

Application Recommended for Approve with Conditions

FUL/2021/0719

Hapton With Park

Town and Country Planning Act 1990

Substitution of house type on Plot 1

Land At Vicarage Avenue Vicarage Avenue Padiham Lancashire

Applicant: Reedley Properties

Agent: Alan Kinder, AV Town Planning Ltd.

The application has been brought to Planning Committee as there has been an objection

Background:

The site is located within the defined development boundary as designated in Burnley's adopted Local Plan and has no formal local plan designations.

The site which is subject to this application formed part of recent planning approval which was granted on appeal for 6 bungalows as part of APP/2020/0147. The principle of development has therefore been accepted and work has been underway on the site since 2021.

This application relates to plot 1, as indicated below.



Plan extract: site plan

The surrounding properties which form the context to the site are predominantly terraced properties with a traditional and characteristic grid iron pattern. Properties immediately to the north along Whalley are terraced and on the opposite side of the road are larger, detached villa properties set within larger plots. Vicarage Avenue to the east is an attractive bay fronted terrace.

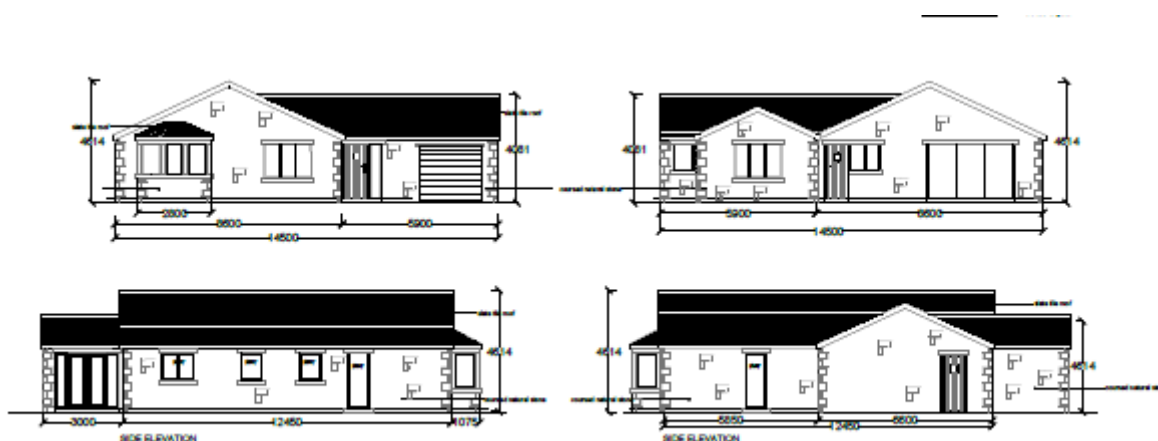
Plot one is the nearest property to Vicarage Avenue and the main entrance to the development. Plot 1 also shares a boundary to the north with the rear of properties along Whalley Road.

Proposal

The application seeks consent for changes to the approved plot 1. For ease of reference an additional plan has been provided to show the differences in the footprint.



Extract Plan: proposed plan with the previous plan overlaid in a blue dashed line



Extract Plan: extract of the proposed elevations

As a comparison the following measurements are as follows:

Approved Plot 1	Proposed	
Footprint 134 sqm	168 sqm (including garage)	34 sqm (25% inc)
Floorspace 115sqm	147 sqm (including garage)	32 sqm (27 % inc)

The main change to the layout is the link with dwelling with the garage and creation of a garden room to the west elevation with a general shift in the building footprint to the west. The proposal does not alter the existing driveway and garden area and the proposed materials remain the same as the wider site.

Relevant Policies

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 2021

Site History:

CND/2021/0338 – discharge of conditions 3,9, 13 and 15 of FUL/2020/0147 Discharged 2/9/21

FUL/2020/0147 – Erection of 6 detached bungalows with integral garages, access, landscaping and ancillary works
Appeal allowed

FUL/2019/0628 – erection of 6 dwellings with gardens and parking Refused 5/3/20

APP/2008/0577 – erection of a 60 bedroom nursing home with adjacent extra care housing.
Refused 17/7/08 – Appeal Dismissed APP/Z2315/A/08/2091136 12/6/09

Consultation Responses:

Environmental Health – no comments received

LCC Highways –

With respect to this application, we would not wish to raise any objections to the substitution of the house type.

It is noted that since the initial planning application for this site, dating from 2019, there has been an increase in the number of electric vehicles. Should the applicant be minded to install charging points across this development, these should be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states:
- charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

Greater Manchester Ecology – no additional comments received

Publicity

Neighbour Objections

1 objection received summarised as follows:

- Poorly designed - very cramped arrangement - all houses pushed right back to the boundary walls
- Dwellings pushed back to the boundary of the site, particularly plot 1 which is closest to 21-31
- Whalley Road who will overlook this property
- Not able to meet privacy requirements - of both the buyer of the property but also those on Whalley Road who overlook the property
- Linking the garage to the original design of the bungalow to create additional living space – this is a move back to provision of an integral garage - which has already been refused by Burnley Borough Council
- House pushed right back to boundary wall with the addition of the summerhouse, additional living space
- Would be very over dominant - this is the first house as you enter the site, visible from Vicarage Avenue
- 21-31 Whalley Road residents have balconies and will overlook the summerhouse and property
- issues with privacy for both the buyer of Plot 1 and residents on Whalley Road.

Planning and Environmental Considerations:

Main issues

The main issues in the consideration of this application are;

- The principle of development
- design and appearance
- the impact of the development on residential amenity
- traffic/parking
- impact on heritage asset
- other considerations

The principle of development

The principle of development for a residential unit on plot 1 has been accepted as part of the previous Inspectors decision in 2020.

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

Design and Appearance

Paragraph 126 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 clearly changes to the building footprint and elevational changes as described above. The front elevation still reads as the principal elevation with bay window, front door and there is now the additional link with the garage. The link with the garage creates a new roof gable which has a further projection to create the garden room. Whilst there is a noticeable projection to the north, it is not considered that alteration has a detrimental impact on the design and appearance of the rest of the dwellings or to the surrounding properties.

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.

Plot 1 shares a common boundary with the back street which serves properties along Whalley Road. Some properties along Whalley Road have raised balconies and all have some form of useable amenity space. Given the higher level these properties sit at, the potential for overlooking is greater and this was considered as part of the previous application.

In terms of the proposed elevation facing properties to the rear of Whalley Road, there will be no windows and therefore it is not considered to be any issues of overlooking and the proposals are considered to be acceptable in terms of policy HS4 of Burnley adopted Local Plan.

Traffic and Parking

The proposals do not alter the parking and access arrangements approved in the previous application, therefore the development remains the status quo.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show in curtilage parking space for 2 vehicles which would meet the parking standard requirements.

Highways

Whilst the site would present new development, the onsite level of parking is in accordance with Appendix 9 of the Local Plan.

Furthermore, LCC highways have been consulted on the application and have asked for amendments which the agent has provided. The proposed development would meet the local and national planning policies and subject to conditions, the development is acceptable on highways grounds.

Response to the neighbour objections

The proposals do alter the appearance of plot 1 and there is an increase in footprint, but the dwelling remains single storey and does not move any closer to the northern boundary closest to rear boundary with properties along Whalley Road. The Inspectors decision was clear;

'The development would appear clearly distinguishable from the make up of existing properties, sitting within a clearly defined site. Due to their size and scale, the proposed dwellings would not be dominant features in the areas nor would dilute the presence of the existing Victorian terraced properties. Their appearance would be of a traditional domestic design that would be appropriate in this context and again due to the separation from existing properties, the departure from the existing properties in terms of design, would not result in harm.'

Furthermore, the Inspector concluded that;

'The proposed development would not have a harmful impact on the character and appearance of the area.'

In terms of privacy, the summer house does have windows on the rear elevation facing onto Craggs Farm but there are no windows on the side elevation facing the north elevation onto Whalley Road. It is not considered that there will be any difference in the level of residential amenity compared against the previous extant approval.

Recommendation

Whilst there is an increase in footprint and overall design, the dwelling is still single storey and it is not considered that the proposed changes are detrimental impact to the overall design, appearance and residential amenity with surrounding properties and the scheme can be supported.

Approve subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: REE/07 DWG 02 Proposed Site Plan REE/07 DWG 01

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The new access and access way in the site the site and shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

4. The access road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the footway. The gates

shall open away from the highway.

Reasons: To permit vehicles to pull clear of the footway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road.

7. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening towards the adopted highway.

Reasons to ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.

8. 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 as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

9. 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

10. An electric vehicle charging to serve the dwelling shall be installed prior to first Occupation and shall be retained as such at all times thereafter.

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

11. 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.

12. In the event that any evidence of potential contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact on the environment.

13. The garage shall not be used for any purposes other than for domestic storage and for the garaging of private motor vehicles in association with Plot 1 and no trade or business shall be carried out therefrom.

Reason: To control the use of the development in the interests of the character of the area and the amenity of the neighbouring property and to comply with Policy SP5 of Burnley's Local Plan (July 2018)