

Application Recommended for Approval

APP/2017/0441

Gawthorpe Ward

Full Planning Application

Retention of 2 sheds in connection with continued use as storage/builders yard
REAR OF 10 VICTORIA ROAD PADIHAM

Background:

The application relates to an enclosed, triangular piece of land at the rear of dwelling houses at the edge of Padiham Town Centre.

The land has apparently been vacant in recent years but was formerly a builders' yard.

Planning permission was refused in 2010 for use of the site as a gypsy caravan site for 3 caravans, then for 2 caravans; and an appeal was subsequently dismissed.

Objections have been received to the present proposal.

Relevant Policies:

Burnley Local Plan Second Review (Adopted 2006; currently saved)

GP3 – Design and Quality

EW4 – Expansion and Improvement of Existing Businesses

H12 – Non- Residential Uses in Residential Areas.

Burnley's Local Plan – Proposed Submission Document, July 2017

SP5: Development Quality and Sustainability

[The document has been submitted to the Secretary of State. Objections were received in respect of Policy SP5, therefore it can presently carry little weight].

Site History:

APP/2010/0073: Proposed change of use to a gypsy caravan site (including provision for 3no. touring caravans, a toilet/shower bloc and car parking) - Refused

APP/2010/0373 Proposed change of use to a gypsy caravan site (including provision for 2no. caravans for permanent occupation, a toilet / shower block and car parking) (re-submission of APP/2010/0073) – Refused; APPEAL Dismissed.

Consultation Responses:

Highway Authority – Concern that the enhancement of the facilities on the site could support use as a residential caravan/travellers' site and would be minded to recommend refusal of the application if that was the intention of the applicant.

[Comment – I am awaiting information to clarify this matter]

Neighbouring Residents – Letters from 2 neighbouring residents making objection to the proposal as follows (summarised):

1. Hazard of additional traffic along the back street, which is unlit, and exists close to a busy junction with Padiham Road, adjacent to hot food shop premises.
2. Noise and disturbance from traffic movement and activities on the site.

3. Blocking of the back street by vehicles attending the site. [*Comment – Highway obstruction is controlled under highway and traffic legislation*]
4. Unsightly appearance of the builders' yard
5. Disturbance from floodlights at the premises.

Planning and Environmental Considerations:

The application relates to a roughly triangular piece of land, one side of which adjoins the rear of No.10 Victoria Road, Padiham. On its other two sides it fronts onto back streets running at the rear of terrace houses in Pendle Street and Peel Street. Copy of the application site plan is as follows:



Application site plan

The land comprises an open yard enclosed with a 2m high wall, with access from the back street (rear of Pendle Street) via double gates of similar height. At the time of the 2010 applications there was a small building, including a wc, in a corner of the site (in dilapidated condition, appearing to have been vandalised whilst the site was vacant).

Archived image of site:



Application site

Present proposal

The applicant has re-placed the small building with a slightly larger building housing a wc, kitchen style sink and a shower compartment. A smaller lock-up shed as also been erected in another corner of the yard. The application seeks planning permission in retrospect for the erection of the buildings. No application is made for change of use and the application is construed to simply relate to continued use as a builders' yard.

Applicant's current images of site:



Access from back street

Larger re-built building



Yard area

Larger building

Smaller building

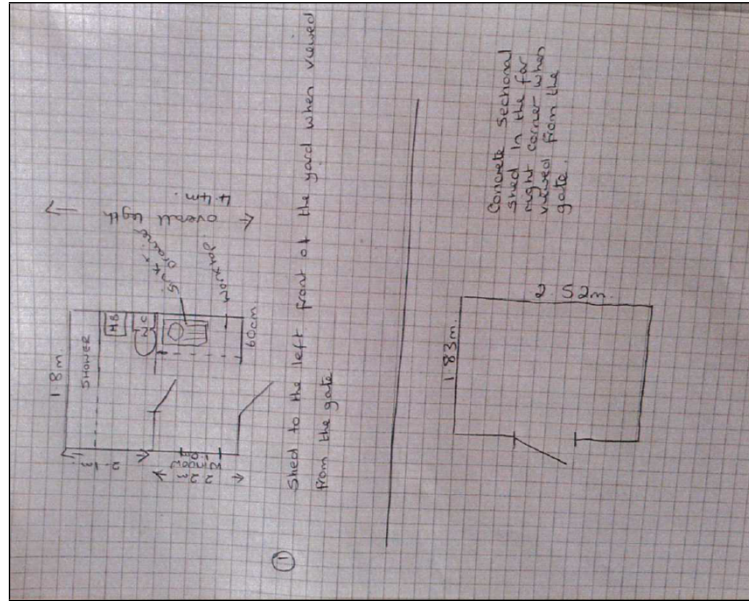


Small building

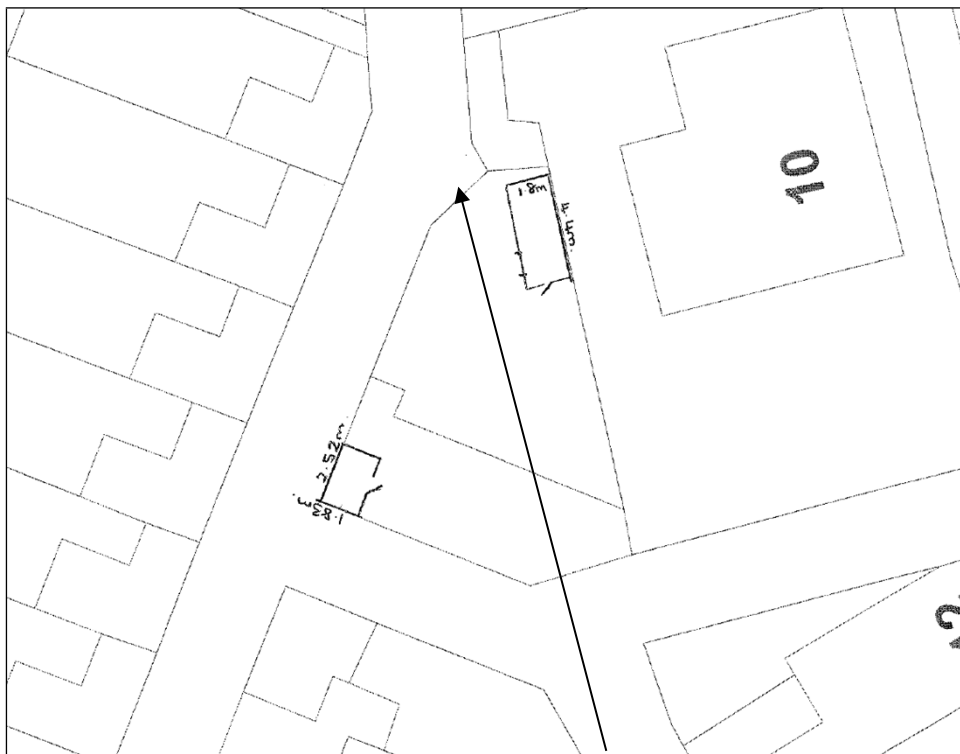
Enclosing wall, with back street and rear of terrace houses beyond

The applicant has only submitted quite rudimentary drawings of the buildings, however, together with the images (above) he has also submitted, the development is described sufficiently well for the purposes of the application.

The application drawings are copied below.



WC/shower building 4.4mX1.8m **Shed 2.5mX1.8m**



Position of access gates

Policies and Assessment

The planning issues with this application are the acceptability of the design of the buildings, and ensuring that there is no doubt about the

GP3 expects appropriate design; **EW4** as relevant to this application, expects development to be without harm to the amenities of nearby residential property.

There is little information about the former builders yard, however, the longevity of that use was supported by documentary Land Registry evidence dated 1988. A small building company or local property repairer operating from the site, would expect to have appropriate accommodation for start and finish of the day ablutions, tea brewing and so on.

The small buildings are of rendered concrete/blockwork, with flat felted roofs. There would be little visibility of them from outside the 2.4m high boundary wall; and, being kept low, they would not overly clutter the open aspect between the rear of the residential terraces. They would not appear out of place in the back land rear of the residential terraces which already house a range of small outbuildings of various configuration, and would not harm residential amenity.

On that basis the proposal would be in accordance with **Policies GP3**.and **EW4**.

Representations

The concern of neighbouring residents about harm to amenity arising from resumption of the storage/builders yard use is understandable.

The existing use of the land can, however, be resumed in any event and cannot be 'refused' or otherwise be prevented by refusal of planning permission for the small buildings.

The use of the buildings can be controlled by a condition that identifies their use with the authorised use of the land as a storage/builders yard. Any doubt about possible residential use can also be resolved in that way.

Light pollution can be controlled by a condition requiring suitable angling and shrouding to prevent the glare of escaping light

Recommendation:

That planning permission be Granted subject to the following conditions:

Conditions

1. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Site Layout Plan; Floor Plans (Squared Paper); 2 Site Dimensions Plans (Squared Paper), received 11 September 2017; 10 images ('photographs') of the site and buildings received 4 September 2017.
2. Permission is granted for retention of the buildings for their use as described in the application, namely in connection with the continued use as a storage/builders yard, and for no other purpose, including any form of residential use.
3. No external lighting shall be installed on the site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior

to installation thereof. No external lighting shall be illuminated on site otherwise than in accordance with the details so approved.

Reasons

1. To ensure that the development remains in accordance with the development plan.
2. In order to properly define the use, for the avoidance of doubt, in the interests of the amenities of neighbouring residents in accordance with Policy EW4 of the Burnley Local Plan, Second Review, currently saved, and under provision of section 75 (2) of the Town and Country Planning Act 1990.
3. To protect the character and appearance of the area and the residential amenities of nearby occupiers.

AR

6.11.2017