

Outline Planning Application

Outline application for erection of a single dwelling including details of access and layout with vehicular access from Southern Court (other matters reserved for future approval)

7 SOUTHERN AVENUE BURNLEY

Background:

This is an outline application for the erection of a single dwelling within the residential curtilage of No 7 Southern Avenue with details of the access and the layout of the site included in the application. All other matters such as appearance, scale and landscaping are reserved for future consideration. Outline planning permission (APP/2016/0118) was granted subject to conditions for a similar development in June 2016. A subsequent appeal against a condition was dismissed by the Secretary of State. This application seeks to renew the permission.

The above mentioned appeal concerned a pre-commencement condition requiring improvements at the junction of Southern Court and Ightenhill Park Lane. In dismissing the appeal the Inspector held that the condition was relevant to the development and reasonable in all other aspects in the interests of highway safety.

The Inspector also considered an objection from the occupants of the adjacent property (No. 9 Southern Avenue) in relation to the effect of the development on residential amenity and the character and appearance of the area. The Inspector took the view that the layout of the proposed development would not amount to an undue level of harm to residential amenity and would not detract from the character and appearance of the area.

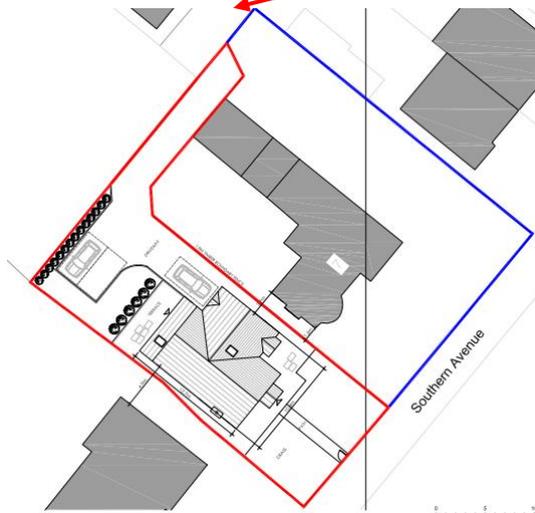
The Inspector's decision is a very significant material consideration in favour of the proposal.

Proposed development

The application site relates to No.7 Southern Avenue, a detached property set within a sizeable plot, and forms an area to the south west presently used as a private garden. The surrounding area is characterised predominantly by detached and semi-detached villas that front Ightenhill Park with pedestrian access only via Southern Avenue. Vehicular access is via Southern Court to the north which is taken directly off Ightenhill Park Lane, a junction with particular poor sightlines.

The application site measures approximately 13.0 metres in width by 36.5 metres in depth and is positioned between No. 7 and adjacent property No. 9 Southern Avenue, a detached two storey dwelling. The submitted drawings provide indicative floorplans which suggest a 2 storey 4 bed roomed detached dwelling with an attached garage. The layout plan indicates that the positioning of the proposed dwelling will respond positively to the building line of adjacent properties and that parking provision for 3 vehicles will be provided to the rear of the dwelling at the termination of the private driveway from Southern Court. A reasonably sized garden will still be provided for No.7 Southern Avenue.

Access to be taken from Ightenhill Park Lane via Southern Court to the north of Southern Avenue



No.9 and No.7 Southern Avenue



Proposed layout plan

Site between No.7 and No.9 Southern Avenue

A neighbour objection has been received. The nature of the objection was considered and dismissed at appeal as previously referred to.

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

National Planning Policy Framework (2019)

Planning History:

APP/2016/0118 - Outline application for erection of single dwelling including details of access and layout – Granted with conditions (June 2016)

APP/Z2315/W/16/3155066 – Appeal of Condition No 7 in relation to improvements to the junction of Southern Court and Ightenhill Park Road – Appeal dismissed (Nov 2016)

Relevant applications on a neighbouring site include:

APP/2018/0224 – Outline application for the erection of 5 detached dwellings including details of access (renewal of application granted on appeal in 2009 and renewed in 2012 and 2015) – Granted (June 2018) with conditions including improvements to the junction of Southern Court and Ightenhill Park Road as imposed by the Inspector at appeal. The application has not been implemented to date thus neither have the associated junction improvements.

Consultation Responses:

LCC Highways

No objection to the application subject to the imposition of the condition attached to

APP/2016/0118 (or similar) requiring improvements at the junction of Southern Court with Ightenhill Park Lane.

Publicity

The adjacent neighbour has submitted a copy of their objection to the previous application, the contents of which were considered and dismissed at appeal. The objection does not raise any new matters subsequent to those considered at appeal.

Residential Amenity - Concerns relating to the effect of the development on the living conditions of No 9 and No 7 Southern Avenue with regard to privacy, light and outlook. Central to the objection is the distance (4.9 metres) between the flank elevation of No 9 Southern Avenue and the adjacent flank elevation of the proposed dwelling. The objector considers this would result in a loss of outlook and light to the sizeable dining/kitchen window and an unreasonable sense of enclosure to it. There are concerns of loss of light to 4 other windows on the flank elevation.

Highway Safety – The access from Southern Court onto Ightenhill Park Lane is inadequate. A condition requiring improvements to the access should be imposed if permission is granted. There is also concern regarding the inadequacy of visibility from the proposed access drive onto Southern Court.

Visual Amenity – Concern is expressed that the plot is narrow and the proposed dwelling will appear to be squeezed in which would result in an uncharacteristically narrow spacing when considered in the context of the streetscene.

Planning and Environmental Considerations:

The principle of development on the site has been established in the previous approval of the outline application (APP/2016/0118) which has now lapsed. Consent was given for access and layout with all other matters reserved for future consideration. This is a new outline application with the same access arrangements, layout and siting as previously approved. There has been no material change in circumstances relating to the site since the previous approval though there are a number of new and significant material considerations to take into consideration including the appeal decision, the adoption of Burnley's Local Plan (July 2018) and the revised NPPF (2019). The main issue is whether these material considerations would indicate that a different decision should be reached.

Principle of Development

Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth in Burnley and Padiham through the efficient use of land and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

The application site is located within the development boundary for the settlement of Burnley as defined in Burnley's Local Plan. Policy SP4 provides the development strategy for the borough and supports development on suitable sites within the current

built-up areas of Burnley and Padiham provided they are compatible with other relevant policies of the Local Plan.

The NPPF advises that land in built up areas, such as private residential gardens, are not previously developed land as such the application site is considered a greenfield site. Whilst the NPPF encourages the use of previously developed (brownfield) land it also seeks to boost significantly the supply of housing. Accordingly the Local Plan does not preclude greenfield sites, including private residential gardens, from development of an appropriate type and scale. Rather it ensures that new development does not have an unacceptably detrimental impact on the character of an area, residential amenity or highway safety and it ensures such developments positively contribute to the creation of sustainable communities.

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 service within 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 sustainable location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the impact of the proposal on the street scene and character of the area; residential amenities; and parking and highway safety as set out below.

Impact on Residential Amenity

In accordance with Local Plan Policy SP5 and HS4 development should not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight. The application is for outline planning consent and as such regard cannot be given to the detailed design of the proposed dwelling when assessing the impact on neighbour amenity however there are matters regarding layout that can be given due consideration.

At appeal the Inspector held that the amenities of the occupiers of No.7 and No.9 Southern Avenue would not be unacceptably affected by the proposal, as set out below.

The proposal would result in a distance of 4.9 metres between the flank elevations of the adjacent property at No.9 Southern Avenue and the proposed two storey dwelling. The flank elevation of adjacent property No. 9 Southern Avenue contains a dining/kitchen window and four obscured glazed smaller openings which face in a north easterly direction and serve an attic room, landing, utility and as a secondary bedroom window. The dining/kitchen is served by another opening in the front elevation which faces in a south easterly direction onto Southern Avenue. Directly in front of the flank dining/kitchen window is a row of leylandii that sit within the application site.



Dining/kitchen window to flank elevation obscured by existing leylandii

South east facing kitchen window to front elevation

View of the site looking towards the flank elevation of No.9 Southern Avenue

Whilst there would be some loss of light to the flank dining/kitchen window this would not be significant having regard to the south east facing dining/kitchen window which is slightly larger than the flank window and therefore provides the occupants with an unobstructed outlook and a source of light that would extend longer into the day unlike the flank window. Whilst the proposed dwelling may reduce light into the 4 other flank windows this would not amount to an undue level of harm given their orientation, size and the rooms they serve.

In respect of outlook, the flank dining/kitchen window already looks out onto a row of leylandii that confine the space in front of this window. Whilst the dwelling would be likely to be much taller than the leylandii, this is an outline scheme with all matters reserved except for access and layout. Moreover, given the window to the front elevation has an unaffected outlook, the proposal would not result in an oppressive enclosing effect. In terms of privacy, no windows are shown in the flank elevation of the proposed dwelling on the indicative drawing. Whilst this could change, it is nevertheless a matter for consideration at reserved matters.

In relation to No.7 Southern Avenue, it is considered that the plot is of sufficient size to ensure appropriate space between the proposed dwelling and the shared boundaries with No.7 and the layout as proposed would not cause undue harm to the privacy or outlook of the current or future occupants.

Having regard to the above, the proposal would comply with Local Plan Policy SP5 and HS4 in relation to residential amenity.

Impact of the proposed layout on the character of the area

Local Plan Policy SP5 is used in the determination of planning applications in terms of their general design and appearance and specifically requires development to be of a high standard of design and to respect their townscape setting and locally characteristic street layouts, scale and massing.

The proposed layout shows a detached two storey four-bedroomed dwelling and attached garage with vehicular access from Southern Court and an area of hardstanding for parking of up to three vehicles including manoeuvring space and a small garden. The positioning of the front elevation is in line with the other frontages along Southern Avenue and provides for an area of garden and pedestrian access from Southern Avenue consistent with the layout of the properties along the street.

At appeal the Inspector held that the proposed layout would contribute to the local distinctiveness through quality design and by reflecting the layout in the surrounding area.

Whilst the plot width of the application site, at approximately 13 metres, is narrower than other detached plots on Southern Avenue the layout plan indicates that the proposed dwelling would fit comfortably between No.7 and No.9 Southern Avenue leaving sufficient space between and would not be out of keeping in the street-scene. As such the size of the plot and proposed layout is considered sufficient to ensure that an appropriate scheme can be achieved at Reserved Matters in accordance with Policy SP5.

The positioning of the front elevation reflects the strong building line of properties along Southern Avenue and whilst the final appearance would be reserved for future consideration, the proposed layout would respect the townscape setting and locally characteristic street layout by virtue of high quality design in accordance with Policy SP5.

Impact on Highway Safety

Local Plan Policy IC1 requires development to provide safe access to, from and within the site, including adequate visibility splays. The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they occur.

Proposed driveway

The proposed layout shows how vehicular access from Southern Court can be achieved via the creation of a new private driveway. The proposed driveway widens to include a sufficient turning space to allow ingress and egress in a safe, forward gear. It is considered that the driveway would maintain good visibility of oncoming traffic from both directions along Southern Court. The Highway Authority has raised no objection to the proposed driveway access. The proposed driveway meets the requirements of Policy IC1.

Proposed vehicular access

The proposed vehicular access relies upon the junction of Southern Court, a relatively narrow access, and Ightenhill Park Lane which is a well-used distributor road. Neighbouring dwellings also use this access and junction which is physically constrained due to restricted sightlines especially to the south. Vehicles egressing Southern Court onto Ightenhill Park Lane need to pull forward of the junction and onto Ightenhill Park Lane in order to achieve adequate visibility in either direction. Allied to this, the narrowness of Southern Court creates a conflict point with vehicles turning into the access from Ightenhill Park Lane, especially from the south as they are unable to see any vehicles or pedestrians approaching the junction. Consequently, reversing manoeuvres onto Ightenhill Park Lane are likely to occur causing potential conflict with other road users on Ightenhill Park Lane or its junction with Ighten Road.



Ighten Park Road

Southern Court

Ightenhill Park Lane

View from northern approach (copyright Google Streetview)



Southern Court

Ightenhill Park Lane

Ighten Road

View from the southern approach (copyright Google Streetview)

The Highway Authority raises no objection to this application subject to the imposition of the previous (or similar) condition requiring improvements to the junction of Southern Court and Ightenhill Park Lane to alleviate the highway safety concerns.

In assessing the previous application (APP/2016/0118) the Highway Authority considered that the impact of even one additional property using the access without works to achieve better sightlines could be considered to be severe in relation to the impact on highway safety at the junction of Southern Avenue and Ightenhill Park Lane. Without junction improvements the Highway Authority would have recommended refusal of the application. A pre-commencement condition was attached to the consent that required an improvement scheme to be approved and subsequently implemented at the junction.

The applicant subsequently appealed the condition on the grounds that the impact of a single dwelling would not be severe enough to justify the improvements at the junction which in any event were expected to be delivered through the implementation of an approved application for 5 dwellings on the opposite side of Southern Court (as referred to under the planning history section of this report). In dismissing the appeal the Inspector held that the condition was relevant to the development as the effect on highway safety of not undertaking any improvement works would be severe, notwithstanding the scale of the development. The inspector also held the view that the condition would not place an unjustifiable or a disproportionate burden on the appellant.

The appeal decision is a significant material consideration and circumstances have not changed at the junction. If Committee is minded to approve the application, it is recommended that the same condition, requiring the approval and implementation of a detailed scheme of highway improvement, is imposed on any approval in accordance with Policy IC1.

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant has provided written agreement to the terms of the pre-commencement condition (No.5) listed below.

Parking

The proposed layout makes provision for three off-street car parking spaces. This would meet the minimum standard for a dwelling of 4 or more bedrooms in accordance with Policy IC3.

Conclusions

Considering all of the above and having regard to all material considerations and matters raised, the principle of residential development on this site is considered to be acceptable subject to appropriate conditions.

Recommendation:

That outline permission be granted subject to the following conditions:

Conditions

1. Details of the scale and appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings DWG 00B, DWG 01B and DWG 02C received 26/04/19, together with any detailed plans subsequently approved in respect of the reserved matters. Drawing DWG 03B Proposed ground Floor and First Floor Plans received 26/04/19 is for indicative purposes only.
5. No development shall start until a scheme detailing the improvements to the junction of Southern Court and Ightenhill Park Lane has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.

6. 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 or deliveries to the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reasons

1. The application is in outline only and does not contain complete details of the proposed development.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In the interests of highway safety having regard to the poor sightlines at the junction of Southern Court and Ightenhill Park Lane in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018).

EEP
12/08/19