

Application Recommended for Approval
Trinity

FUL/2021/0348

Town and Country Planning Act 1990
Change of use from C3 dwelling to 2 self-contained flats.
27 Netherby Street Burnley Lancashire BB11 4NR

Applicant: K Legzdins
Agent: HAD & Co Property Consultants

The application is before the committee following the receipt of objections.

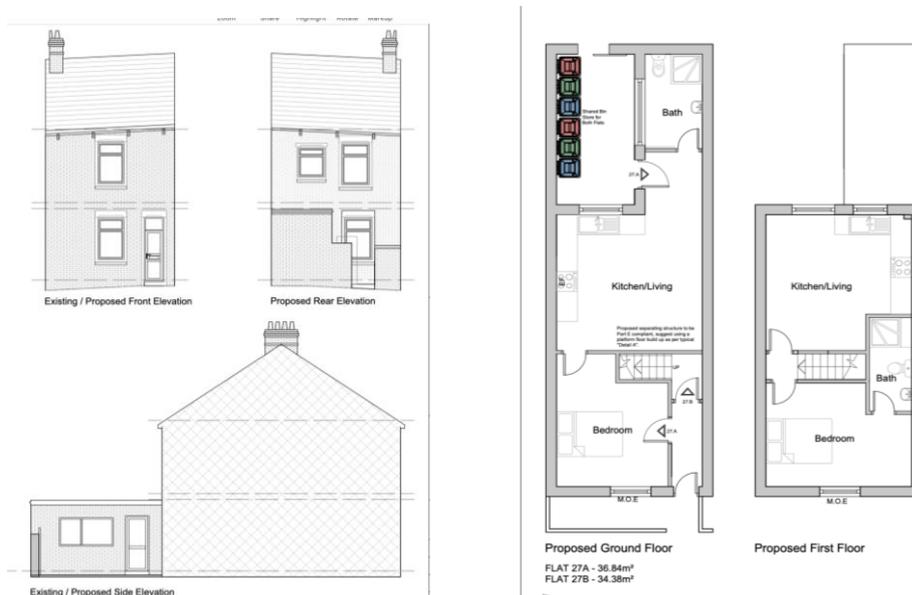
Background:



The application property is two-storey dwelling with an existing single-storey extension to the rear. It is a mid-terrace property located in a tight-knit residential area.

It is proposed to convert the dwelling to two flats. Each flat will be self-contained, with a double bedroom, kitchen/ living room and a shower room/wc. There is access to both the ground floor and first floor flat from the existing front entrance on Netherby Street, via a shared corridor leading to one door to the stairs to the first floor flat and one door to the ground floor flat. The ground floor flat would also have access to the rear, off the back street. The rear entrance is likely to be used as the main access for the ground floor flat, with the front entrance used for escape in an emergency.

The rear yard area would be utilised for the refuse storage bins for both flats.



Existing and proposed elevations

Proposed layout

Relevant Policy

Burnley Local Plan July 2018

SP1 -

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

National Planning Policy Guidance

Site History - None

Consultation responses

1. Lancashire County Council (Highway Authority): no objections are raised and comment that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Whilst the flats do not have off-street parking facilities, the parking requirement for two flats is the same as the existing position for one dwelling. As a result of this being a pre-existing situation, the Highway Authority has no objection to the proposal.

It is also worth noting that the proposal is within walking distance of neighbouring bus stops with services travelling towards Burnley town centre every 20 minutes during the week.

2. Environmental Health Officer: No objections are raised. It is recommended that an appropriate condition requiring a noise assessment is imposed to take into account noise from the surrounding road network and any other source. The assessment shall identify suitable noise attenuation measures determined to be appropriate. All recommended measures shall be implemented before the use is implemented and thereafter retained.
3. An objection from a nearby resident has been received which raises concern about problems of car parking in the area and the social impacts of the number of flats in the area.

Planning and Environmental Considerations:

The property is within the defined Development Boundary as designated in Burnley's Local Plan where the development strategy in Policy SP4 sets out that development will be focused on Burnley and Padiham. In terms of housing larger, major and a variety of smaller sites are appropriate to deliver a comprehensive range of choice of types and tenure. The provision of flats within the area will contribute to the range of properties available, in line with the development strategy.

Access

The proposal would provide for separate access to each of the flats with no alterations to the appearance of the dwelling. The back street access to the ground floor flat is likely to be preferred by the occupants, as the front entrance off Netherby Street gives direct access to the bedroom. Whilst access from the back street is not ideal it is well lit, being served by a street lamp on the corner of Netherby Street and Nairne Street.

Refuse facilities

Provision is made in the shared rear yard for refuse storage, including general waste and recycling containers for both flats. The ground floor flat would have direct access to the yard but the first floor flat would not and would have a short walk from the front entrance on Netherby Street, which would be acceptable.

Residential Amenity

The proposal raises no privacy or outlook issues. The flats would provide for reasonable living accommodation for the occupants in terms of daylight and the space and facilities provided.

The Building Regulation legislation would provide for the incoming sound insulation of the property itself but not for potential sound emanating from the flats. It would be prudent to request a noise assessment and appropriate sound attenuation measures, to ensure that the bedrooms of the neighbouring properties at No. 25 and 29 Netherby Street or any other property are not affected by the living accommodation on the adjacent first floor.

The concern expressed by objectors about the potential anti-social impact on neighbouring residents and deterioration of the area because of the increase in the number of flats and rented accommodation, is not relevant to the application. There is no reason to believe that the provision of the flats or rented property would have an adverse impact on the amenities of the neighbours or the wider area, in this respect. General anti-social behaviour issues in the area would be considered under separate legislation if necessary.

Car Parking

The proposal will have no greater impact on the car parking provision than the existing dwelling. There is no off-street parking provision at the property and residents currently park on the street. The car parking standard of two spaces, set out in Policy IC3 of the Local Plan for a two bedroomed dwelling, is the same standard that would be required for the flats, so there is no increase in the requirement. Consequently there would be no change to the impact of car parking on the street.

Conclusion

The proposal satisfies the policies of the Local Plan in terms of the principle of development in this location. It provides acceptable access and refuse storage arrangements for the flats. A condition in respect of a noise assessment would enable the local planning authority to ensure that adequate attenuation measures are provided if necessary. Whilst it does not satisfy the parking standards set out in the Local Plan there would be no impact on parking demand over and above the existing position.

Recommendation:

That planning permission is granted subject to the following conditions:

Conditions

1. The use hereby approved shall begin before the expiry of 3 years from the date of this decision.
Reason: In accordance with Section 91 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. The refuse storage facilities identified on Drawing No. HAD/3314-03 Rev A, received 19 August 21, shall be provided in the rear yard of the property before the flats hereby approved are occupied and thereafter retained at all times for the use of the occupants of the flats.

Reason: To ensure that adequate facilities for the storage of refuse are provided for the flats, in line with Policy SP5 of Burnley's Local Plan (July 2018).

4. Before the flats are occupied, a noise assessment of the noise likely to affect the development and taking into account the potential noise likely to affect the bedrooms of the adjacent property at Nos. 25 and 29 Netherby Street. The assessment shall identify any appropriate noise attenuation measures in order to reduce the impact of noise on the application property and any neighbouring property.

Reason: In order to protect the amenities of the future occupiers of the flats and neighbouring properties from unacceptable noise issues having regard to Policy SP5 of Burnley's Local Plan (July 2018)

Approved Plans:

Drawing No. HAD/3314-01 Rev A received 19 Aug 21

Drawing No. HAD/3314-02 received 15 Jun 21

Drawing No. HAD/3314-03 received 15 Jun 21

Snr Planner
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