

Proposed development: Variation of condition/minor material amendment for Erection of two bedroom house on land adjacent to existing domestic property at The Coach House, pursuant to a variation of Condition No. 9 on application 10/14/0582, to read: This consent relates to the submitted details marked received on 9th July 2014 and numbered 13-043-01 Rev A and 13-043-02, as amended by plans received on 30th September 2014 and numbered 13-043-01 Rev B and 13-043-03; as amended by plans received on 8th June 2016 and numbered 35-TCH-208 Rev A, 35-TCH-207 Rev A, 35-TCH-206 Rev A, 35-TCH-205 Rev A, 35-TCH-203 Rev A, 35-TCH-202 Rev A, and 35-TCH-201 Rev A, and any subsequent amendments approved in writing by the Local Planning Authority.

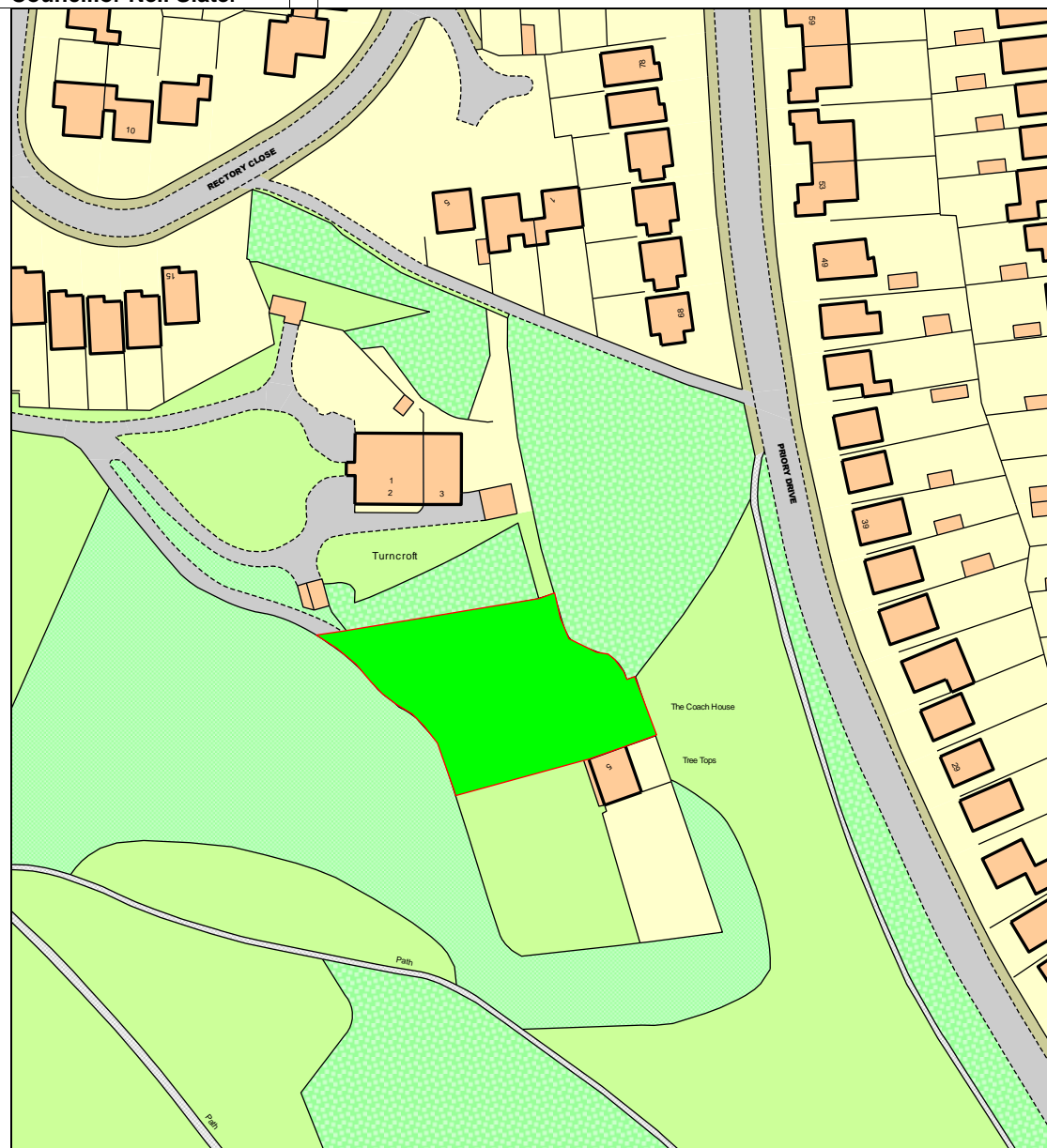
REASON: To clarify the terms of this consent.

Site address: The Coach House, Turncroft Road, Darwen, BB3 2BW

Applicant: Mrs Marcella Bird

Ward: Marsh House

Councillor John Roberts	
Councillor Kevin Connor	
Councillor Neil Slater	



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve subject to the conditions applied to 10/14/0582:

- Land contamination desk study
- Comprehensive validation report
- If unexpected contamination is encountered
- Arboricultural method statement and tree protection plan
- Protective fencing to be installed
- No trees to be lopped topped, pruned or felled
- Permitted Development rights removed
- Drawing numbers (as amended by this application)
- Implementation of car parking spaces
- Materials samples to be submitted

Members are advised that the conditions relating to the land contamination desk study report, the arboricultural method statement and the position of the protective fencing have been discharged subject to observance of on-going requirements (application 10/16/0437 approved under delegated powers 29th July 2016). If members are minded to approve this application an informative will be added stipulating that the conditions already discharged will not need discharging a second time.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The key issues to be addressed are as follows:

- Overview of and requirement for this application.
- Position and scale of footprint.
- Scale and massing of proposed dwelling.
- Design.
- Landscaping.
- Overlooking.
- Trees.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a piece of land on the north side of the curtilage to the Coach House at Turncroft.

3.1.2 The site is located immediately to the south of the former Turncroft Hall, Darwen, bounded by Priory Drive on the east and Rectory Close on the north.

3.1.3 The property in question is set within spacious grounds surrounded by woodland. The trees on site are subject to a Tree Protection Order.

3.2 Proposed Development

3.2.1 The Planning and Highways Committee approved a proposal for a two bedroom house on the land on 20th November 2014 (10/14/0582).

3.2.2 The current application has been submitted to clarify heights and assess minor changes to elevational details, principally the amount of brick to be used in the walling and window details. .

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2:
Policy 8: “Development and People”
Policy 11: “Design”

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) Section 7: “Requiring Good Design”.

3.4.2 Blackburn with Darwen Borough Residential Design Guide SPD.

3.5 Assessment

3.5.1 Overview. Planning application 10/14/0582 was described as being for a two bedroom house. The property would be detached and with its own separate curtilage formed from part of the garden area to the Coach House.

3.5.2 The planning permission granted by the Committee in 2014 has yet to be implemented. However, the applicant has begun to discharge conditions; and prior to commencing development is looking to make some changes to the materials and details, as set out below.

3.5.3 Footprint. No change.

3.5.4 Scale. The height approved for the new dwelling was 5.7 metres. This height was not stipulated on the submitted plans but scaled off by the Case Officer and included in the Director’s Report to the November 2014 Committee. The plans submitted in respect of this application stipulate the height to be 5.9 metres. The applicant’s case is that the intention was always for the house to be this height, and that the downloading and printing of the original plans may have affected the

measurements on paper. As this would be impossible to verify, Members are being recommended to approve the new measurements.

- 3.5.5 The internal roof space is to be utilised to create first floor bedrooms. This has no impact on the external design of the building, other than the re-arrangement and addition of one to the velux windows already approved for the north-east elevation.
- 3.5.6 In terms of separation distance from the closest neighbouring property, the measurement is a minimum 29.5 metres from No. 3 Turncroft, comfortably more than that required by the Residential Design Guide SPD (21 metres). The overall shape and structure of the proposed house is unchanged. It is considered that an additional 200mm to the ridge height is unlikely to significantly increase the impact of the development on the neighbouring properties in terms of dominance or overshadowing.
- 3.5.7 Moreover, the rooflights in the north-east elevation, by now serving bedrooms, are not considered to cause undue harm to neighbouring properties owing to their position facing away from Turncroft. The front velux window added to the south-west elevation, serves the stairway and landing.
- 3.5.8 The proposed alteration to the scale of the new dwelling through the additional 200mm height and the utilising of the loft space for bedrooms is therefore considered to be in accordance with Policies 11 and 8 of the Local Plan 2 in understanding the context in which the development is to take place and in securing the amenity of neighbouring dwellings.
- 3.5.9 Design. The bulk of the application is concerned with minor changes to the details of the building as follows:
- On the south-west (front) elevation the corner window is shortened and the design of the main living area windows are six square glazed panels to three elongated glazed panels. The gable to the lobby is glazed rather than in-filled, and the design of the kitchen window is altered. Number and position of windows remain unchanged. A skylight is added to the roof above the lobby. Additional brick is added into the walling to produce what is considered to be an attractive balance between brick and render.
 - On the north-east (rear) elevation, the two windows have slightly less depth than originally proposed. Number and position of windows remain unchanged. The velux windows are re-arranged into an ordered line along the roof plane, with one additional being added.
 - Window details are changed to the three south-east elevation windows, and the brick detail running at eaves level is removed.

Number and position of windows remain unchanged. The mix of brick and render to the walling is also more balanced.

- On the north-west elevation, window details are changed. Number and position of windows remain unchanged. As with the other elevations, there is additional brick proposed for the walling to provide for a more attractive blending of materials.

Policy 11 of the Local Plan 2 requires development to express a high quality architectural style, with materials, proportions, visual order and detailing (including colour) to be used in complementing and enhancing local distinctiveness and character. The proposed alterations to the details of walling materials and fenestration are considered to achieve these requirements.

3.5.10 Landscaping. No change.

3.5.11 Overlooking. No change. Window positions remain as approved under 10/14/0582. The introduction of glazing to the lobby gable is not considered to increase overlooking given its positioning 2.4 metres above ground level and it's facing towards the front garden and driveway area. The alterations to window details are therefore not considered to be detrimental to neighbour amenity.

3.5.12 Trees. No change. The trees on site are subject to a Tree Preservation Order, and a non-dischargeable condition requires their protection throughout the development process.

3.5.13 Summary. The National Planning Policy Framework states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' (paragraph 49) with good design being a key aspect of this (paragraph 56). It is considered that the proposal enhances the overall quality of housing in the area through good design, proportions, and materials, whilst protecting the amenities of neighbouring dwellings, in accordance with Policies 8 and 11 of the Blackburn with Darwen Local Plan 2.

4.0 RECOMMENDATION

4.1 Approve

5.0 PLANNING HISTORY

5.1 10/14/0582 – erection of two bedroom house on land adjacent to existing domestic property at The Coach House. Approved by Planning and Highways Committee 20th November 2014.

- 5.2 10/14/0025 – erection of two bedroom house on land adjacent to existing domestic property at The Coach House. Refused under delegated powers 27th March 2014.
- 5.3 Enquiry 05176. Response dated 30th April 2013: proposal for dwelling on land at The Coach House acceptable in principle, subject to acceptable design, parking and tree protection.
- 5.4 10/12/0970 – felling of two trees. Permission granted 21st November 2012.
- 5.5 10/10/0427 – felling of one tree. Permission granted 21st July 2010.

6.0 CONSULTATIONS

- 6.1 Eleven neighbouring properties. Two letters have been received objecting to the proposals. The points made can be summarised as follows:
- Velux windows out of keeping and causing light pollution
 - Impact on biodiversity and protected open space
 - Concern about floor levels – possibility of elevation being 10 metres above that of neighbouring dwelling.
 - Lack of foliage for part of the year leads to loss of privacy to No. 3 Turncroft Hall.
 - Development detrimental to the historic environment at Turncroft Hall.
 - Development not really in keeping with original intention to provide for elderly family – and applicant now has house and building land both on the market.
 - Significant increase in access traffic passing through grounds of No. 1 Turncroft Hall.
 - Harm to peaceful and safe environment.
 - Two storey property has more overlooking potential than bungalow.
 - Difference in land levels will block sunlight.

7.0 CONTACT OFFICER: John Wilson, Planner

8.0 DATE PREPARED: 5th August 2016

Summary of Representation

3 Turncroft Hall

Turncroft Road

Darwen

Mr & Mrs RJF Tart

12 July 2016

We are writing to you with regards to the above planning application. We object to the changes proposed in this application.

History:

(1) Reasons listed at the initial refusal of planning permission:

(i) The proposed development, being located in an area covered by a Tree Preservation Order, is prejudicial to the well-being of trees within and surrounding the site, contrary to Saved Policy HD8 of the Blackburn with Darwen Borough Local Plan.

(ii) The proposed development, by its location within a designated area of Protected Open Space and failing to be of demonstrable community benefit or ancillary to the use of the Protected Open Space, and by leading to reduced provision of open space, is contrary to Saved Policy TRL1 of the Blackburn with Darwen Borough Local Plan.

(2) Information stated in support of agreed plans:

(i) The proposal will create a two bedroom dwelling with all living accommodation at ground level, an accessible loft, garden and 2 no. car parking spaces with shared access from Turncroft Road

(i) The proposals are intended to create a contemporary appearance having regard for cost, ease of maintenance and longevity. Elevations will have a horizontal emphasis with a mixture of rendered panels, brick soldier courses and a strong plinth (to echo the surrounding existing properties) The roof will be covered in grey concrete tiles. Elevations have been considered to avoid overlooking and any loss of privacy

Reasons for objection to this application:

- 1) To place multiple Velux windows in the roof is not in keeping with any of the existing properties including the existing Coach House and all the properties at Turncroft Hall as previously stated in submitted supporting documents.
- 2) The application site is an area of designated 'Protected Open Space' on the Proposals Map. There are trees which have preservation orders on them. To change the habitat in any shape or form will have an impact on the biodiversity of the protected open space. We all have a duty to enhance the natural environment and this supported by the National Planning Framework. We all have a duty to protect our environment for our future generations.
All of the home owners at Turncroft Hall promote the biodiversity of the woodland and as such we have seen birds nesting which are in decline nationally. We have many bats living in the woodland, and also we have a family of owls nesting in a tree within immediate proximity to the proposed build. It is well documented that owls return year after year to the same place. Therefore it would not be right or proper to agree further intrusion to the conservation and biodiversity of our woodland
- 3) There is concern about any associated light pollution that multiple Velux windows will have on the surrounding environment and 'Protected Open Space' of woodland and the wildlife some of which is mentioned above (2).
- 4) It is stated that the floor level of this development will be comparable to that of the existing Coach House. Therefore the elevation of this property from number 3 Turncroft Hall will be in excess of 10 metres. Our lounge, living room and two main bedrooms will be directly overlooked by this development. By allowing this development to become a 2 storey building, it will make this feel even worse, when our light and privacy has already been greatly compromised by the agreement of this development. The Committee need to be very much aware of this as we were not given the opportunity to discuss application 10/14/0582 at the relevant planning meeting in August 2014.
- 5) We are not sure when your site visit occurred. However, the area is very different depending on the seasons. For approximately 6 months of the year the woodland has a distinct lack of foliage. Therefore this needs to be considered when considering the proposed changes as this further exacerbates the point relating the privacy.
- 6) We all have a duty to conserve and enhance the historic environment. Turncroft Hall is directly linked to India Mill Darwen, which is a listed building. As we are sure you are aware, given there is much written about the mill and Turncroft Hall being the home of Eccles Shorrock. That the area is of local interest. To allow the proposed plans to change, will further add to this blot on the landscape which does not lend itself to the environment around it.
- 7) It was stated that the purpose of this house was to allow the applicants elderly family to be nearby. I would question this if stairs are now required and all the bedrooms would be on the second floor. Most elderly people choose to have single storey living as they get older. Currently The Coach House is not inhabited by the applicant and

has not been for some time. It may also be pertinent to mention, that within in weeks of the planning application being agreed, The Coach House was put on the market, proudly boasting that it had planning permission to build. I would therefore question the actual intentions of the applicant as there appears to be lots of conflicting information. Whilst this is the applicants right to do so. Perhaps the planning committee have been misinformed?

Reassurances sought by Number 3 Turncroft Hall:

- 1) The access to the development is very difficult and the maximum size of vehicle which could gain access is 7.5 tonnes. Bearing in mind there are many young children living in adjacent properties, and St Peter's Primary School entrance will be directly affected.

How do the applicants propose large quantities of building materials will be safely manoeuvred up the lane?

- 2) In the previous decision notice it is stated 'The granting of planning permission does not entitle a developer to obstruct, move, or disturb the surface of any public footpath, bridleway, byway open to all traffic or a road used as a public path. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act. Failure to comply with the above may render the developer liable to action by the Highway Authority.

We are asking for a reassurance of how this will happen? We feel it will be almost impossible not to obstruct or disturb the public footpath used mainly by school children and their parents which is the link from Turncroft Hall gates to Turncroft Road.

- 3) We ask that the Committee consider that no further changes to this building be allowed to happen and some protection is granted in writing to protect the surrounding area.

We would like to attend any planning meetings in relation to this and have an opportunity to have our voice heard, which has sadly been declined previously. Please note there is a complaint ongoing regarding this.

Mr & Mrs Crook
1 Turncroft Hall.
11 July 2016

We Object to changes being made to the above application.

I am aware that The Coach House was granted permission to build a bungalow which will overlook my property.
This was granted as the purchase of our property was going through and although not ideal a bungalow did not cause too much concern.

All properties at Turncroft Hall, The Coach House & Tree Tops are accessed via an access lane (aprox ¼ mile) that is owned by Number 1 Turncroft Hall.
I am aware that all current properties have right of way but I would have thought any new dwellings would need to have access granted?
I would not like this to become an issue at a later date.
My main concern is that if all the property owners decided to request permission to build granny flats etc, the lane, which runs directly through my garden will significantly increase in traffic....!
Thus reducing the enjoyment of our outdoor space significantly.

Also if the proposed property is given permission to be changed from bungalow to a house it also means that it will be suitable for a family and not just as a property for an aging couple?

My husband and myself bought this property so that our son, who suffers with a neurodegenerative disease could enjoy being outdoors in a peaceful and safe environment.
As the flow of traffic through my garden increases this will lessen.
Again allowing a house to be built rather than the proposed bungalow gives potential for a family with more vehicles to move in should the property be sold on at a later date.

I also have concerns with regards to my son's privacy as the new build will potentially overlook his bedroom window? As a bungalow this isn't too much of a problem, but as a two storey property it is.
He needs constant assistance as his condition is constantly progressing and he needs his privacy and dignity.
I cannot move his room due to the positioning of the house I live in and also the fact that his room has been adapted especially for him.

My final concern is that there is a significant difference in height between Turncroft Hall and the proposed property. I think aprox 10 meters?
This means that we will be extremely overlooked if a two storey property is granted. It will also block an awful lot of sunlight and give a feeling of being closed in especially in the winter months as this is the path the sun moves in.
Turncroft Hall suffers with damp due to being an old property but also due to the fact that there is a limited amount of sunlight on the building at certain times of the year.

In the winter & spring months when there are no leaves on the trees this property will be very visible and will block much needed sunlight.

I have tried to get in touch with yourself via phone as I have no idea what exactly has been proposed but your voice mail says you are currently on annual leave. If someone from the planning department would like to pay a visit and see the sight from Turncroft Hall I would be more than happy to speak with them, find out what the exact proposed plans are and voice my concerns.

I would also like confirmation that any damage caused to the lane during the build will be put right.

The lane is not made for heavy duty or wide load vehicles.

As mentioned earlier my son is severely disabled and needs to be able to pass up and down the lane at any given time.

He has regular hospital appointments and could need to be rushed to the hospital at any time.

I cannot afford for his health reasons, for the lane to have vans, wagons etc blocking the entrance.
