

Application Recommended for Approval
Gannow Ward

APP/2018/0224

Outline Planning Application

Erection of 5 detached dwellings including details of access (all other matters reserved) (renewal of APP/2015/0233)

LAND REAR SOUTHERN AVENUE BURNLEY

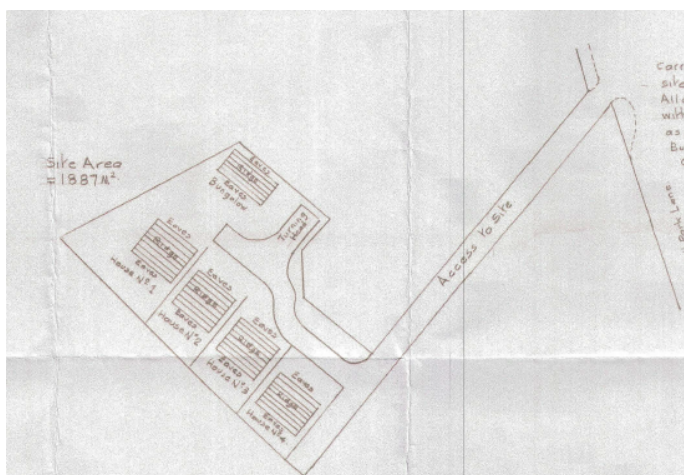
Background:



View of the site

Outline planning permission was granted for the erection of 5 dwellings including details of access, on appeal to the Secretary of State in June 2009 and subsequent renewal applications were granted in 2012 and 2015. This application seeks to further renew the permission for housing on the site.

The proposal is for the erection of 5 detached dwellings with details of the means of access. All other details will be considered at the reserved matters stage. The indicative layout showing four houses and a bungalow are included for illustrative purposes only.



Illustrative Site Layout

The site is approximately 0.2 hectares and is undeveloped land surrounded by existing residential properties, with access via Southern Court, off Ightenhill Park Lane.

An objection has been received.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local Plan Second Review

E5 – Species Protection

E6 – Trees Hedgerows and Woodlands

E8 - Development and flood risk

E9 - Groundwater resources

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

GP7 - New Development and the Control of Pollution

H1 - Land for new housing development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H7 – Open Space in New Development

TM15 - Car parking standards

Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement 2012-2032

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Development

NE1 – Biodiversity and Ecological Networks

IC3 – Car parking Standards

Site History:

APP/2008/0092 – Outline application for 5 detached dwellings - withdrawn in April 08.

APP/2008/0553 – Outline planning permission was granted on appeal to the Secretary of State in November 2008 for the erection of 5 detached dwellings including access and reserving all other matters.

APP/2012/0230 – Outline planning permission was granted, in June 2012, for the erection of 5 detached dwellings including details of access via Southern Court to Ightenhill Park Lane.

APP/2015/0233 – Outline planning permissions for the erection of 5no. detached dwellings including details of access (all other matters reserved for future approval)-granted

Consultation Responses:

1. Lancashire County Council (Highways) - The proposal is a renewal of a permission previously granted on appeal. Subject to Condition 7 of Planning Permission 12/2012/0230, requiring a scheme detailing improvements to the junction of Southern Court with Ightenhill Park Lane, no objections are raised on highway grounds.
2. Environmental Protection – No objections are raised subject to consideration being given to conditions restricting the hours of construction, requiring control over the burning of waste, and noise and dust emanating from the site and details of external lighting, in order to protect the amenities of nearby residents .
3. Ightenhill Parish Council makes the following comments:

“The development is outside the boundary of the parish and we do not wish to comment on the actual site. However there is great concern about the limited access/exit to the site as this will have an effect upon our parishioners driving into the parish from Padiham Road.

Vehicles exiting from Southern Court onto Ightenhill Park Lane have no line of sight to their right, ie. for traffic coming from the Padiham Road direction. In order to overcome this the applicant proposes to build a "visibility splay" (a restriction on the west side of Park Lane to allow exiting drivers to see both ways around garden fences).

Although this sounds like an acceptable solution it would result in a further narrowing of Park Lane at a point where it already narrows considerably at the end of the parks. This is exactly at the junction with Ighten Road and at the junction with the top of Lakeland way. It could not be in a worse place. The busiest section of the whole of the lane. A bus route - Lakeland Way-Ightenhill Park Lane-Ighten Road. A point where pedestrians cross from the park to Ighten Road. An area of parking for residents and no footpath on the west side necessitating crossing over the road.

I note that L.C.C. Highways have only commented on traffic issues that may occur during the construction period and there is no consideration of the lasting effect of reducing road width at this point. It appears that they have merely looked at the map but not bothered to inspect the site. Indeed, looking at the application there is scant regard to the effect for traffic on Ightenhill Park Lane. The plan shows only a dotted line where the visibility Splay will be, with no detail as to its dimensions or the width of the remaining road. The other side of the road is not even shown.

As this is a controversial point it should have been fully detailed by the applicant and not glossed over with a dotted line on a map.

Residents of Ighten Road have not been consulted about this detail of the application but will face a nightmare trying to turn onto Park lane”

It is recommended that the same condition is imposed as on previous consents, requiring a detailed scheme for the highway improvements to be approved. The Highway Authority will be advised on the highway aspects of the scheme when it is received.

4. One letter from a resident has been received making the following objection:

“The plot is a small one and from experience I know that the area appears to amplify sound. The noise from a property already overlooking this area can be excessive and the same level of noise from another 5 houses would be intolerable.

The sightline from the exit is extremely poor and dangerous and I fail to see how the proposed highway changes would render it sufficiently safe”

Planning and Environmental Considerations:

The application is in outline only and contains only details of the means of access. Full details of the layout, scale, appearance and landscaping of the dwellings will be the subject of a further application.

The principle of the development of the site was established by the previous appeal decision in 2008 when it was concluded that the site was appropriate for housing development. The decision of the Secretary of State is a significant material consideration. Subsequent applications renewed the permission in 2012 and 2015.

The main issue for consideration in the current application is whether circumstances in relation to housing land matters or highway issues have changed since the previous approvals, to indicate that a different decision on the principle of housing on the site or the means of access should be reached.

Housing Land issues

There is no significant change in the housing position since the appeal decision and subsequent renewal applications. The Council can demonstrate a five year supply of housing as set out in the latest Housing Land Position Statement July 2017.

The current site, having previously received planning permission, is already counted in the Council's housing land supply figures and will therefore contribute to the Borough's housing needs. Its use for housing would not therefore have an adverse impact on housing provision in the Borough.

The National Planning Policy Framework 2012 (NPPF) sets out that housing developments should be considered in the context of the presumption in favour of sustainable development. The Secretary of State, in the previous appeal, determined that, although the site is previously undeveloped land, it is within the urban boundary, in a sustainable location with an adequate range of services and a regular bus service nearby.

Having regard to these circumstances, the principle of housing on the site remains acceptable.

Highway Issues



Junction of Ightenhill Park Lane and Southern Court

Access to the site would be from Southern Court, off Ightenhill Park Lane.

The Secretary of State considered that sight lines to the north of the junction of Southern Court and Ightenhill Park Lane were adequate but were impaired in a south / south easterly direction. Vehicles leaving Southern Court would have to encroach onto the highway at the junction to see traffic approaching and this would create a potential hazard to highway safety. However, it was considered that these concerns could be adequately dealt with by a condition requiring a scheme to be submitted for improvements to the junction and the appeal application and subsequent renewal was granted on this basis.

The appeal decision is a significant consideration and circumstances have not changed at the junction. If Committee is minded to approve the application, it is recommended that the same condition, requiring the approval of a detailed scheme of highway improvement, is imposed on any approval.

Other matters

All other details relating to layout, scale, appearance and landscaping will be considered when the approval of reserved matters application is submitted.

Public Open space

Policy H7 of the Local Plan requires all new housing proposals to provide or contribute to public open space provision. Proposals of 10 dwellings or less will be expected to provide the payment of a commuted sum, for the benefit of public open space nearby, in lieu of provision.

This has been superseded by the Planning Practice Guidance which supports the NPPF and sets out that such contributions should not be sought on housing developments of less than 10 houses.

The latest government guidance would take precedence and it would not be appropriate to seek a contribution towards public open space.

Drainage

There have previously been issues of water run off down Southern Avenue following heavy rainfall and a condition is recommended to require a scheme of surface water drainage to be approved and implemented, to deal with discharge of additional surface water.

Ecology / Trees

When the previous applications were considered the site was overgrown and contained vegetation and shrubbery. A condition requiring an ecology survey was imposed.

However, the site has recently been cleared of all vegetation and is very unlikely to have any ecological value. It would not now be appropriate to include a condition requiring a survey to be carried out.

Recommendation:

The proposal satisfies local and national policies and is in line with the previous appeal decision and subsequent renewals.

It is recommended that outline planning permission is granted subject to the following conditions:

Conditions

1. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (the reserved matters) shall be obtained from the local planning authority in writing before any development starts.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
5. Construction works shall not take place in connection with the development, outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800

hours to 1300 hours on Saturdays and no works shall take place on Sundays or Bank Holidays.

6. No development hereby approved shall start until a scheme for the disposal of surface waters, based on sustainable principles, has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
7. No development shall start until a scheme detailing the improvements to the junction of Southern Court with Ightenhill Park Lane and the resurfacing of Southern Court has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.

Reasons

- 1-4 Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.
5. To protect the amenities of nearby residents, in accordance with Policy GP7 of the Burnley Local Plan, Second Review.
6. To prevent the increased risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review.
7. In the interests of highway safety having regard to Policy GP1 and H3 of the Burnley Local Plan Second Review.