

Application Recommended for Approve with Conditions

OUT/2019/0447

Rosegrove With Lowerhouse

Town and Country Planning Act 1990

Outline with access off Lawrence Avenue, with all other matters reserved for two self/custom build dwellings

Land At Lawrence Avenue Burnley Lancashire BB11 5LW

Background:

The site is located at the end of Lawrence Avenue, and is located within the defined settlement boundary as designated in Burnley's adopted Local Plan.

The site is approximately 0.048 hectares and is currently an undeveloped greenfield site. There is a gradual change in the land from east to west. To the south of the site is an area of open space known as 'Barclay Hills' and forms a protected area of open space. This application site is not part of the protected open space designation.

The Housing and Planning Act 2016 requires authorities to suitable serviced plots to meet the demand for self-build and custom housebuilding in their area. In order to comply with the requirements the Council needs to provide 2 plots by 30th October 2019.

The application has been brought to Planning Committee as the site is Council owned land.



Edge of the site showing the turning area at the end of Lawrence Avenue



Properties adjacent to the site



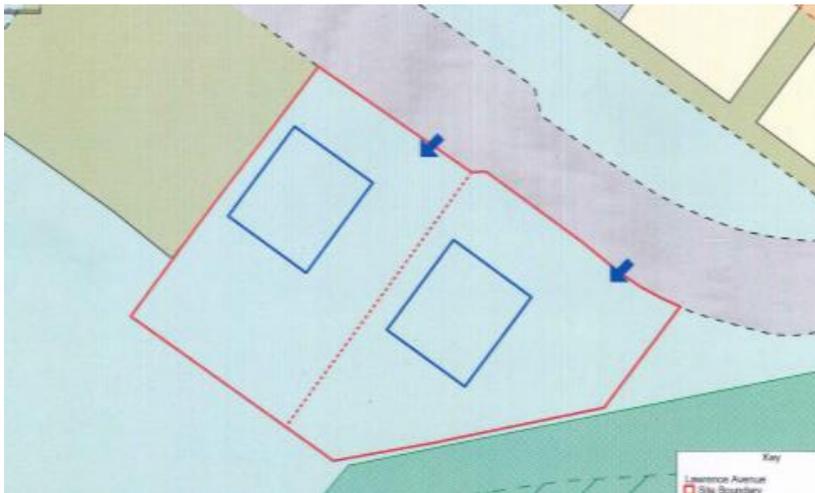
Image taken from google street view showing the gradual fall in site levels.

Proposal

The application seeks outline consent for 2 detached properties with access from Lawrence Avenue.

As this is an outline application, no details on the design, appearance, layout or landscape can be made and will be considered as part of a reserved matters application.

Proposed site plan



The areas indicative approximate vehicle access from Lawrence Avenue.

Relevant Policies:

Burnley's Local Plan 2018

- 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: None

Consultation Responses:

LCC Highways

No Objection subject to condition

Publicity

Ward Councillor - no comments received

Other Neighbour comments - no comments received

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.

Previously developed land

Annex 2 of the NPPF provides a definition of what constitutes previously developed land stating;

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. It advises that recreation grounds are not previously developed land.

According to this definition the application site is a Greenfield site. Notwithstanding this having regard to the small scale of the proposed development, which only involves the introduction of two dwellings, it is not considered that the proposal would compromise the ability of the Council to deliver new homes on previously developed land.

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

Main issues

The main issues in the consideration of this application are;

- Design and appearance
- the impact of the development on residential amenity
- highways
- other considerations

Design and Appearance

Specific detail on design and appearance would be covered as part of a reserved matters application. The outline does provide an indicative location of the two dwellings, which currently sit approximately 4m from Lawrence Avenue.

Appearance is not an issue for consideration in this outline application. The predominant house type within the area is terraced, characterised by open spaces.

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.

Based on the indicative layout, the front elevation (north) would be 23m from numbers 16 and 17 Lawrence Avenue. To the west are a row of properties 21-24 Lawrence Avenue. The side elevation of the proposed dwellings would be positioned approximately 28m away. It is considered that two storey dwellings can be created without having an adverse impact upon the level of residential amenity residents enjoy by virtue of a loss of light, privacy and/or overbearing impact. Final detail will be dealt with under reserved matters application.

Highways

Paragraphs 108 and 109 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 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 subject to conditions and information submitted as part of the reserved matters application.

Boundary detail, fencing and landscaping

No details have been supplied of boundary treatment to form the residential curtilage, this will be dealt with under reserved matters.

Recommendation: Approve with Conditions

Conditions:- Delegate authority to the Head of Housing and Development to approve the development subject to there being no objections after 18th October 2019.

1. a) Details of the reserved matters set out below (the reserved matters) shall be submitted to the Local Planning Authority for approval within three years from the day of this permission:
 - i) layout
 - ii) scale
 - iii) appearance
 - v) landscaping

b) The reserved matters shall be carried out as approved

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

2. The outline permission (access) hereby approved shall relate to the development as shown on drawings:

Location Plan
Indicative Site Layout Plan

Reason: To ensure the development accords with the agreed general principles in relation to overall layout and arrangement.

3. 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 (July 2018).

4. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

The roads adjacent to the site shall be mechanically swept or kept free of debris resultant from the construction works associated with the proposal as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway and to ensure the continued safe operation of the highway network.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwellings hereby approved unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm nearby residential amenity and the character and visual amenities of the immediate area.

6. Applications for the approval of reserved matters shall include the finished floor levels of the dwellings in relation to the existing and proposed site levels, the adjacent highway, together with details of levels of all accesses to include pathways and driveways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

Reason: In order to achieve a satisfactory form of development with regard to the topography of the site having regard to policies NE3 of the adopted Burnley's 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 08:00 hours and 17:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 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 (July 2018).

8. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with of Burnley's adopted Local Plan.

9. The reserved matters planning application shall provide details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

10. Details of a scheme of electric vehicle charging to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

11. The reserved matters planning application shall ensure full compliance with Council's adopted car parking standards as set out in Appendix 9 of Burnley's adopted Local Plan (or any other standards that replace it).

Reason: In order to ensure that there is adequate car parking on the site in the interests of highway safety and in order to comply with the Council's adopted car parking standards in accordance with policy IC3 of Burnley's adopted Local Plan.

12. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 25 metres in both directions to be provided, measured along the near side kerb of the existing carriageway of Lawrence Avenue, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

13. A plan showing the details for a suitable vehicle crossing will be required as part of the reserved matters application and shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Each dwelling and a 1.8m footway will be required in parallel with the adopted carriageway across the full width of the development site that will be dedicated as highway.

Reasons: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

14. The reserved matters application shall detail a plan for refuse and recycling storage facilities for each dwelling. No dwelling shall be first occupied until the plan has been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall thereafter be retained at all times.

Reason: To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

15. The reserved matters application shall detail:

- 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.

Reason: 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 NE5 of Burnley's adopted Local Plan.

16. 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) details of the position, type and height of all fences, walls and gates to be erected on the site shall be submitted to the Local Planning Authority for approval. The development shall thereafter accord with approved details, unless otherwise varied in writing.

Reason: No details of boundary treatments have been submitted with the application and the Local Planning Authority wishes to retain control over such development given the location of the site adjacent to an area of open space. In order to comply with policy SP5 of Burnley's adopted Local Plan.

17. As part of reserved matters, a landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include the following elements; areas of hard and soft landscaping, areas of planting including types of species. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with policies