

Proposed development: Full Planning Application for Erection of one dwelling

Site address: Land between 7 & 18 Brookhouse Close, Blackburn , BB1 6PD

Applicant: Mr Iqbal Vali

Ward: Bastwell

Councillor Parwaiz Akhtar

Councillor Iftakhar Hussain

Councillor Shaukat Hussain



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed development is recommended to be refused planning permission for the reasons as follows:

- By virtue of the size and position of the development plot, the proposal fails to provide useable private amenity space for the neighbouring dwelling at No. 18 Brookhouse Close, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 (December 2015).
- The position in relation to, and the substandard separation distance with, No. 18 Brookhouse Close – dwelling appears as an awkward and cramped addition to the street scene, failing to respect the physical context of its surroundings, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.
- Poor access and parking provision fails to make the appropriate provision for off-street parking, to the detriment of the safe, efficient and convenient movement of all highway users, contrary to Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2
- The proposal fails to make best use of the existing landmarks and views, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The key issues to be addressed are as follows:

- Design.
- Scale and massing within the context of the site.
- Amenity space.
- Impact on neighbouring living conditions.
- Parking provision and impact of the development on the highway.
- Visual connections.
- Drainage and sewerage issues.

2.2 Whilst the applicant has attempted to address the reasons for refusal relating to the previous application, and subsequent dismissal of the appeal, the current proposal is still considered to provide a cramped form of development within Brookhouse Close, leaving insufficient private amenity space for the proposed dwelling itself and No.18. As such, it is considered that the proposed development would be an overdevelopment of the application site.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site for the proposed development is located in the eastern corner of Brookhouse Close. The land on which the dwelling and its curtilage is to be sited straddles the boundary between Nos. 7 and 18 Brookhouse Close and currently forms part of the curtilage to both dwellings.
- 3.1.2 The wider context sets the site at the eastern end of a residential area off Whalley Range. The rear elevation would be built facing towards an upholstery manufacturing business on Whalley Range Business Park, with the side elevation facing the approach road to the units that make up the industrial/commercial area.

3.2 Proposed Development

- 3.2.1 The proposal is for a link-detached dwelling that would be built against the car port belonging to No. 7 Brookhouse Close. The dwelling would be two-storey, with a single storey porch and W.C. projecting from the east elevation.
- 3.2.2 The proposal is a resubmission of planning application 10/15/0182, refused under delegated powers on 29th May 2015. The subsequent appeal was dismissed by the Planning Inspectorate.

3.3 Development Plan

- 3.3.1 Blackburn with Darwen Borough Core Strategy:
Policy CS5: "Locations for New Housing"
Policy CS7: "Types of Housing"
Policy CS8: "Affordable Housing Requirements"
- 3.3.2 Blackburn with Darwen Borough Local Plan Part 2:
Policy 18: "Housing Mix"
Policy 8: "Development and People"
Policy 9: "Development and the Environment"
Policy 10: "Accessibility and Transport"
Policy 11: "Design"

3.4 Other Material Planning Considerations

- 3.4.1 National Planning Policy Framework (NPPF) Section 6: "Delivering a wide choice of high quality homes".

3.5 Assessment

- 3.5.1 Design. Policy 11 requires the design, materials and shape to complement local character. The proposed dwelling is largely considered to achieve this. The vertical emphasis of the fenestration at first floor level is not so much in keeping with the general horizontal emphasis incorporated in the wider setting. However, it does maximise light entering into the interior of a property that has had to reduce its width to deal with the constraints of the site. Moreover, the style is reflected at ground floor level at No. 18. The front gable roof is a feature established within the street scene and adds to the integration of the dwelling's design into the setting.
- 3.5.2 Scale and massing. In the Planning Inspector's appeal decision, he states that the scale and massing of the proposed built form would appear in the street scene as inappropriately sited. The resultant dwelling left too little space for itself and No. 18 and formed an 'awkward and cramped addition' to the street scene. The dwelling proposed in this application has been reduced from a double fronted to a single fronted building, the width being reduced from 8.3 metres to 6 metres. The single storey side porch adds a further 4.2 metres to the width, to a depth of 3.3 metres. As such, the applicant has attempted to address the concerns relating to the scale and massing of the proposed dwelling.
- 3.5.3 Amenity considerations. Whilst the scale and massing in itself is considered more acceptable, the layout of the plot is such that no additional amenity space is restored to No. 18. The rear garden provides only minimal useable space, and part of the side garden is lost to the new development, again leaving only the most minimal space. Policy 11 of the Local Plan Part 2 requires development to provide defensible amenity space. Commenting on the previous proposal for a dwelling on the site the Planning Inspector stated that private amenity space at No. 18 would, from his "observations on site and all the evidence, be severely restricted, which would adversely affect the occupants including future occupants of the house". Given that the proposed dwelling utilises the same amount of No. 18's curtilage as in the previously refused scheme, the loss of amenity space to No. 18 is therefore considered to be contrary to Policy 11 of the Local Plan 2.
- 3.5.4 Neighbouring living conditions. Policy 8 of the Local Plan Part 2 requires development to secure a satisfactory level of amenity for surrounding occupants, with reference to privacy and the relationship between buildings. The Residential Design Guide Supplementary Planning Document sets the acceptable separation distance between buildings as 13.5 metres between a blank gable and a habitable room window. The separation distance between one of the two lounge windows of the proposed dwelling and the side elevation of No. 18

would be 8 metres. The substandard separation distance is considered to evidence the cramped nature of the site that fails to respect the physical context of its surroundings. As such, the proposal is considered to be contrary to policies 8 and 11 of LPP2.

- 3.5.5 Parking and Highways Considerations. In dismissing the appeal against the Council's decision to refuse the previous scheme, the Planning Inspector noted in his report that the new dwelling 'would not be able to meet its own servicing requirements in that a shared driveway with No. 7 would be necessary'. Although in this application one parking space is proposed to be accessed from Boyle Street, the main proposal still retains the shared driveway with No. 7 for one parking space. As the Highways Officer comments (see 6.4 below) the spaces can become inaccessible, which in turn leads to parking on-street. This is not supported owing to the existing highway being severely congested with parked vehicles and is therefore considered to be contrary to Policy 10 of the Local Plan, which requires appropriate provision to be made off-street and to secure the safe, efficient and convenient movement of all highway users.
- 3.6.6 The secondary car parking space is proposed to access off Boyle Street which is heavily utilised by goods vehicles who make deliveries to the mill and units which form part of the industrial/business park. If Members approve the application, this space would only become accessible by the applicant providing a dropped kerb crossing. The removal and relocation of a lighting column would also be required. However, the concern is that a vehicle approaching the front of the dwelling on Brookhouse Close, and finding it inaccessible, is unlikely to drive round the block to Boyle Street, but would be more likely to park on Brookhouse Close.
- 3.6.7 Visual Connections. The gradient of the land is such that the ridge lines of the houses step down to the eastern corner of the site, with the side garden area at Nos. 7 and 18 providing a gap through the Close to Boyle Street and beyond. The Planning Inspector noted that this and other gaps between the dwellings 'make a positive contribution to the overall appearance of the Close and assist in breaking up the preponderance of built form and hard landscaping. In the absence of a physical link they offer a visual connection beyond the cul-de-sac'. Policy 11 of the Local Plan Part 2 requires layout and building orientation to make best use of existing connections, landmarks and views. The reduced width allows the retention of an element of this gap, although it is considered that the quality of the amenity afforded Brookhouse Close by the most open of gaps is compromised to a harmful degree.
- 3.6.8 Policy 11 also requires the dwelling's orientation to respect the build line and the established character of the street. The proposed development is considered to fail these criteria. The front elevation breaks the established pattern of facing out towards the highway.

Moreover, it extends beyond the front elevation of No. 18, being built in line with the side elevation of the neighbouring dwelling, breaking the build line and creating a new form of relationship between buildings in the street scene. The substandard space distance referred to in paragraph 3.5.4 exacerbates the awkwardness of this relationship.

- 3.6.9 Drainage and Sewage. United Utilities have advised that a sewage pipe runs through the site (see comments at 6.9 below) and that prior to development the applicant will be required to satisfy United Utilities that the development is at the correct distance from this pipe. Members are advised that the conditions requested by United Utilities and set out below will need to be attached to the Decision if the Committee approves the decision.

4.0 RECOMMENDATION

- 4.1 Refuse

5.0 PLANNING HISTORY

- 5.1 Enquiry 06823. Whether or not a new dwelling would be acceptable at the site. Responses issued 4th May 2016 and 17th June 2016 advising that proposals had not met all criteria set out by Planning Inspector as being necessary for the development to be acceptable.
- 5.2 10/15/0182. Erection of one new dwelling house. Refused under delegated powers 29th May 2015. The subsequent appeal was dismissed by the Planning Inspectorate on 12th February 2016.
- 5.3 10/95/1379. Conversion of existing car port into habitable room at No. 18 Brookhouse Close. Approved under delegated powers 21st December 1995.

6.0 CONSULTATIONS

- 6.1 13 neighbouring properties. No objections were received.
- 6.2 Drainage. No objections to the proposal, but the following conditions would be required:
- Condition 1. The site lies wholly within Flood Zone 2 meaning that the site is at risk of flooding from storms having between a 1 in 100 and 1 in 1000 annual probability of flooding from rivers. If the property floor level cannot be raised 300mm above the maximum flood level then flood resilient materials must be used for construction. The applicant must follow the EA standing advice for building in Flood Zone 2.

Reason: To ensure that properties built within a flood zone are flood resilient.

- Condition 2. There are foul and surface water sewers crossing the site within the garden of number 18. The positions of the sewers on United Utilities sewer records are indicative only. United Utilities must be consulted for permission to build over the sewers. This permission may not necessarily be granted. Reason: Permission to build over public sewers is a legal requirement.

- 6.3 Environmental Services – Cleansing. No objections providing bin storage is provided.
- 6.4 Highways - The vehicular access to the property is across land which is outside the red edge. Due to the angle occupants would have to utilise the drive for No. 7 to access their property. The spaces can become inaccessible, which in turn leads to parking on-street, which is not supported owing to the existing highway being severely congested with parked vehicles.

The secondary car parking space is proposed to access off Boyle Street which is heavily utilised by goods vehicles who make deliveries to the mill and units which form part of the industrial/business park. If Members approve the application, this space would only become accessible by providing a dropped kerb crossing. The removal and relocation of a lighting column would also be required.

Highways therefore maintains its objection, the application being considered to be contrary to policy 10 of the Local Plan Part 2 and proposing inadequate parking provision.

- 6.5 Housing (Strategic). No objections, subject to the proposal meeting all planning policies.
- 6.6 Canal and River Trust. No comments. The application falls outside the notified area for its application scale.
- 6.7 Environment Agency. The site is in Flood Zone 2 and over 8m from the top of the bank of the River Blakewater. Consultation was therefore not required.
- 6.9 United Utilities was not consulted, but have proactively sent the following comments (which were not made to the Authority during the previous planning application, and therefore were not available at the pre-application stage for this application).

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

- Foul Water Condition 1: Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution.
- Surface Water Condition 2: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Additional Comments:

- A public sewer crosses this site and United Utilities will not grant permission to build over or within 3 metres of the centre line of it. The requirement for their permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with United Utilities' Developer Engineer as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.
- Water Comments: The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant would be required to contact United Utilities on regarding connection to the water mains or public sewers.
- General comments: It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and the applicant is recommended to contact the Property Searches Team to obtain maps of the site.

- Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records. If a sewer is discovered during construction, a Building Control Body would need to be contacted to discuss the matter further.
- Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

Members are advised that, should they approve the application, it is recommended that United Utilities' conditions be applied, and other comments be included as informatives to the Decision Notice to ensure the applicant has access to the information required to carry out development that may have an impact on the sewer.

7.0 CONTACT OFFICER: John Wilson, Planner 01254 585142

8.0 DATE PREPARED: 1st February 2017

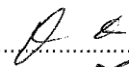
**Member Request for Referral of Delegated Item to
the Planning and Highways Committee**

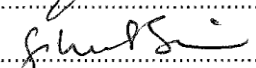
Application Reference:	10/16/1170/NEW
Application Address:	18 BROOKHOUSE CLOSE BB1
Member/s requesting referral:	Name (capitals)
	Cllr PARWAIZ AKHTAR,
	Cllr SHAUKAT HUSSAIN
	Cllr
Date of Referral:	

**Has the application been refused permission/withdrawn within the last 12 months?
YES/NO**

Reason/s for Referral:

Type of reason (choose at least one).	How that reason applies in this case.	Planning Manager's observations.
Local Plan and Guidance.		
Code of Conduct and transparency issues.		
Planning history of site is complex and as a result has a bearing on the case.	✓	Appeal decision is binding + significant material consideration
Identifiable precedent issues.		
The development is an unusual response to a particular set of site issues that warrant debate.	SIMILAR Development Allowed nearby	
Other material considerations, namely....(insert in next box).		

Signed Cllr..... 

Cllr..... 

Cllr.....

Member to submit this form to:	
Email -	planning@blackburn.gov.uk
Letter -	Planning Service (Implementation Group) FAO Gavin Prescott, Planning Manager Blackburn with Darwen Borough Council Blackburn Town Hall King William Street BLACKBURN BB1 7DY