

**Application Recommended for Approve with
Conditions**
Brunshaw

FUL/2019/0260

Town and Country Planning Act 1990
Proposed new dwelling with access from Brunshaw Road (amended scheme)
Ivy Mount Cottage 376 Brunshaw Road Burnley Lancashire

Background:

The application site is located on the land to rear of No. 376 Brunshaw Road. The land is currently grassed with trees and low level shrubs. The site is within the settlement boundary as defined in Burnley's adopted Local Plan.

Permission was granted for the erection of one dwelling on land to the rear of 376 Brunshaw Road in 2008 (APP/2008/0671), a more recent application in 2017 received consent for the alteration of the access road to the site.



Relationship of the site and the rear of No 376 and 374 Brunshaw Road



Relationship with the common boundary with No. 200 Ridge Avenue



Street view image taken from google.com

Relevant Policies:

Proposal

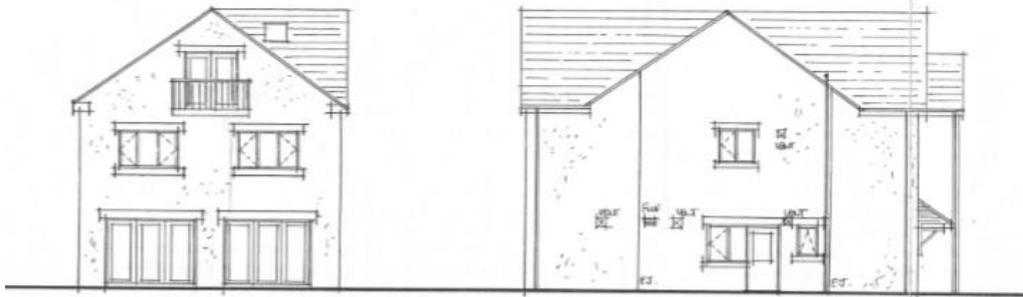
The application seeks consent for a detached, 3 storey, 5 bedroom property with access from Brunshaw Road.

The dwelling would be constructed in stone with stone quoins, hardwood framed double glazing windows and doors and a blue slate roof. The dwelling will be 12.4m in length, 8.1m in width, 5.4m to the eaves and 8.5m to the ridge. The footprint of the dwelling would be approximately 100sqm.



this to be 'escape type'

Wrought iron guarding, 1100mm high to patio doors



Rear Elevation

Side Elevation



Burnley Local Plan

SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS4 – Housing development
IC3 – Car parking standards

National Planning Policy Framework 2019

Site History:

12/87/0847 – outline app. – erection of one dwelling – c/c
12/90/0698 – outline app. - erection of one dwelling – c/c
12/91/0587 – sec. 64 – erection of porch – pp not required
12/02/0552 – proposed single garage – granted
APP/2005/0360 – erection of dwelling – refused
APP/2007/0784 – outline app. detached 2-storey dwelling including means of access – c/c
APP/2008/0671 – reserved matters for erection of dwelling (07/0784) – c/c
APP/2011/0123 – proposed erection of dwelling – refused
APP/2011/0355 – discharge of conditions 2, 3, and 6

Consultation Responses:

United Utilities

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

LCC Highways – No objection

Publicity - 4 letters of objection received

- increased volume in traffic relating to the owners of the proposed development
- increase maintenance of the road surface from Brunshaw rd to the boundary of the proposed dwelling.
- highway safety both, turning into and leaving the single track road
- Increased noise disturbance

- The impact on the trees and the landscape
- Possible impact on wildlife foxes, badgers etc
- Design of the property being 3 storey is not un keeping with the other properties around. A 2 storey property would be less intrusive
- Over bearing impact on garden space
- Reduce privacy for the garden area

Planning and Environmental Considerations:

The principle of development

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

The site is considered to be in a sustainable location and in principle the development of a dwelling would be appropriate subject to the proposals meeting all other relevant policies.

Main issues

The main issues in the consideration of this application are;

- the impact of the development on residential amenity
- design/materials
- traffic/parking
- other considerations

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The closest property to the application site is No. 200 Ridge Avenue which lies approximately 26m to the north east of the site. The western boundary (side elevation)

of the proposed dwelling would be 2m away from the common boundary with No.200 Ridge Avenue. The existing boundary between the existing garden spaces is a 2m high fence with some shrubs and small trees. The proposed side elevation would include a door and 2 windows on the side elevation onto No. 200 Ridge Avenue. The ground floor openings would not be visible from the garden area given the height of the fence, and the 1st floor windows will serve a bathroom which will be obscured glazed. Whilst the proposed dwelling will be visible from No. 200 Ridge Avenue and 374 and 376 officers do not consider the development to cause an overbearing impact on the surrounding dwellings.

From the front elevation of the proposed dwelling to the rear of 374 and 376 Brunshaw Road is approximately 45m. Officers do not consider there to be any issues in terms of overlooking to any of the surrounding properties.

Design and Appearance

Paragraph 124 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

There are a range of house types within the area surrounding the property; terraced along Brunshaw Road, semi-detached adjacent and a collection of detached properties to the east on Rowley Lane and No. 200 Ridge Avenue.

The proposed dwelling would not be visible from the street scene being located approximately 45m away from the road which runs between No. 376 and 378 Brunshaw Road. The proposal will therefore not have a detrimental impact on the street scene.

The design of the dwelling has not altered since it was previously given consent in 2008. The proposed materials of the property will be artificial stone, with stone heads, cills and quoins, blue and hard wood framed double glazed windows. The use of natural materials compliments the surrounding properties and would be in accordance with policy SP5 of the adopted Local Plan.

Traffic and Parking

Paragraph 108 of the NPPF advises that planning decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

NPPF Paragraph 109 states, Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show parking space for 3 vehicles

which would meet the parking standard requirements. Neighbours have raised concerns over the potential increase use of the existing road and the maintenance. As highways have assessed the application and the parking requirements have been met, issues on maintenance would be a civil issue which would need to be picked with the applicant.

Conclusion

The proposed dwelling which falls within the Development Boundary as defined in Burnley's Local Plan can be accommodated on the proposed site without any significant impact on the character and appearance of the surrounding area, or detrimental impact on the residential amenities of neighbouring dwellings and on highway safety grounds. On balance, the proposal is considered to comply with the council's development plan and there are no material considerations which outweigh this finding.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received 17/6/19 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

4. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

5. The development shall not be occupied until the car parking areas to serve the development have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

6. 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):
 - (i) no external alterations, including roof alterations, or extensions shall be carried out to the building
 - (ii) no garages or outbuildings shall be erected within the curtilage of the building;unless planning permission for such development has been granted by the Local Planning Authority.

Reason: Reason: To enable the local planning authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan.

7. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

Paula Fitzgerald
9th September 2019