

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

**APP/2017/0426**

Full Planning Application  
Proposed erection of 1 detached dwelling (resubmission of APP/2016/0436)  
261 ROSSENDALE ROAD, HABERGHAM EAVES

**Background:**

The proposal is for a new detached dwelling in the rear garden area of the dwelling at No. 261 Rossendale Road.



It would be three bedroomed, with a detached garage/car port and two additional car parking spaces within the curtilage.

Access would be taken from Olde Back Lane via a private unmade road which also serves access to No. 259A. The access road is jointly owned by properties along Rossendale Road. Notice has been served on all the owners.

Objections have been received

**Relevant Policies:**Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H1 – Land for new Housing Development

H3 – Quality and Design in New Housing Development

H14 – Gardens and back Land Development

TM15 – Car Parking Standards

Burnley's Local Plan March 2017 (proposed submission document July 2017)

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS1 – Housing Allocations

HS4 – Housing Developments

IC3 – Car Parking Standards

National Planning Policy Framework**Site History:**

**APP/2016/0436** – Outline Application for erection of 2 semi-detached dwellings including details of access and layout (all other matters reserved for future approval) – (*Withdrawn May 2017*).

**APP/2011/0486** – Proposed erection of detached house and garage – (*Invalid 2011*).

**12/96/0301** – Outline Application for erection of detached bungalow, including means of access (details of siting, design, external appearance and landscaping reserved for subsequent approval – (*granted Nov 1996*).

**12/96/0106** – Outline Application for erection of two bungalows, including details of siting – (design, means of access, external appearance and landscaping reserved for subsequent approval) – (*Refused May 1996*).

**Consultation Responses:****The Coal Authority Recommendation to the LPA**

*The Coal Authority concurs with the recommendations of the Minor Development Risk Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

*The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.*

*In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.*

*A condition should therefore require prior to the commencement of development:*

- \* The submission of a scheme of intrusive site investigations for approval;*
- \* The undertaking of that scheme of intrusive site investigations;*
- \* The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;*
- \* The submission of a scheme of remedial works for approval; and*
- \* The implementation of those remedial works.*

*The Coal Authority considers that the content and conclusions of the Minor Development Risk Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.*

### **Environmental Health**

The Environmental Health Officer does not raise any objections subject to the following conditions to be attached to approval of the application:

#### *Conditions:*

1. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank 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 protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

2. The development shall not start until details of refuse storage enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before the start of the use and thereafter permanently retained.

#### *Reason:*

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy GP3 of the Burnley Local Plan, Second Review.

3. There shall be no burning of waste or other materials within the curtilage of the premises.

#### *Reason:*

In the interest of residential amenity and to prevent air pollution.

#### **NOTE:**

*Electric vehicle charging points within the development will be encouraged. Within the parking area, there shall installed of a minimum of 1, three-pin 13-amp electrical*

sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable.

To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.

Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within the building to enable the socket to be turned off.

### **LCC Highways Burnley**

With regard to the planning application for a three bedroom dwelling complete with a carport with space for two vehicles. This is seen as a resubmission of application APP/2016/0436 for a pair of semidetached dwellings. At the time of that application the number of highway issues were raised with regard to the amount of development that was accessed via Olde Back Lane as this road also forms part of a public footpath (12-6-FP 5). We looked carefully at the application and were concerned that there is one home that already has the road as the only access along with a number of private garages therefore we were of the mind to refuse the application as it was thought that the un-adopted and made access had reached a point where there was enough development in the area.

With the understanding that previously an application had been permitted for one dwelling on this site it is felt that it would be prudent to allow this application as a final provision in this area using Olde Back Lane as an access.

Taking into account the previous planning history I would not raise objections to this application on the understanding that any further applications are likely to receive objection on the grounds that the access has poor sightlines for its full length and is not of a suitable nature to support any increase in goods vehicle traffic.

The construction of the dwelling will need to take into account other people who may need to use Olde Back Lane or the unnamed track at the back of Nos. 257-275 Rossendale Road. This will be especially important when the construction demands the delivery of materials that will not be allowed to be stored on the track that is necessary for access to the garages.

I will not raise objections to the proposed development on highway grounds subject to the following notes and conditions being attached to any permissions that your council is minded to grant.

#### **Conditions:**

1. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

2. *Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.*

*Reason: to minimise the impact of construction on existing residents in the vicinity of the site.*

3. *During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access. That is to a condition equal to or more serviceable than the present condition.*

*Reason: To ensure that any damage caused by the construction work is promptly corrected.*

*Note:*

*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.*

### **Publicity**

4 letters have been received from neighbouring residents, and the following objections have been made:-

- Proposal will ruin the character of the area
- Design not in keeping with surrounding houses
- Reduction in loss of light & overshadowing to adjoining property
- Loss of privacy to adjoining property
- Increase in noise activity
- Land owners have no legal access along Olde Back Lane
- Damage to the access road
- Increase in traffic

### **Planning and Environmental Considerations:**

#### **Principle of the development**

The site is within the urban boundary within the existing garden curtilage of the adjacent dwelling house and as such it would be classed as a greenfield site.

Local Plan Policy H2 sets out that greenfield land will only be released when completions, brownfield allocations and brownfield windfalls cannot meet the five year's housing provision. In addition, greenfield sites will only be released when the proposal is within easy reach of local facilities and services and is well served by public transport, as well satisfying other relevant policies of the local plan.

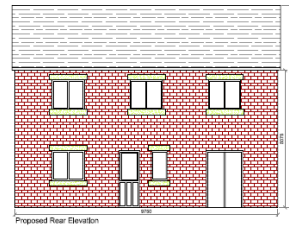
The council can demonstrate a five year supply of housing land in the borough and whilst there is no need to provide additional housing, the development of one dwelling in this location would not have a material impact on housing provision in the borough as a whole.

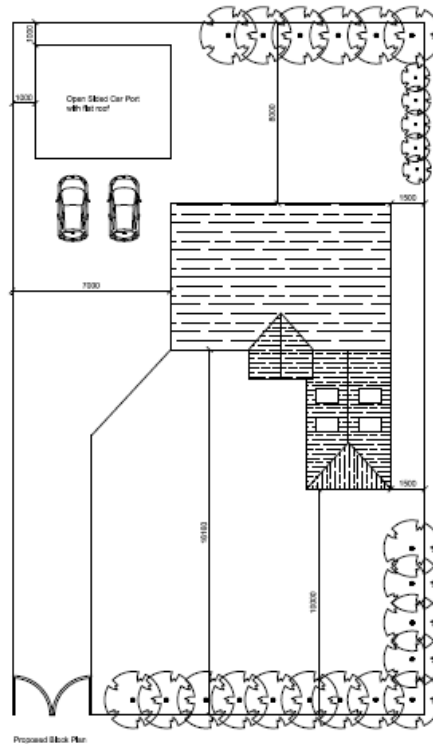
The site is considered appropriate for accommodating residential development, and is within a sustainable location being close to services and shops, and existing bus

services. Consequently the proposed development of the site for residential purposes complies with both national and local planning policy.

There are no public vantage points to the rear of the site. As such, the proposed development would not result in a dwelling which would appear materially larger than the existing dwelling, nor would it adversely affect the openness of the surrounding open area.

### Design





The size of the plot enables it to comfortably accommodate the proposed house whilst allowing set back from the road and sufficient garden space around the dwelling.

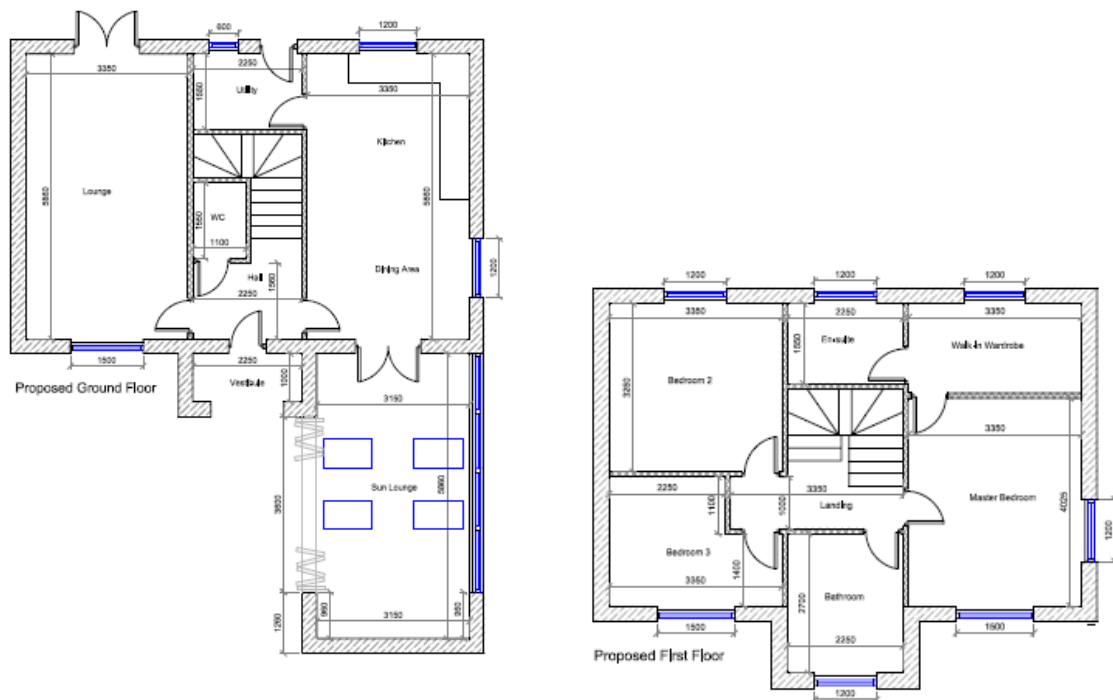
The scale of the proposed dwelling is not dissimilar from other dwellings along the rear road or in the area. The proposal does not appear cramped within the plot. I do not consider that the development is discordant with the existing form and pattern of development in the area.

Policy H3 of the Local Plan expects new housing development to be suitable in terms of overall design, including layout, materials, size and scale when compared with neighbouring properties and the wider locality.

The dwelling would be constructed in forticrete-stone which does vary in colour/shades and to ensure that the materials are not too contrasting with neighbouring property, a condition requiring the submission of material sample for agreement is considered appropriate. The roof will comprise of a grey concrete interlocking tile which is acceptable.

The proposed dwelling with a front extension and a detached car-port is considered an acceptable design contributing to the overall mix of dwelling types in the area.

Impact on the amenities of adjacent residents



There are no windows to the western elevation lounge and bedrooms which protects the privacy of the immediately adjoining neighbours. The distance between the application dwelling and the dwelling to the rear is 20+ metres which meets the standard and therefore the residential amenity of the nearby properties will not be affected by this proposal.

The impact is considered limited due to the orientation and separation distance of the proposed dwelling with the surrounding properties.

In respect of the properties to the north and east there will be no impact in terms of mass and bulk due to separation distances. There will be no detrimental impact in terms of loss of privacy to any of the neighbouring properties as the proposed property has limited windows to the sides and rear.

### Highway implications

The access is via Olde Back Lane, a private unmade road to the proposed dwelling. The Highway Authority has no objection to the development in principle but request such conditions will be imposed requiring the layout of the development which includes provisions to enable vehicles to enter and leave in forward gear; a construction management plan is submitted for approval and before occupation the access road shall be maintained to a serviceable standard.





### Conclusion

I conclude that the proposal would not be out of character with the street scene and the surrounding area in terms of footprint, scale and design and would not detract from the appearance of the area. Accordingly it would comply with Policy GP3 of the Local Plan and those principles of the Framework that seek to encourage sustainable development of good design that respects the character of the local area.

### **Recommendation:**

That planning permission is 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 hereby permitted shall be carried out in accordance with the following approved drawings: *005-4, 005-03, 005-02, 005-01 received 30<sup>th</sup> August 2017.*
3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.
4. Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.
5. During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access.
6. Precise details of the forticrete-stone for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before their use in construction work.
7. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank 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.

**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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. Vehicles reversing to and from the highway are a hazard to other road users.
4. To minimise the impact of construction on existing residents in the vicinity of the site.
5. To ensure that any damage caused by the construction work is promptly corrected.
6. To ensure that the materials to be used in the development harmonise with the surrounding area having regard to Policy H3 of the Burnley Local Plan Second Review.
7. To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review.