

Application Recommended for delegation**APP/2007/1184**

Rosehill with Burnley Wood Ward

Full Planning Application

Proposed erection of 2 no. semi-detached dwellings.

Land at RAEBURN AVENUE, BURNLEY

Background:

One detached dwelling has been previously approved on this site.

An objection has been received.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:Burnley Local Plan Second Review

E6 - Trees, hedgerows and woodlands

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

H1 - Land for new housing development

H14 - Gardens and backland development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

Site History:

76/0001 – Outline application for one dwellinghouse – c/c

APP/2004/1171 – Outline application for the erection of one dwelling including details of means of access (all other matters reserved) – granted

07/0331 – Reserved Matters Application – erection of a detached dwelling – c/c

B139 (a) – TPO on 4 trees along Raeburn Avenue boundary

B130 (t) – TPO on 4 trees along the boundary with No 2 Raeburn Avenue

Consultation Responses:

Environmental Health – There appears to be a watercourse running through the plot. Recommend an initial desk study be done in order to establish any potential risks involved by developing the land in relation to contaminated land and gas.

Green Spaces and Amenities – the proposed new access (to the left of the site) needs to be moved further away from the hornbeam (i.e. closer to the sycamore tree) in

order to protect the roots of the hornbeam. The position of protective fencing around the TPO trees needs to be agreed beforehand. (Written comments not yet received).

Highway Authority – The development would not have any major impact on the highway network, therefore have no objections. However, a new footway crossing will be required, as such, the developer will have to contact LCC to arrange these works to be undertaken.

Neighbours – One letter received objecting to the proposals for the following reasons;

- a) Numerous trees and shrubs will be destroyed. Protected trees will not survive the root damage.
- b) There are numerous birds nesting in the trees and shrubs, which will disappear. There are also bats and other mammals.
- c) Traffic will increase. Parking, fumes and noise will be a nuisance and an invasion of privacy.

Planning and Environmental Considerations:

The proposal involves the erection of two semi-detached 2-storey dwellings on the plot, instead of the one detached dwelling, which has previously been approved on the site.

The main considerations are privacy/outlook, design/materials, trees and wildlife.



view down Raeburn Ave (site on left)



view down Raeburn Ave (site on right)



gable elevation of no. 2 Raeburn Ave



Raeburn Ave looking towards no.2

Proposed access/TPO trees.

A single dwelling has already been approved on the site (2007), using the existing access to the garage on the site; the proposed erection of a pair of semi-detached dwellings involves the creation of an additional access. The Highway Authority have no objections on Highway grounds.

There are a number of protected trees on the site some of which are close to the proposed new access. Comments from Parks Services ask for this proposed access to be moved over to take it away from the protected hornbeam (the proposed access is between a sycamore and a hornbeam which are both protected).

The other protected trees on the site are not affected by the proposals.

Wildlife

A neighbour has stated that there are numerous birds nesting in the trees and also bats. The protected trees are to be retained. Bats are protected species, if there are bats on the site the developers will not be able to disturb or remove the roosts without a licence under the Wildlife and Countryside Act.

Layout/privacy/outlook

The siting of the dwellings is constrained by the position of a culverted stream that runs diagonally across the front part of the site. The dwellings are set back from the front boundary wall by approx 11m.

The proposed dwellings are sited in approx. the same position as the already approved single dwelling. The single storey garage section of the approved house was closest to no 2 Raeburn Avenue; there is now a 2-storey blank gable adjacent to no.2 Raeburn Ave (2.5m away from boundary). No.2 Raeburn has a conservatory built on its gable elevation, however privacy/outlook standards only apply to habitable rooms and a conservatory is not classed as a habitable room for planning purposes.

The proposed dwelling will only be 4m away from the extension at the rear of no. 236 Manchester Road, however this is a garage and privacy outlook are not therefore an issue.

The proposal meets the outlook and privacy criteria with regard to the adjacent properties.

Appearance

The proposed dwellings are 2-storey with integral garages. The houses are set back from the road and there are trees along the frontage, which are to be retained preserving the pleasant appearance of this part of Raeburn Avenue.

The proposed materials are stone (with some render) to the front and render to the rear elevations and concrete roof tiles. The roof is pitched and the design is considered to be acceptable.

Providing the access is amended in order that it does not affect the TPO trees the proposals are considered to be acceptable.

Recommendation: That the Head of Planning and Environment be delegated to approve the application subject to the receipt of an acceptable amended plan with the access positioned in an acceptable position so that it doesn't affect the TPO trees; and subject to the following conditions;

1. The development must be begun within three years of the date of this decision.
2. No development shall be commenced unless and until three copies of a site investigation report (the Report) has been submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The investigation shall where appropriate include a risk assessment and an options appraisal including the remedial strategy.

The proposed risk assessment, including the sampling and analytical strategy shall be approved in writing by the Local Planning Authority prior to the start of the site investigation survey.

The development shall be carried out in accordance with the approved Report including its risk assessment, options appraisal and recommendations for implementation of the remedial strategy.

Prior to discharge of the Contaminated Land Condition, a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works were completed in accordance with those agreed by the Local Planning Authority.

3. No development shall start until the details of the means of protecting trees and hedges, including root structures from injury or damage prior to or during the development works, have been submitted and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore 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 hedges.
4. Notwithstanding any description of materials in the application, no development shall start until precise details of roof and elevation materials have been submitted to and approved in writing by 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 a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.
3. In order to maintain a continuation of tree cover in the area, in the interests of visual amenity.
4. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity.