

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

**FUL/2019/0489**

Town and Country Planning Act 1990

Proposed erection of four detached dwellings with access from Lower Timber Hill Lane

Lower Timber Hill Lower Timber Hill Lane Burnley Lancashire

**Background:**

The site is located off Lower Timber Hill Lane and comprises part open field and part ménage, the site measures 2,484 sqm. The site is located within the settlement boundary as designated in the adopted Local Plan. This application is a full application based on a similar outline scheme which was submitted in 2013 and allowed on appeal in 2014.

To the east of the site across the access Lane is No. 2 Lower Timber Hill which is a detached property which is hidden behind a fence and hedgerow. To the north of the site is No. 3 Lower Timber Hill whose gable sides onto the proposed development. To the south of the site is further open land leading further down Lower Timber Hill Lane. The land levels rise to the west of the site, the Agent has detailed the difference in levels to be 5.2m from the north western corner to the eastern corner.



View looking down the lane towards Moseley Road



Existing access into the field



Disused Ménage



Side elevation of No. 3 Timber Hill Lane

## Proposal

The application seeks consent for the erection of four detached dwellings with access from Lower Timber Hill Lane. The proposal has been previously approved on the site in an outline application in 2013 and reserved matters application in 2017. The principle of development has therefore been accepted.

The dwellings would be constructed in brick with a tile roof and Upvc windows. There are two proposed house types on the site A and B. Each detached dwelling will have 4 bedrooms with attached garage. The height to the ridge will be 7.8m, 8.3m in width and 9.2m in length. Each property would have incurtilage parking for 2 cars (plus the garage) with front and rear garden areas.

## Proposed elevations – House Type A



## House Type B





## National Planning Policy Framework 2019

### Site History:

APP/2017/0197 – Approval of reserved matters following outline planning permission APP/2013/0367 (erection of 4 dwellings). Approval sought for appearance, landscaping, layout and scale. Approved with conditions 13/6/17

APP/2013/0367 – Erection of 4 dwellings – refused and granted on appeal  
APP/Z2315/A/14/2212311 – appeal allowed for the outline for 4 detached dwellings 9/5/14

APP/2001/0412 – Construction of a ménage (sand surface with fenced area) – granted

Planning permission has also been granted on land to the east of the site for a single dwelling (APP/2019/0054) see plan below



### Consultation Responses:

#### Environmental Health

No objection subject to a condition on hours of construction.

#### United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system

with foul water draining to the public sewer and surface water draining in the most sustainable way.

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.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

A drainage plan has been submitted with the application CO17\_133\_03\_001 which is being reviewed by a drainage engineer at UU. An update on this response will be shared at committee as an update item.

### LCC Highways

Earlier concerns over the layout and design of the car parking have been resolved through amended plans. No objection subject to the following conditions:

1. Garage not to be used as living accommodation Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: to protect off-street parking provision in the future.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along each edge of the proposed drive from the continuation of the nearer edge of the carriageway to points measured 5m in each direction along the nearer edge of the carriageway.

Reason: To ensure adequate visibility at the driveway.

3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting [PROWplanning@lancashire.gov.uk](mailto:PROWplanning@lancashire.gov.uk)

4. All the dwellings shall have in place an electrical power supply suitable for the charging of an electric vehicles, before the dwellings are occupied.

6.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 accompanied by a plan, shall be adhered to throughout the construction period. It shall provide for:

- a)The parking of vehicles of site operatives and visitors
- b)The loading and unloading of plant and materials
- c)The storage of plant and materials used in constructing the development
- d)The erection and maintenance of security hoarding
- e)Wheel washing facilities
- f)Measures to control the emission of dust and dirt during construction
- g)A scheme for recycling/disposing of waste resulting from demolition and construction works
- h)Details of working hours
- i)Routing of delivery vehicles to/from site

## **Publicity**

### Parish Council

Habergham Eaves Parish Council originally objected to this plan as councillors were concerned over issues of access and road safety and also the affect the plan would have on current residents.

We understand this plan was won on appeal and regarding this latest application, we would say the main issue is ensuring that the developer keeps to the original planning consent stipulation (see Highways Comment) that the hawthorn hedging is removed to give safe site lines for vehicles coming onto the lane from the site, as it is a well-used public footpath and also that the careful consideration is given to adequate surface water drainage as the land is higher than the lane and water already pours off this land eroding the surface of the lane.

Other Neighbour comments: 3 letters of objection have been received

### **The concerns are summarised as follows:**

- Serious drainage problems from the site onto Lower Timber Hill Lane, a long history of surface water freely flowing off the land onto the lane.
- Lower Timber Hill Lane is a public footpath, part concessionary bridleway and a single track access road to several properties. It is also only access route available to emergency vehicles serving the public open space at Whin Scar Clough
- The full effect of surface water run off from the proposed hard landscaping as part of the proposed development needs full consideration
- Visibility at the junction of the proposed access drive onto Lower Timber Hill. The current hedge shown within the curtilage of property No. 4 is currently neglected and overgrown. It is also of such a height as to prevent clear visibility for vehicles travelling up Lower Timber Hill Lane towards Moseley Road
- Lower Timber Hill is not constructed for heavy vehicles and is not wide enough
- Do not want builders parking in front of my property
- Concerns over the times of construction and noise and nuisance

- Blind corner at the end of the lane, poor visibility dangerous for pedestrians on Moseley Road
- Concern over the parking provision and where visitors to the site will park?
- Loss of sunlight to my property and loss of privacy from the dwelling on plot 1
- Concern over the sewerage plant intended for the site. Possible contamination of products to over flow into the stream
- Concern over the boundary access to the boundary of No. 3 Lower Hill

## **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 dwellings would be appropriate subject to the proposals meeting all other relevant policies.

### Previously developed land

The issue of previously developed land was considered as part of the appeal in 2014 in which the Inspector concluded that *'based on the evidence provided I consider that, when combined with the stable block, they make up the majority of the site. As a result, the proposal would predominantly reuse previously developed land within the urban boundary.'*

### **Main issues**

The main issues in the consideration of this application are;

- Design and appearance
- the impact of the development on residential amenity
- traffic/parking
- drainage

### 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 is a wide range of property type and design close to the application site. Moseley Road has a range of semi detached and detached properties some 2 two storey and others single storey bungalow. No. 3 Lower Timber Hill Lane is the property which is most closely related to the proposed site is 2 storey with concrete tile roof and artificial stone.

Lower Timber Hill Lane is not a through route, and therefore will not have much passing traffic only those existing dwellings. The proposed development will not have a direct impact on the street scene. The proposed materials of the properties will be brick, with brick cills and concrete slates. The use of materials compliments the surrounding properties and would be accordance with policy SP5 of the adopted Local Plan.

### 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. 3 Lower Timber Hill Lane to the north of the site. The gable elevation of the property is visible to the development and is located approximately 5m away from the proposed boundary fence. Plot No. 1 which is shown on plans as housetype B does not have any windows on the gable elevation. As such, the proposal is considered to comply with policy SP5 in ensuring no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

### Traffic and Parking

Paragraph 108 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 the residual cumulative impacts of development are severe.

Objectors have raised issues over the unadopted road and the current condition of it and especially the potential of poor visibility from the site onto Lower Timber Hill Lane. These issues were raised as part of the outline (with access) application in 2014, and the Inspectors concluded the following; *I find no persuasive evidence to suggest that the scale of development proposed would exacerbate this situation, or significantly increase congestion in the vicinity of the area.* Furthermore *'as only four houses are proposed there would not be a significant increase in traffic on this route....moreover because the site access is relatively close to Moseley Road, lengthy or hazardous reversing manoeuvres are also unlikely to be required.'*

LCC highways have provided comments on the application and do not object to the principle of development.

### Drainage

The Inspector for the appeal in 2014 placed the following drainage condition:

*'No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the local planning authority.'*

The site does not fall within a flood zone, however concern has been received from surface water run off in the area. United Utilities have been consulted on the application and in particular the drainage plan which has been submitted. Final comments from UU will be added as an update at committee as comments have not been received.

### Other issues

No details have been supplied of boundary treatment to form the residential curtilage, this can be conditioned.

There are no protected trees on the site and therefore any felling of trees does not need any formal consent from the Council.

### Conclusion

The proposed development site lies within the Development Boundary as defined in Burnley's Local Plan and the properties can be accommodated on the proposed site without any significant impact on the character and appearance of the surrounding area, on existing residential amenities and on highway safety. The proposal complies with the development plan and there are no material considerations which outweigh this finding.

### **Recommendation: Approve with Conditions**

#### **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 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 (July 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 (July 2018).

5. The development shall not be occupied until the car parking areas to serve the developments 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 (July 2018).

6. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: to protect off-street parking provision in the future in accordance with IC3 of Burnley's adopted Local Plan (July 2018)

7. 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 consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan (July 2018).

8. 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).

9. 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.

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 landscaping details shown on layout plan Drawing Plan HLP / 920/ 05 Rev G, shall be implemented within the first planting season following substantial completion of the development. The landscaping shall thereafter be maintained in accordance with good horticultural practice to the satisfaction of the local planning authority.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with policy SP5 of Burnley's adopted Local Plan

12. No part of the existing or proposed hedgerow which fronts onto Lower Timber Hill Lane shall exceed 1m in height and shall be maintained in perpetuity.

Reason: To ensure adequate visibility at the site in the interests of highway safety, in accordance with policy IC1 of Burnley's adopted Local Plan.