with direct access from Rosegrove Lane. For the reasons set out above reliance on the surrounding highway to meet the demand would not, in this instance be acceptable.

In negotiation with the Highways Authority, the site layout has been revised to accommodate a single car parking space and the required manoeuvring space at the rear of the proposed dwelling, accessed via the existing unadopted back street from Duncan Street and Lever Street. The stretch of back street from the application site to Duncan Street is unmade and the applicant has confirmed their willingness to accept a condition requiring an upgrade of the surface in the event that the application is approved. This would provide a wider benefit to the neighbouring residents. The Highway Authority has raised no objection on highway grounds, subject to conditions as set out in the summary of consultation responses.

In this instance it is considered necessary to impose conditions to ensure that the parking space remains available for parking of vehicles associated with the dwelling at all times; and to limit the number of bedrooms to one in order to ensure that the parking demand generated by the dwelling can be adequately accommodated on site and not to the detriment of highway safety.

Taking into account the scale and nature of the proposal and other local circumstances as set out above it is considered that the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

### **Other considerations**

Refuse and Recycling: Policy SP5 requires adequate and carefully designed storage for bins and recycling containers located and designed in a way which is both convenient and safe for occupants and supports the quality of the streetscene. The proposed arrangements are considered to meet the requirement in Policy SP5.

Contaminated Land: Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. Due to the proximity of the development to a landfill site which is known to be producing landfill gas, the Council's Environmental Health Officer recommends conditions requiring an investigation; report and remediation as necessary to ensure that the development can be safely undertaken and occupied.

### **Conclusion:**

The proposal does not raise any significant concerns in terms of visual and residential amenity and it is considered to be acceptable in relation to highway safety and parking. The proposal therefore represents a sustainable form of development and there are no overriding considerations which would outweigh this finding.

## **Recommendation:**

Approve subject to the following conditions.

## **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: Proposed Site and Parking Plan Rev B (1:200 Scale); Proposed Elevations 1 of 2 Rev B (1:100 Scale); Proposed Elevations 2 of 2 Rev B (1:100 Scale); Proposed Ground Floor Plan Rev C (1:50 Scale); and Proposed First Floor Plan Rev B (1:50 Scale) received 11 February 2021.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), there shall be no more than one bedroom in the development hereby approved at any point without the express permission in writing of the council.

Reason: To ensure that the parking demand generated by the dwelling hereby approved can be adequately accommodated on site and not to the detriment of highway safety in accordance with Policies IC1 and IC3 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of any development above slab level, 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. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

5. The development hereby approved shall not be occupied until its associated refuse and recycling storage has been provided and is available for use in accordance with the details as indicated on the approved plans. The refuse and recycling storage facilities shall thereafter be retained at all times.

Reason: To ensure adequate refuse and recycling storage for the approved dwelling 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).

6. The development hereby permitted shall not be commenced until a landfill gas investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report

shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration. The investigation report shall:

- i) Describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations.
- ii) Advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.

If remediation measures are recommended as a result of the investigations, these measures shall be incorporated into the development before it is first occupied.

Reason: To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy NE5 of Burnley's adopted Local Plan (July 2018).

7. The development hereby permitted shall not be commenced, including any works of demolition or site clearance, until a Construction Management Plan or Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Plan/Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) measures to protect vulnerable road users (pedestrians and cyclists);
  - iv) the erection and maintenance of security hoarding where appropriate;
  - v) wheel washing facilities and measures to control the emission of dust and dirt;
  - vi) details of a scheme for recycling/disposing of waste;
  - vii) delivery and construction working hours; and
  - viii) contact details for the site manager.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

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

8. 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, stones and debris being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

9. 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, 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. Deliveries associated with the construction of the development shall only be accepted between the hours of 9.30am and 2.30pm Monday – Friday, to avoid peak traffic on the surrounding highway network

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

10. The surface water from the driveway hereby approved should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent water from discharging onto the public highway in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

11. The development hereby approved shall not be occupied until the car/vehicle parking area shown on the approved plans has been completed. The parking area shall thereafter always remain available for parking of vehicles associated with the dwelling. The vehicle parking area must be properly consolidated and surfaced in bound porous materials, and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved and adequate parking provision is retained within the development and to avoid unnecessary parking on the highway to the detriment of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

12. The development hereby approved shall not be occupied until the footway has been reinstated to full kerb height, where any vehicle crossover are redundant, in accordance with the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety in accordance with Policies IC1 of Burnley's Local Plan (July 2018).

13. The development hereby approved shall not be occupied until the surface of the back street leading from the site to its junction with Duncan Street has been suitably upgraded to accommodate frequent vehicle use.

Reason: To ensure appropriate provision for vehicles accessing the parking space hereby approved in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

EEP  
Principal Planner