

Application Recommended for Approval

Rosehill with Burnley Wood Ward

APP/2018/0450

Full Planning Application

Proposed pair of semi-detached houses

LAND ADJACENT NO 3 (CAR PARK) FAIR VIEW ROAD BURNLEY

Background:

The proposal is to construct a pair of semi-detached houses on vacant land at the end of a terrace row facing Fairview Road, the site of a formerly demolished house and last used as a car parking area.

The site is within Burnley Wood Conservation Area and is close to Towneley Lodge a Grade II Listed Building, at the vehicular entrance to Towneley Park.



The proposed houses would have three bedrooms and would be two storey. They would be constructed in natural stone and blue slate with traditional detailing.



Proposed layout and elevations

The application has been submitted in response to a previous refusal on the site for three storey properties.

Objections have been received.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local's Plan July 2018

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Developments

IC3 – Car parking standards

HE1 – Identifying and Protecting Burnley's Historic Environment

HE2 – Designated Heritage Assets

NE5 – Environmental Protection

Site History:

APP/2018/0006 – Proposed 2 three storey semi-detached houses with garages - refused

Consultation Responses:

1. Highway Authority (LCC) – The proposal is for 2 semi-detached dwellings and the submitted plan indicates that 2 parking spaces per dwelling are sufficient for this proposal.

Further clarification is needed as follows:

- The 1800mm high stone wall proposed to be erected between the two dwellings which would act as a dividing wall between the two and would contribute to a reduction in visibility while creating manoeuvrability and access issues to the parking bays
- The telegraph pole at the rear of the two dwellings would need to be relocated and would reduce visibility as well as safe manoeuvring

A dropped kerb will need to be installed to the rear.

An amended plan has been received which addresses the Highway Authority concerns. The wall between the parking areas has been removed and the telegraph pole has been repositioned. Wrought iron railings to the boundary wall have been provided instead of the vertical timber panels.

The Highway Authority is satisfied with the amendments.

2. *Environmental Protection* – recommend that the standard condition relating to hours of construction working should be imposed.
3. Three letters of objection have been received from nearby residents objecting on the following grounds:
 - The existing gable wall is unsafe and there are subsidence issues which would need attention before the construction of the properties (*This would be a private legal matter between the parties*).
 - There would be overlooking of existing dwellings and loss of light and privacy
 - Car parking in the area inadequate
 - There is evidence of ongoing subsidence on the site
 - There is nothing in the proposed plan that preserves or enhances the character or appearance of the Conservation Area
 - Increased noise and disturbance from construction and use of the car parking spaces
 - The development would adversely impact on the Gate House at the entrance of Towneley Holmes Road and the view of Towneley Park as they enter.
 - The plot originally only contained one dwelling

Planning and Environmental Considerations:

The National Planning Policy Framework sets out that housing applications should be considered within the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The site is in a sustainable location within the urban boundary and close to public transport networks and services. The Council can demonstrate a sufficient housing supply to meet a five year requirement and there is no over-riding need to provide further housing in the Borough. However, the development of this site for two dwellings would not have an adverse impact of housing supply in the Borough as a whole and the proposal is acceptable in principle.

The main issues for consideration relate to the design of the proposal, its impact on the character and appearance of the Conservation Area and nearby Listed Building, the impact on the residential amenity of the occupants and neighbouring properties and the highway implications of the scheme.

Design and Impact on the character and appearance of the Conservation Area and the Listed Building.

The site is within Burnley Wood Conservation Area and is approximately 30 metres away from Towneley Lodge which is a Grade II Listed Building. The site is close to the main entrance to Towneley Park Historic Park and Garden.

The Local Planning Authority has a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building or its setting. Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area.

Policy HE2 of the Local Plan sets out that proposals affecting designated heritage assets and/or their setting will be assessed with regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its Conservation. All levels of harm should be avoided.

As the development is only 30 metres away from the Listed Building and they would be viewed together from various positions around the site. The setting of the Listed Building and the Character and Appearance of Burnley Wood Conservation Area would need to be given consideration.

In terms of the setting, the site is approximately 30 metres away from Towneley Lodge. Whilst there would be no direct impact on the Listed Building there would be some impact on its setting. As there are already residential property close to the Lodge and there has previously been a property on this site, the erection of a new property would not be out of keeping with the setting of the building in principle providing the proposal was in keeping with the character of the surrounding area.

The acceptability of the design of the property in the surrounding area is considered below in this report.

In terms of the impact on the Conservation Area, the site is at the northern end of the Conservation Area and the immediately adjacent properties in the comprise larger than average two storey terraced housing, although there are larger properties of lower density set in more spacious gardens in the wider area. The materials throughout the area are predominantly stone and welsh blue slate.

The proposed dwelling would be set at the end of a terrace of two storey dwellings.

The front and rear elevations of the proposed dwellings line in with the front and rear elevations of the adjacent terrace. There is a gap of approximately one metre between the end gable of the terrace and the proposed new dwelling. The new properties would be slightly lower, by approximately 0.6 metres, than the adjacent dwelling at No. 3 Fairview Road.

In terms of detailing, the elevations of the existing terrace have vertical emphasis and a balanced window to wall ratio and a door, window, door, window rhythm to the elevations. The proposal reflects this arrangement and the development is designed in keeping with the scale, height, massing and materials of the surrounding area.

Both properties maintain a frontage to Fairview Road with Plot 1 directly access from Fairview Road. Plot 2 has its main access and elevation facing Towneley Holmes Road, which provides an active frontage and interest at the entrance to the Park.

There is a small area of amenity space at the front of the dwellings and a rear yard which accommodates the parking area and space for refuse storage. Whilst there is little private amenity space attached to the dwellings, this is characteristic of the dwellings in the locality and the site is immediately adjacent to Towneley Park.

The existing boundary wall will be retained and supplemented with wrought iron railings to a height of around 2 metres. The existing trees along Towneley Holmes Road will be retained.

The proposed design and layout of the scheme are acceptable and the proposal will serve to conserve and enhance the character and appearance of the Conservation Area.

Residential Amenity of future and existing residents.

The proposed houses provide for a good standard of residential amenity for the occupants in terms of living accommodation.

Policy HS4 of the Local Plan sets out that appropriate levels of privacy and outlook for occupants and existing adjacent residents should be provided in new housing developments..

In terms of the impact on the amenities of the neighbouring residents, the adjacent property at No. 3 Fairview Road has living room windows adjacent to and facing the rear yards of the proposed houses.



No. 3 Fairview Road showing the position of windows

The proposed houses would not extend beyond the main rear wall of No.3, so there would be no facing rear windows which would impact on the privacy of the dwelling. There would be no change in outlook from the property and sunlight and daylight will not be affected.

No.106 Todmorden Road backs onto the rear of the properties. There would be windows in the rear of the new properties which would come within 17.4 metres of the existing windows of No. 106 Todmorden Road. Policy HS4 sets out that unless an alternative approach is justified, the privacy distance should be 20 metres between facing habitable rooms.

In this case, the existing form and layout of the adjacent terraces provide less than 20 metres, at around 13 metres between the properties. The original house on the site would have been at a similar distance. It would be appropriate to allow a lesser distance, as proposed at 17.4 metres in this location. This would not compromise privacy for the existing or proposed dwellings to an unacceptable degree.

The car parking spaces are at the rear of the building and it is unlikely that the coming and going of vehicles to the properties would cause undue disturbance or nuisance to the surrounding residents given the residential character of the area.

It is proposed to include a condition on any planning permission granted to limit the construction hours to normal working hours.

On balance the proposal would not have an adverse impact on the residential amenity of the future and existing occupiers.

Highway Implications

The proposal provides for parking for two vehicles in the rear yard for each of the dwellings, which is in line with the adopted standards for three bedroomed properties.

The spaces will be accessed from the back street and modifications to bring the proposal in line with the highway authority requirements have been made, including the removal of the dividing wall and the relocation of the telegraph pole.

The Highway Authority has advised that the arrangements are acceptable.

Other matters

The application is supported by a contamination report and it is advised that intrusive site investigations are carried out to determine whether any special precautions in respect on contamination are required. A condition relating this requirement is suggested.

The Party Wall Act may apply. This is a separate requirement, outside the control of the Council.

The foundations and the stability of the buildings are a matter which will be controlled under the Building Regulations.

Conclusions

The proposal is acceptable in principle on this site. It is in a sustainable location and the NPPF supports such development. The proposal is acceptable in terms of its design; its impact on the Conservation Area and setting of the nearby Listed Building;

its impact on residential amenity of existing and future residents; and its highway implications. It is in line with Local and National Planning Policy.

Recommendation:

That planning permission be granted for the development subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Drawing No. 2/10/2018 received 14 September 2018; Amended Drawing No. 1/10/2018 received 9 October 2018.
3. The off-site highway works, including the relocation of the lamp post shall be carried out to the satisfaction of the Local Planning Authority before either of the dwellings is occupied.
4. The two parking spaces shall be provided for each dwelling as set out on the approved plan, drawing no. 1/10/2018 received 9 October 18, before their occupation.
5. No construction work shall take place on the development hereby approved outside the hours of 8 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 1 p.m. on Saturday and not at any time on Sundays and Bank Holidays.
6. The development shall not begin until:
 - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
 - b. An investigation has been carried out in accordance with the approved strategy;
 - c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.
7. No development shall start until an 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:

1. 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
2. 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 required above, these measures shall be incorporated into the development, before any buildings are occupied.

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 ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of highway safety.
4. To ensure adequate parking space is available in line with Policy IC3 of Burnley's Local Plan adopted July 2018.
5. To protect the amenities of nearby residents in accordance with Policy NE5 of Burnley's Local Plan adopted July 2018.
6. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
7. To ensure that the developer has demonstrated 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 and 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 Local Plan adopted July 2018.