

**Application Recommended for Approval**  
Coalclough with Deerplay Ward

**APP/2010/0101**

Full Planning Application

Proposed erection of 5no. dwellings, the change of use of former public house to 3 dwellings and works to restore an existing, vacant residential building

COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY

**Background:**

The proposal is for the conversion of the existing building to 3 residential properties, the restoration of an existing residential building to the side of the main building, and the erection of 5 further dwellings within the grounds of Coal Clough House.

Coal Clough House is locally listed and there are a number of protected trees within its grounds.

An objection has been received. The applicant has provided a number of letters of support from surrounding households in relation to the proposed residential development, when pre-application consultations between the applicants and the local community were undertaken.



*Proposed conversion of existing buildings and erection of new dwellings*

**Summary of Reason for Recommendation:**

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

## **Relevant Policies:**

### Burnley Local Plan Second Review

E10 - Alterations, extensions, change of use and development affecting listed buildings

E15 - Locally important buildings, features and artefacts

E6 - Trees, hedgerows and woodlands

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

H1 - Land for new housing development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H4 - Providing a choice of housing in new development

H9 - Regenerating urban areas and neighbourhoods

TM15 - Car parking standards

## **Site History:**

12/01/0173 – Outline – proposed residential development including conversion of the coaching house including details of means of access and siting; all other matters reserved for future approval (Refused)

12/00/0160 – Fell 2 trees (within G6 and G7) covered by TPO (Approved)

12/00/0155 – Prune fell trees covered by TPO (Approved)

12/00/0154 – Outline – proposed residential development including conversion of the coaching house including details of means of access; all other matters reserved for future approval (Refused)

12/98/0552 – Prune trees within G4 covered by TPO (Approved)

12/97/0148 – Proposed conservatory extension and alterations (Approved)

12/92/0196 – Work to trees (Approved)

12/92/0093 – Remove branch from Poplar and fell 9 trees (Approved)

12/85/0623 – Erection of terrace and conservatory (Approved)

12/83/0139 – Erection of building to provide an extension of existing facilities to licensed premises (Approved)

12/82/0232 – Change of use from coach house / stable to private dwelling (Approved)

12/81/0084 – Revised application for extension to form functions room, kitchen, toilets, reception area and beer store (Approved)

12/81/0036 – Alterations and conversion of coach house to bedroom annex (Approved)

12/81/0025 – Erection of beer store (Withdrawn)

**Consultation Responses:**

19 standard letters of support with brief comments

1 neighbour letter objecting on the following grounds:

- This was once a public house – it is a historical building that should be kept as it was (*the building was originally a dwelling prior to it becoming a public house / restaurant*)
- The westernmost land is flood plain (*the site does not fall within a flood plain / flood risk area as defined by the Environment Agency*)
- The two large dwellings will result in a loss of light and outlook to my property
- Conservation of the trees
- Existing rainwater pipe from off my own block of houses may be compromised (*this is a private matter and not a material planning consideration*)
- Land ownership disputes (*this is a private legal matter and not a material planning consideration*)

Streetscene: no adverse comments – provided adequate storage facilities for refuse and recycling containers. Also adequate access will be required.

United Utilities:

The development is shown to be adjacent to / include our electricity distribution equipment – applicant required to check land ownership / access rights, etc (*this is a private matter*)

---

No further responses have been received at the time of writing this report; however, comments from Highways, Green Spaces and Amenities, and others are expected. All comments received after the completion of this report will be presented to Committee.

**Planning and Environmental Considerations:**

The proposed residential development comprises the conversion of the main house to 3 units, the restoration of the existing cottage to the side of the main house, and the erection of 5 further new dwellings.

A gate lodge style property is proposed near to the entrance to the grounds (from Coal Clough Lane / Nairne Street) on the northern side of the site; 2 cottage style properties are proposed near to the existing cottage, to form a courtyard area to the side of the main house, and two large family sized houses are proposed in the southern corner of the site.

The main issues to consider are housing availability; materials and design; residential amenity; visual amenity; parking; impact on the character and appearance of the locally listed main house, and environmental issues such as protected trees and bats

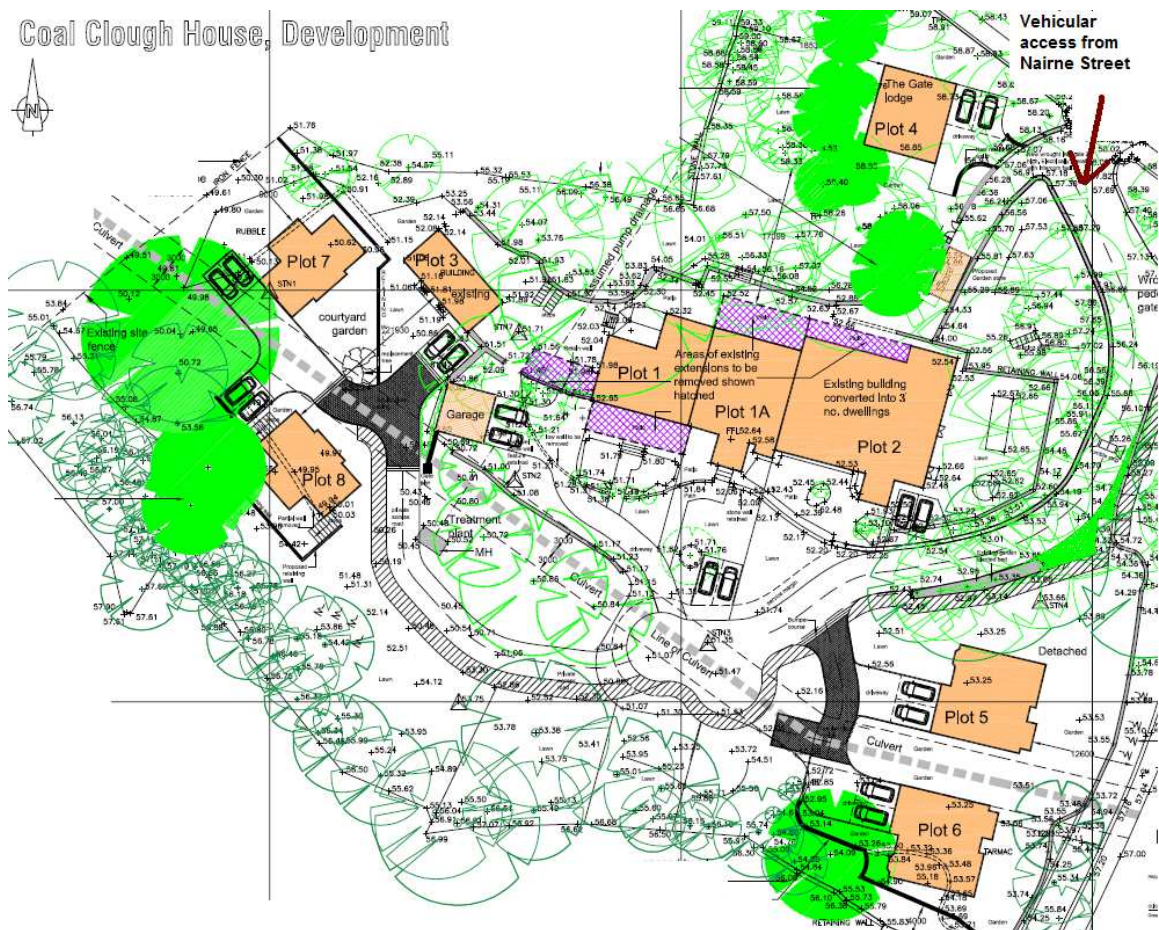
## Housing availability:

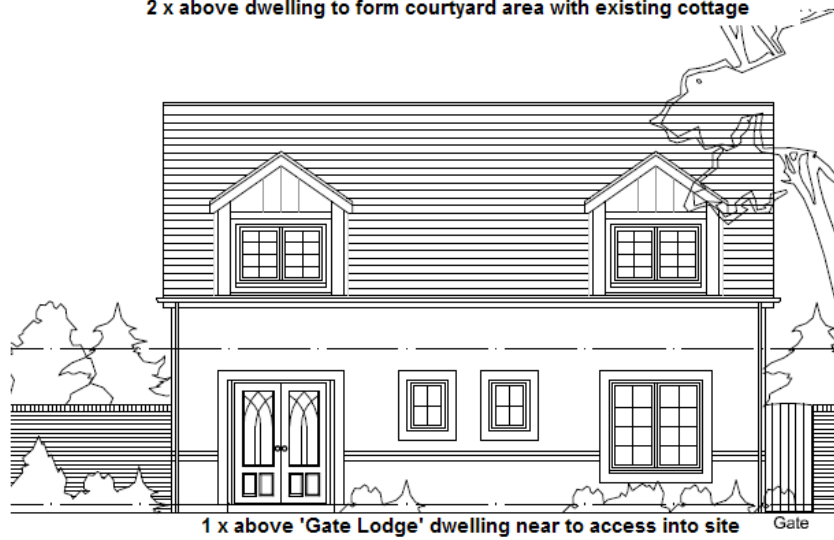
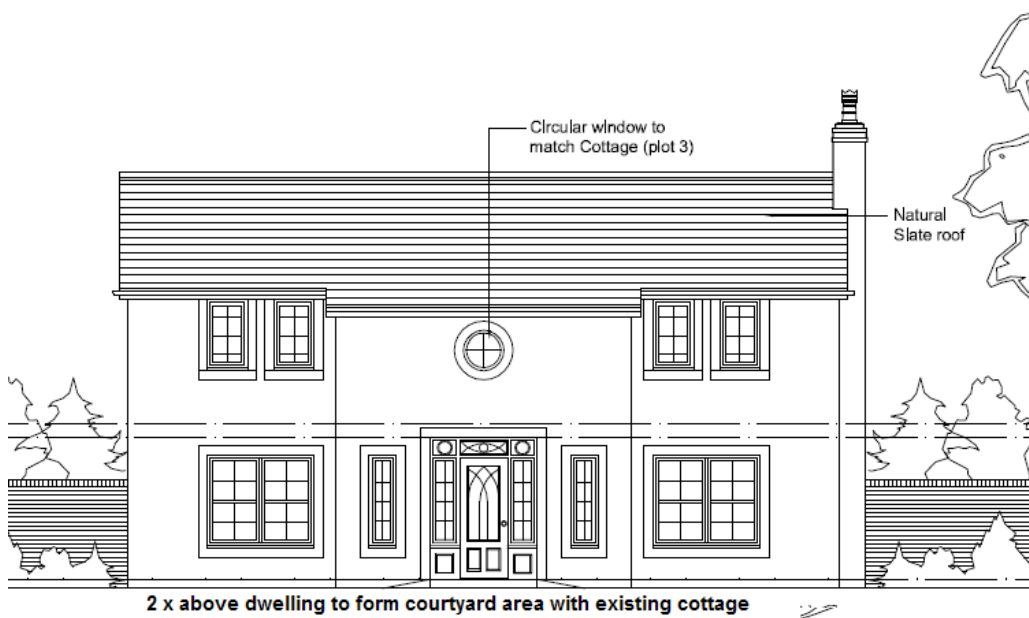
The application site falls within the Southwest Burnley Area Action Plan, although it has not been allocated for any specific action or use. Whilst it may not be specifically allocated for housing, it is served well by local amenities and a nearby bus service. Residential development at this location has the potential to compensate for the proposed demolition of poor quality housing in the AAP; it undoubtedly would not undermine the regenerative aims of this Action Area.

In light of the above, the proposed residential development is considered acceptable in this location, in accordance with policies H1 and H9 of the Burnley Local Plan Second Review.

It is also worth noting that Coal Clough House has been used as a public house, and more recently as an Indian restaurant. Unfortunately this use was short-lived and since then the building has remained vacant. Whilst the building may not be statutory listed, it is a building of interesting history and has a positive contribution to the area. The proposed residential development will help prolong the life of this building.

A mixture of housing has also been provided, ranging from the large 4 bedroom family sized dwellings to the smaller 3 bedroomed cottage style properties.





## Materials / Design

The proposed new dwellings would comprise a mixture of natural stone and ivory colour render, which would reflect the character and appearance of Coal Clough House, with natural stone cills, jambs and lintels. The precise details of the materials for each property can be secured by way of condition, but the natural stone and ivory coloured render put forward by the applicant is welcomed and acceptable in principle.

In terms of design, the removal of later additions to Coal Clough House and the reinstatement of original features is embraced. The design of the two cottage style plots reflect the appearance of the existing cottage, and include features such as circular stone windows / features on the frontage and gables to replicate the circular stone window on the existing cottage. The design of these plots and the courtyard formation of the three properties is acceptable.

The proposed property in close proximity to the entrance into the site reflects a gate lodge style property, albeit on a larger footprint with front and rear dormers and circular stone features on the gables. The design of this plot is acceptable and has a positive contribution to the overall development.

In terms of the two large family sized properties, they comprise large elements of glazing, bay windows, decorative gables above first floor windows, and a first floor balcony to the rear. There are no elements within the design that are unacceptable and would warrant a refusal of planning consent, but there is potential for minor amendments that would result in an appearance which more so reflects the character of Coal Clough House. It has been suggested to the applicants that such amendments be explored, and if these are submitted they will be presented to the Committee. Nevertheless, the design as submitted is unacceptable and it would be difficult to substantiate a refusal on design grounds if the potential amendments were not submitted.

## Residential amenity:

The proposed layout of the residential development provides ample amenity space for each property and adequate distances have been provided to ensure that the properties would have sufficient levels of light, privacy and outlook.

In terms of the existing residential properties surrounding the application site, the site benefits from being enclosed by a number of protected trees, thus providing screening, and is set at a significantly lower level than the surrounding neighbouring households.

An objection received outlines concerns that the two large family sized properties in the southern corner of the application site would result in a significant loss of light and outlook to the end terraced property. However, given the considerable change in ground level, any loss of outlook would be negligible, and given the disposition of the proposed dwellings and this nearest neighbouring dwelling (being immediately south), there would be no loss of light..



*Proposed 2 large family sized dwellings*

*No. 155 Coal Clough Lane (end terraced property)*

There are a number of remaining properties on Kensington Place and Netherby Street in particular which lie in close proximity to the application site. However, there would be ample distance from the proposed properties and the ground level difference and trees / shrubbery ensure that there would be no adverse effect to residential amenity.

#### Visual amenity;

The application site has remained vacant for some time and prior to the acquisition of the site by the applicants it was used as an area for fly tipping. The site, in its prime, would be an extremely positive asset to the visual amenity and character of the area, although this contribution has been lost over the period of time the site has been left uncared for.

The site is set within its own large sized grounds and is bounded on most sides by existing trees, shrubbery, and a high stone wall to the Nairne Street and Coal Clough Lane boundaries. As such, the proposal would not be particularly visible from any of the surrounding public footways etc, without travelling into the site itself. Nevertheless, the proposal will rejuvenate the site and the combination of the restored (albeit converted to 3) original house alongside the proposed new housing will contribute positively to the area.



*Proposed two dwellings to form courtyard with existing cottage*



*Proposed Gate Lodge dwelling near to vehicular access into site*



### Parking:

There are no new accesses proposed into the site – the existing access at Coal Clough Lane / Nairne Street would be used. This access is adequate for the proposed use and the applicants have made sufficient parking provision for each of the proposed dwellings.

Highway Engineer comments have not been received at the time of the completion of this report, although they have confirmed verbally that they have no objections in principle. Any comments received will be presented to Committee.

### Impact on the character and appearance of the locally listed building (Coal Clough House):

Coal Clough House is locally listed and has good character with a number of impressive features. Its setting within the grounds has determined the positioning of the proposed new dwellings. The area immediately to the front of the Coal Clough House will remain open, so that its frontage remains visible and its setting is not adversely affected.

The original features on the building itself will be retained and utilised, whereas the later additions such as extensions and dormers, which do not fully complement the property, shall be removed. This will bring the building back close to its original form (although it will become 3 households rather than one) and enhance its character and appearance – no part of the development would cause harm to these attributes. As such, the proposal complies with policy E10 of the Burnley Local Plan Second Review.

### Protected trees:

Previous applications for residential development at this site involved a much higher density of housing, and a lack of regard for the protected trees within the site. These were duly refused.

A small percentage of trees are proposed to be felled as part of the present application. The majority of these however are trees that are late mature and have significant disease and / or diminishing health. Some of the trees are dead and / or dangerous and do not require permission to be felled (there is an exception to consent to carry out tree works for dead, dying and dangerous trees). Only a very small portion of the trees marked for felling are to make way for the development, and even so, these trees are of poor quality and condition and do not contribute to the same degree as some of the higher quality trees. Key trees of high amenity value are to be retained.

The applicants have been in lengthy discussions with the Council's Arboriculturist to agree an acceptable tree management programme. Confirmation of the programme from the Council's Arboriculturist has not been received at the time of the completion of this report. Any comments received will be presented to committee.

The loss of protected trees should only be permitted where there is strong justification to do so. In my view, given the overall benefits of the proposed residential development to both Coal Clough House itself, and the surrounding area, the loss of a minimum amount of trees to facilitate development is outweighed by the resultant advantages of the development and is therefore, on balance, acceptable.

## Conclusion:

All in all, the proposed development is a very good scheme which will bring the locally listed Coal Clough House back into long term use. There have been a very large number of discussions and on-site meetings prior to the submission of the application, and the steps made by the applicants to involve the local community are welcomed. The application is a perfect example of how the above points can prove to be extremely beneficial in determining that the proposal as submitted is as acceptable as can be.

Provided that no objections are received from Highways and Green Spaces in relation to parking and trees respectively, the proposal is in accordance with the above local plan policies and is acceptable

**Recommendation:** That planning permission be granted subject to the following conditions (any additional conditions requested from statutory consultees who have not commented at the time of writing this report shall also be added)

## **Conditions**

1. The development must be begun within three years of the date of this decision
2. Notwithstanding any description of materials in the application, no work shall start on the proposed new dwellings until precise details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.
3. 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), no building, engineering, mining or other operations shall be carried out in, on, over or under the land the subject of this application at any time, other than:
  - (a) development in accordance with the application form and details shown on the approved plans, or on any subsequently approved amended plans; and
  - (b) the painting of the exterior woodwork of any building.
4. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Hard landscaping shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of

any part of the development or in accordance with a programme approved in writing by the local planning authority.

6. No development shall start until the details of the means of protecting trees and hedges, including root structures from injury or damage prior to or during the development works, have been submitted and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

### **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 secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policies H3 and GP3 of the Burnley Local Plan, Second Review.
3. To enable the local planning authority to consider future development having regard to policies GP1, H3, H13 and E10 of the Burnley Local Plan, Second Review and all relevant material considerations.
4. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.
5. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.
6. To ensure the trees are not damaged during construction works in accordance with policy E6 of the Burnley Local Plan Second Review.

BS

17/03/2010