

## **Application Recommended for Delegation**

**APP/2018/0214**

Cliviger with Worsthorne Ward

Reserved Matters Application

Details of layout, scale, appearance and landscaping following outline planning permission APP/2014/0434

ROCKWATER FOXSTONES LANE BURNLEY

### **Background:**

The proposal is referred to Committee as one of the applicants is a member of Burnley Borough Council staff.

Outline Planning Permission was granted for a two storey, four bedroomed dwelling, including means of access, in May 2015, following consideration by Development Control Committee in December 2014. The current application is for the approval of the matters reserved under the outline permission and includes details of the layout, scale, appearance and landscaping of the site.

The site is within the former Rockwater Bird Park which closed to the public several years ago. The original permission for the Bird Park included the provision of a mobile home for use in connection with the Bird Park. A condition was imposed restricting occupancy of the mobile home to workers or former workers of the Bird Centre or those working in agriculture in the locality or widows or widowers and any resident dependants.

When an application for a bungalow to replace the mobile home was granted in 2002, with the same restriction on occupancy, the mobile home was required to be removed within three months of the first occupation of the bungalow.

The bungalow permission was implemented but the building is not yet complete. The mobile home is still occupied by the original owners of the Bird Centre.



Existing mobile home showing car parking area and landscaped areas.

Following the closure of the Bird Park to the public, the conditions restricting occupancy of the bungalow were removed. This was because the permanent occupation of the mobile home had become a lawful residential use, as it was outside the 10 year period for enforcement action to be taken for its removal resulting in the site benefitting from a permanent residential use without restriction.

In 2014, an outline application for one additional dwelling was granted by Development Control Committee. It was granted on the basis that the four holiday lets which were approved on the site in 2010 would not go ahead and the new property would be on the site of the existing mobile home. Members felt that there would be less impact on the highway and on the landscape in these circumstances.

The outline permission granted included means of access and the current reserved matters application subject of this application seeks approval for the layout, scale, appearance and landscaping. The access will remain as existing via Foxstones Lane.

An objection from the Parish Council has been received.

### **Relevant Policies:**

#### National Planning Policy Framework (March 2012) (NPPF)

#### Burnley Local Plan Second Review

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

E3 – Wildlife Links and Corridors

E5 – Species Protection

GP1 – Development in the Urban Boundary

GP2 - Development in the Rural Areas

GP3 – Design and Quality

H3 – Quality and Design in new housing developments

TM15 – Car parking standards

#### Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Developments

NE1 – Biodiversity and Ecological Networks

NE3 – Landscape character

NE4 – Trees, hedgerows and Woodland

IC3 – Car parking standards.

### **Site History:**

12/88/0955

Use of land for bird and ornamental fowl park incorporating children's farm and aviaries and erection of a mobile home:  
Granted

12/91/0842

Retention of existing layout of buildings including use of mobile home as classroom education centre/ ta room in connection with bird park - granted.

<u>12/91/0843</u>	Outline application for the erection of one dwelling for use in connection with the bird park including details of siting and means of access: Granted
<u>12/94/0531</u>	Erection of dwelling: Granted
<u>APP/2002/0133</u>	Erection of bungalow including details of siting and means of access: Granted
<u>APP/2003/0532</u>	Erection of bungalow (Reserved Matters): Granted
<u>APP/2006/0863</u>	Variation / removal of conditions relating to the removal of the temporary dwelling and restriction on the occupancy – permission refused
<u>APP/2007/0265</u>	Amendment of Condition: Granted.
<u>APP/2010/0346</u>	Proposed erection of four holiday lets – permission granted.
<u>APP/2014/0434</u>	Erection of two storey 4 bed dwelling including means of access and including removal of existing mobile home – outline planning permission granted.

### **Consultation Responses:**

- 1 Cliviger Parish Council – object to the proposal on grounds of over development.

*The principle of the development has already been established by the grant of outline planning permission.*

- 2 The Coal Authority – The development site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application, specifically historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth. As there are no recorded coal mining features present at the surface which could influence the spatial arrangement of the development the Coal Authority raises no objection to the current reserved matters proposal, but wishes to review the proposal when an investigation and scheme for remediation of the coal mining legacy has been submitted to the local planning authority.

*A condition is included on the outline permission requiring a scheme detailing appropriate intrusive site investigation works and any necessary remediation measures to be submitted and approved. Any measures identified should be implemented before the building is occupied.*

## **Planning and Environmental Considerations:**

The principle of the development is already established by the outline planning permission granted in May 2015. The current application seeks approval for the details of the development, including the layout, scale, appearance and landscaping of the site.

### Layout of the site



Existing site layout



Proposed site layout

The site is proposed to be laid out in a similar way to the existing layout with the building on the footprint of the existing mobile home, which will be removed. The building would be orientated to take advantage of the sunlight, the views across the valley and to provide an element of privacy from the adjacent highway.

The car parking area will be to the front of the building and there would be adequate amenity space around the dwelling.

No other residents would be affected in terms of privacy or outlook.

The layout of the site is acceptable and reflects the outline permission.

### Scale

The outline permission was granted for a two storey four bedroomed house and the scale of the development reflects this.

The new dwelling would be larger in scale than the existing two-bedroomed mobile home but having regard to other buildings and dwellings along Foxstones Lane, the scale would not be out of keeping.

### Appearance

The dwelling would be constructed in traditional materials of stone and slate. It would be designed in simple style with a pitched roof and vertical emphasis to the windows and elevations.



## Elevations of Proposed Dwelling

The proposed is acceptable in terms of appearance and it would have elements of traditional building in the locality.

### Landscaping

The site is already very well landscaped and screened from the surrounding area. It is proposed to retain the existing landscaping and only minor works of pruning to some of the trees will be carried out. There is no need to require additional planting on the site.

It would be appropriate to require the protection of the existing trees within the site during the construction phase to maintain the landscape cover.

### Other matters

#### *Ecology*

An ecological appraisal has been submitted with the application which included a full botanical survey of the site, surveys to establish whether or not bats, amphibians, nesting birds and badgers were present on the site or would be affected by the proposals.

This sets out that:

- The plant species recorded at the site are all common to the local area and considered to be of low ecological value.
- No evidence of the use of the site by roosting bats was recorded during the survey and there is scope within the site to provide new roosting provision when the dwelling has been constructed.
- A pond within the site was considered to have poor suitability as a habitat for great crested newts although precautionary mitigation will be undertaken during the course of the development.
- A check for nesting birds will be undertaken before demolition or vegetation clearance takes place between March and September.

The response of the Council's ecology adviser will be reported to the meeting.

## **Summary**

The reserved matters application is acceptable in terms of layout, scale, appearance and landscaping and in line with the policies of the local plan.

The layout is acceptable for the site and provides adequate car parking provision and private amenity space. The scale and appearance of the proposals reflects other properties in the locality and is of appropriate materials and design. The landscaping of the site is already well established and there is no need for further landscaping provision apart from the protection of trees within the application site.

The ecology appraisal does not identify any ecology features which would be adversely affected. The ecological response of the Council's advisers will be reported to the meeting.

## **Recommendation:**

That the Committee be minded to approve the application subject to the comments of the Council's Ecology Adviser and delegate the Head of Housing and Development Control to grant planning permission subject to the following conditions and any additional conditions recommended by the Ecology Adviser.

1. The development must be begun within two years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 5587-E00A (Location Plan); 5587-E01A (Site Plan); and 5587-P01A (Site Plan, floor plans and elevations).
3. The development shall be carried out in full accordance with the recommendations of the submitted Ecological Appraisal (Envirotech report reference 4591, version 2, dated April 18).
4. No development shall start until any trees and shrubs within the site edged red are adequately protected from injury or damage prior to or during the development works to the satisfaction of the local planning authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or shrubs.

## **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. To ensure that any ecological impacts of the development are adequately mitigated in line with Policy E5 of the Burnley Local Plan Second Review.
  4. To ensure trees and shrubs are not damaged during construction works having regard to Policy E6 of the Burnley Local Plan Second Review.
- *A note drawing attention to the need to comply with the condition on the outline application relating to a coal mining investigation will be included on the decision notice.*