

**Application Recommended for Approval with
Conditions**

FUL/2022/0486

Coal Clough with Deerplay

Town and Country Planning Act 1990

Construction of a dropped kerb from the footpath onto Rossendale Road
328 Rossendale Road, Burnley, Habergham Eaves, Lancashire BB11 5JF

Background:

A semi-detached house on a classified road. Many houses on the road have dropped kerbs for access onto off-street parking areas into front gardens, but this one doesn't.

Note that outline planning permission exists for development of the site on the opposite side of the road, and an as yet determined full planning application exists (FUL/2022/0259) for E1 and B2 uses. Both proposals include creation of traffic islands in Rossendale Road in the proximity of the house the subject of this application for a drop crossing.

The application is presented to committee as the applicant is Liberata Property Services.

Proposal:

For a dropped kerb across the front of the property to enable easier access for vehicles to and from the off-street parking area.

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:

None of relevance

Consultation Responses:

Highways – no objection subject to Conditions requiring that the parking area accessed from the adopted highway be properly consolidated and surfaced in bound porous materials, that gates cannot open onto the highway, and an Informative to the effect that the applicant enter into a Section 171 Agreement of the Highways Act 1980 re. a drop crossing.

Note that the matter of a potential traffic island opposite the property has been

discussed in detail with the Highways consultee. It is the view of the Highways consultee that should the drop crossing be installed prior to the traffic island, then its existence will be taken into account during the design stage and that the position of the traffic island may be influenced by it. If the traffic island is constructed first, access over the drop crossing may be restricted from one direction, necessitating users to drive past the property, turn around and approach it from the 'clear' direction instead.

Objections/Comments

None received to date (08.09.2022)

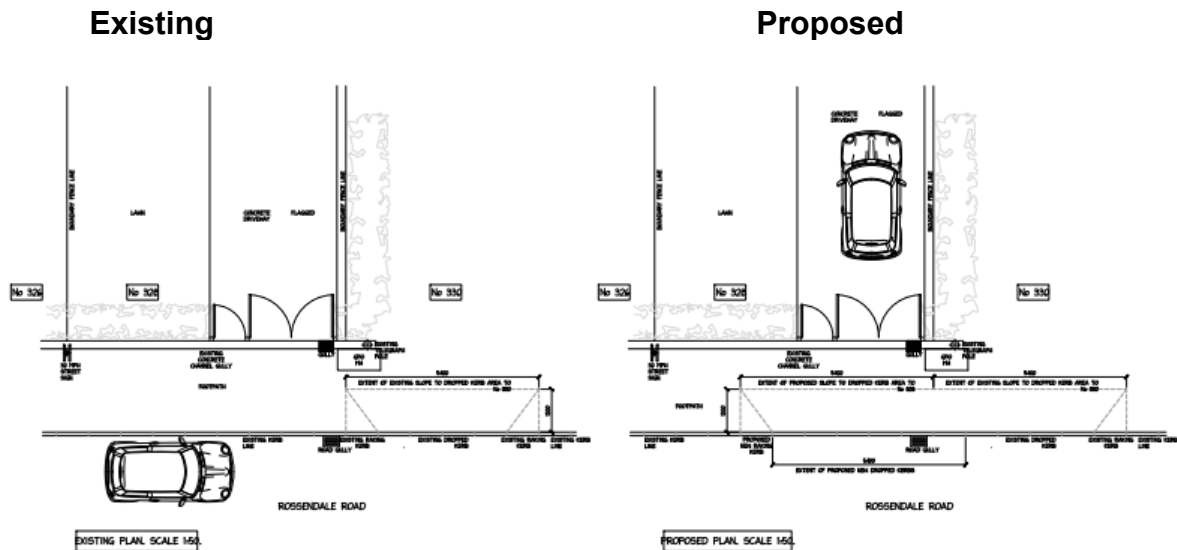
Article 35 Statement

The Local Planning Authority has acted positively 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. The nature of the proposal has not necessitated any liaison with the applicant prior to determining to grant planning permission in accordance with the presumption in favour of sustainable development.

Visuals:







Planning and Environmental Considerations:

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

- Principle
- Design and Highway Safety
- Parking

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 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 proposal is acceptable subject to a Condition preventing material from being deposited on the highway, a Condition preventing gates opening outwards onto the highway, and an informative re. the drop crossing s.171.

Parking

No additional parking provision is proposed within the description. The proposal is to make it easier to use the existing parking provision. No issue.

Conclusion

Acceptable subject to Conditions.

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. A22/10/01A – location plan, received 12.08.2022
Drawing No. A22/10/02A – location plan II, received 12.08.2022
Drawing No. A22/10/03 – existing and proposed details, received 12.08.2022
3. Before the parking area is used for vehicular purposes, it shall be surfaced in a solid yet porous material and so retained.
4. 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 onto the adopted highway.

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 prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.
4. To ensure the adopted highway is not obstructed or becomes hazardous to other road users, in the interests of highway safety.

Informative note:

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on highways@lancashire.gov.uk to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

