

Application Recommended for Approval

Cliviger with Worsthorne Ward

APP/2017/0293

Minor material amendment following a grant of planning permission
Amendments to scheme for 2no. cottages including minor changes to design, boundary treatment, garden levels and retaining wall to front (variation of condition 2 on planning permission APP/2016/0209).

1 & 2 GORPLE COTTAGES WALLHURST CLOSE WORSTHORNE BURNLEY

Background:

The proposal seeks approval for minor amendments to a scheme for a pair of semi-detached houses that are being constructed and nearing completion on land at Wallhurst Close within the Worsthorne Conservation Area.

The proposed amendments consist of the following:-

- Amended position of the front retaining wall onto adjoining footway
- Use of painted fascias and timber corbels where no fascias and stone corbels were approved
- Re-positioning of chimney stacks from rear roof slope to gable end ridges
- The lowering of the rear garden levels in line with the finished ground level of the dwellings and the erection of rear retaining wall and a 1.2m high boundary fence

As built, July 2017



Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the urban boundary

GP3 – Design and quality

E12 – Development in, or adjacent to, conservation areas
E13 – Demolition in conservation areas
H3 – Quality and design in new housing development
H14 – Gardens and backland development
TM15- Car parking standards

Burnley's Local Plan – Submission Document, July 2017

SP5 – Development quality and sustainability
HE2 – Designated heritage assets
IC1 – Sustainable travel

The National Planning Policy Framework (the Framework)

Site History:

APP/2016/0209 - Proposal to erect 2no cottages and demolition of existing domestic garages. Approved 2 August 2016.

APP/2016/0509 – Approval of details reserved by condition (Conditions 3, 9, 14 and 16). Approved 11 January 2017.

Consultation Responses:

LCC Highways

No objections. The applicant will need to apply for a closing up order under section 247 of the Planning Act. The applicant will in the meantime need to ensure that the affected portion of the highway remains available for use and to ensure that the part of the highway which is now vulnerable to collapse is correctly supported.

Worsthorne with Hurstwood Parish Council

Object on the following grounds (summarised):-

- The developer has damaged the footpath and taken approximately 700mm off its width, leaving it unrestrained and without the permission of Lancashire County Council Highways department
- Sets a precedent for other householders
- Inadequate space to access the front of the houses
- Reduced footpath width is inadequate for pedestrians, particularly with a pram/wheelchair/mobility scooter
- The development has trespassed onto the land of the adjacent sub-station
- The development has made errors in their measurements and had the correct information been submitted then consider that the application could not have been approved
- Urge that the boundary be re-instated on the correct line and the footpath re-instated.

Publicity

Two letter of objection have been received from neighbouring properties. A summary of their points is listed below:-

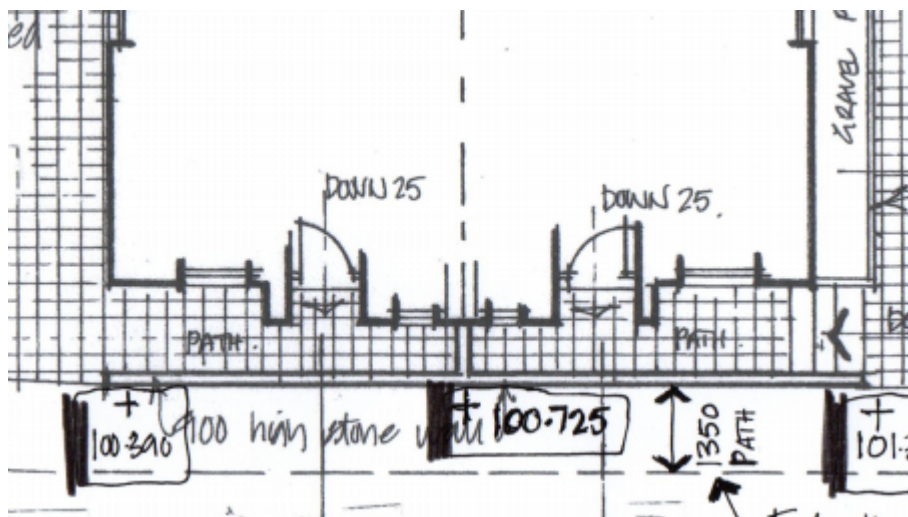
- The developer has wilfully damaged the footpath and excavated a strip of some 600-700mm, reducing the footpath to 1100mm from 1800mm and with an excavation depth of some 1500mm, has left the footway unrestrained. This is contrary to the Highways Act.

- The proposal to reduce the footpath to 1350mm should not be allowed and the developer has no right to this land
- The originally submitted drawings were incorrect and misleading. The main concern for the original application was that the site was too small for the development and should have been refused.
- The revised submitted drawings are misleading. Between the front retaining walls and the front doors there will be a gap of only 695mm to access the properties. Concerned that once the works proceed and it becomes evident that there is not enough space then the footpath will be reduced further.
- Express concern that there will not be enough space to provide the off-street parking space in respect of the higher of the two properties.
- The boundary treatment to the substation is not noted and question whether a stone wall is to be reinstated to be fitting with the Conservation Area.
- Question who will have future responsibility for the retaining wall.
- Would set a major precedent for all future developments

Planning and Environmental Considerations:

Impact on pedestrian/highway safety

Policy H3 requires new housing development to have adequate pedestrian access and car parking. The amendment that relates to the front retaining wall and encroachment onto the adjoining footway arises due to positioning of the houses which has not made due allowance for the difference in levels and the space required for the necessary retaining wall.



Once the retaining wall has been constructed the original footway would be reduced from a width of approximately 1.8m to 1.35m. The photograph above shows a footway of less than 1.35m but this will be increased by filling between the new retaining wall and the footway. An extract from the proposed plan copied above indicates that once the works are completed the footway would be 1.35m wide.

LCC Highways consider that the reduction in width to 1.35m along the site frontage would not significantly compromise safety and do not raise objections to the proposal. Notably, there are footways to each side of Wallhurst Close and variations in footway width. Their decision to not object to this proposal is based on the individual site conditions and would not suggest that in other incidences that a reduction of 450mm of footway would be acceptable. The remaining gap between the front door of the houses and the retaining wall would be restricted (approximately 750mm) but level access is also provided around the sides of the houses to the rear. LCC Highways also point out that the developer will be required to apply for and obtain a Stopping-up Order which is a separate process. In this case, however, given that the remaining width of footway would not unduly affect pedestrian and highway safety, the proposed amendment is acceptable.

Impact on Conservation Area

Policy E12 requires new development to preserve and enhance the character of conservation areas, having regard to its quality, siting, detailing, height, scale, materials, landscaping and external appearance. The proposed changes to the eaves treatment to introduce modest painted fascias would not unduly compromise the character of the new dwellings which have been designed to be in keeping with the Worsthorne Conservation Area. The re-positioning of the chimney stacks would be a positive change. The proposed amendments would therefore have an acceptable impact on the Conservation Area.

Impact on residential amenity

Policy H3 permits new housing development where, amongst other things, the amenity of neighbouring properties is protected and the development minimises overlooking, and provides a reasonable degree of privacy and outlook. The lowering of the rear garden levels by approximately 0.55m creates a lower garden to that of the adjoining property and allows a lower boundary fence (1.2m above the neighbour's ground level).

Rear garden boundary



The amended levels and boundary details are therefore likely reduce the potential for overlooking and would lead to appropriate revised boundary treatment. The proposed minor amendments would not therefore significantly affect residential amenities.

Conclusion

The proposed minor amendments are acceptable.

Recommendation: Approve

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16/51/3A, 16/51/6 and 16/51/7, received on 4 July 2016; and, drawing number 16/51/8, received on 21 July 2016, as amended by drawing numbers 17/46/1, received on 1 June 2017 and, 16/51/12, received on 22 June 2017.
2. The windows and doors used in the development shall be of timber construction only and any replacement windows/doors in the future shall also be timber only.
3. The rainwater goods and downpipes to be used in the development shall be aluminium or timber and painted black and soil pipes shall be constructed internally only as indicated on the approved plans unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the development within the terms of Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
5. The approved development shall be built in accordance with the details of levels as indicated on the approved plans and shall not be varied unless otherwise previously agreed in writing by the Local Planning Authority.
6. Neither dwelling shall be first occupied until its associated off-road car parking space has been constructed, hard surfaced and made available for use as indicated on the approved plans. The parking spaces shall thereafter be retained for the purposes of car parking at all times.
7. The approved scheme shall be carried out and completed in accordance with the details of foul and surface water drainage as indicated on drawing number 16/51/11, approved by the Local Planning Authority on 11 January 2017. The completed scheme shall thereafter be retained at all times.
8. Neither of the approved dwellings shall be first occupied until facilities for the storage of refuse and recycling waste have been installed at that dwelling in

accordance with details as indicated on the approved plans. The approved facilities shall thereafter be retained at all times.

9. Neither of the approved dwellings shall be first occupied until the stone boundary wall to the front of the site has been constructed and completed using natural stone to match the approved dwellings.
10. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
11. Neither dwelling shall be first occupied until its associated boundary treatment as indicated on the approved plans, has been constructed and completed in accordance with the approved plans, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
12. The obscure glazing to the first floor front bathroom windows to each approved dwelling shall be retained at all times and any replacement glazing to these windows shall be with glazing of an equivalent level of obscurity to that which has been first approved.
13. No dwelling shall be first occupied until the existing access points to the garages have, as appropriate, been physically and permanently closed and the existing verge/footway and kerbing reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
14. The retaining structure to be built along the boundary with the adjoining highway shall be constructed and maintained in perpetuity in accordance with the 'Retaining Wall Design' details (prepared by D.J. Lingard & Associates Ltd Consulting Civil & Structural Engineers, dated June 2017).
15. The chimney stacks shall be constructed and completed in accordance with the approved plans prior to each dwelling being first occupied. The approved chimney stacks shall thereafter be retained at all times.

Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).
3. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).
4. In order that the Local Planning Authority can assess any future changes to the approved dwellings, having regard to the potential impacts on the residential

amenities of neighbouring properties and the character of the area, in accordance with Policies H3 and E12 of the Burnley Local Plan, Second Review (2006).

5. To ensure the satisfactory implementation of the proposal in order to control the scale of the development and its impact on the outlook and amenities of neighbouring properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate off-road parking for each of the approved dwellings, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
7. To ensure the satisfactory drainage of the site to prevent an increase in the risk of localised flooding, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. To ensure adequate provision for the appropriate storage of refuse and recycling storage facilities away from public views of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy for Waste.
9. To ensure a satisfactory appearance to the development and the character and appearance of the Worsthorne Conservation Area, in accordance with Policies GP3, H3 and E12 of the Burnley Local Plan, Second Review (2006).
10. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
11. To provide adequate screening between gardens to protect the privacy of adjoining neighbours, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. To safeguard the privacy of facing properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
13. To ensure the satisfactory implementation of the proposal and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To ensure and maintain the integrity of the adjoining highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
15. To ensure the satisfactory implementation of the development, having regard to the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).