

**Application Recommended for Approval with
Conditions**

FUL/2021/0395

Coal Clough with Deerplay

Town and Country Planning Act 1990

Proposed driveway and a dropped kerb
385 Manchester Road, Burnley, Lancashire BB11 4HE

Background:

An end-terrace traditional stone house on a classified road. The house has a substantial garden to the side that is currently fenced. The property is situated within the urban area of Burnley as designated within the adopted Local Plan.

Proposal:

To create a vehicular access to the area of garden via a dropped kerb. Also, to surface an area of 9.7m x 7.2m within the side garden with brick pavements for parking and turning purposes. To gain access to the area from the highway will also necessitate the removal of a length of stone boundary wall. Amended plans were submitted during the assessment of the application following an initial recommendation for refusal by Highways.

Relevant Policies:

Burnley's Local Plan July 2018.

HS5 – House extensions and alterations
SP1 – Achieving sustainable development
SP4 – Development Strategy
SP5 – Development quality and sustainability
IC3 - Parking

National Planning Policy Framework 2021

Site History:

PRE/2021/0074 – the pre-application advice determined that planning permission is necessary as Manchester Road is a classified road.

Consultation Responses:

Highways – the amended plans submitted are considered acceptable as vehicles are now able to enter and exit in a forward gear. Conditions regarding an electric charging point and works to be complete prior to use of the land for parking have been requested. Informatives regarding specification of electric charging point and the need to comply with Highways Act 1980 s.184 in respect of dropped kerb have been requested.

Objections/Comments

Objection received from a member of the public (subsequent to the submission of the amended plans) on grounds of highway safety, given speed that vehicles travel along

Manchester Road at this point and the potential for conflict between users of the access and other road users.

Article 35 Statement:

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as originally submitted and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Visuals:

Host Property

Side Garden



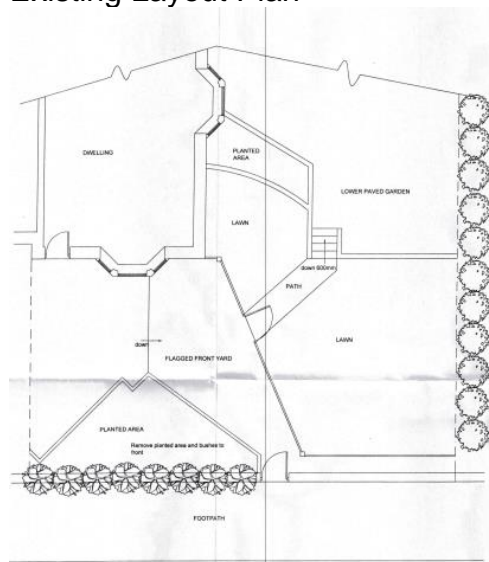
Extent of Proposed Drop Kerb



Proposed Block Plan



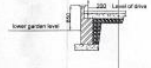
Existing Layout Plan



EXISTING PARTIAL SITE PLAN
SCALE 1:50

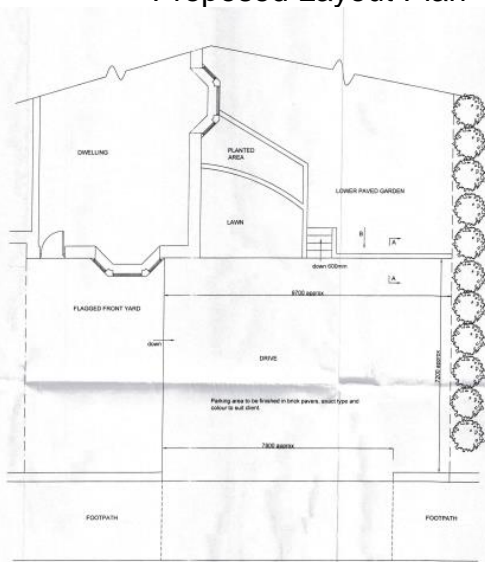
Retaining wall:
Concrete block retained to soil level. Wall set on concrete footing. Exact depth of footing and thickness of retaining wall to suit Structural Engineers calculations to follow.

Driveway:
Driveway paved full on sub base set on hardcore (to suit). All details to be as per structural engineers calculations to follow.



PROPOSED SECTION A-A
SCALE 1:50

Proposed Layout Plan



PROPOSED PARTIAL SITE PLAN
SCALE 1:50

Foot new dropped kerb and footpath crossing, all in accordance with Local Authority requirements.



PROPOSED ELEVATION ON ARROW B
SCALE 1:50

Planning and Environmental Considerations:

The main issues for consideration in the determination of this application are:

- Principle
- Design and Highway Safety

Principle

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if *'of an appropriate type and scale'* in this area under Policy SP4.

This is a drop crossing. It is acceptable in principle as such development is considered to be of an appropriate type and scale.

Design and Highway Safety

Policy SP5 requires *'high standards of design, construction and sustainability in all types of development.'* The proposal is a minor, functional piece of operational development involving the removal of a length of kerb, reducing the height of the footpath and replacement of a length of kerb at a lower level to ease vehicular access from road to property and vice versa.

In terms of highway safety, the view of the Highways consultee is that the amended proposal is acceptable.

Conclusion

Acceptable.

Recommendation:

That planning permission be granted subject to the following Conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing No. MR385/1 – existing and proposed plans, received 13.12.2021

Drawing No. MR385/2 – location plan, received 13.12.2021

Drawing No. MR385/1 – existing block plan, received 13.12.2021

Drawing No. MR385/1 – proposed block plan, received 13.12.2021

3. The proposal shall not be brought into use until a suitable charging point for an electric motor vehicle has been provided to the satisfaction of the Local Planning Authority. The electric charging point shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

4. No part of the development hereby approved shall be used until all the highway works have been constructed and completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority and the Highway Authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.
4. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

Notes:

1. Due to the nature of the application, it is expected that a charging point for electric vehicles shall be included within the proposal to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle.
2. This consent requires the construction, improvement, or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx> (For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.

