

Application Recommended for Approval
Coalclough with Deerplay Ward

APP/2016/0544

Full Planning application

Proposed erection of 18no. 2 bed houses, 12no. 3 bed houses and 1no. 3 bed bungalow

LAND AT MELROSE AVENUE/KINROSS STREET BURNLEY

Background:

The proposal is for planning permission to erect a total of 31 dwellings to provide social housing on land fronting Melrose Avenue and Kinross Street.



6 pairs of 3 bed semi-detached houses and one bungalow fronting Kinross Street

2 pairs of semi-detached houses, two blocks of four houses and 2 blocks of three uses (all two bed roomed)

Melrose Avenue



Kinross Street



The proposed dwellings comprise frontage development to each street between the grassed open space and playing field which would not be directly affected. An existing public footpath that crosses the open space would be retained and improved. The proposed dwellings are designed in pairs and rows of three/four with gable roofs, front porches and buff facing bricks with banding and flat brown concrete tiles to reflect the character of the existing housing within this area. One bungalow is proposed which would be made accessible for wheelchair use.



All three bedroom dwellings would have two forecourt parking spaces, interspersed with landscaping and 1.0m high vertical metal railings.



The two bedroom houses on Melrose Avenue would infill the frontage gaps between existing houses and would have one forecourt parking space which would in general be paired to provide for green landscaping and 1.0m high vertical metal railings between spaces.



The application is being determined by the Development Control Committee because a piece of the application site adjacent to 13 Kinross Street is in this Council's ownership.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

GP9 – Security and planning out crime
GP10 – Developer contributions
H2 – The sequential release of further housing land for development
H3 – Quality and design in new housing development
H4 – Providing a choice of housing in new development
H6 – Housing density
E5 – Species protection
E6 – Trees, hedgerows and woodlands
E8 – Development and flood risk
TM15 – Car parking standards

Other material considerations

The National Planning Policy Framework

Site History:

NOT/2004/0250 - Proposed demolition of properties at 8-30 Melrose Avenue

NOT/2006/0072 - Proposed demolition of properties at 40, 42, 44 & 46

Melrose Avenue

Consultation Responses:

LCC Highways

No objections. The proposed level of car parking is acceptable given the nature of the accommodation on offer and the lack of existing parking issues on either Melrose Avenue or Kinross Street. A full footway reconstruction will be required due to the number of vehicle access crossings which would be undertaken through a s278 Agreement. A condition is recommended to require a Construction Method Statement to control the traffic and amenity impacts of the construction phase of the development.

LCC Public Rights of Way Officer (PROW)

Initial objections relating to the enclosure of the existing public footpath between existing and proposed dwellings have been satisfactorily overcome by increasing the width of the footpath to 1.8m with 1.0m grass verge to each side. A request was also made for the full length of the footway across the open space to be tarmacked which the applicant has agreed to. The PROW Officer has confirmed that there are no objections to the amended proposals.

Designing out Crime Officer (Lancashire Constabulary)

No objections; the scheme is being built to Secured by Design standards.

Local Lead Flood Authority (LCC)

No objection subject to the inclusion of conditions to require a surface water drainage scheme, based on sustainable drainage principles and a surface water lifetime management and maintenance plan.

LCC School Planning Team

Request a contribution of one primary school place (£13,474.53) to contribute to primary school places that may be required to accommodate the development (using five year projections).

Capita Ecologist

No objections. There is unlikely to be any significant impacts on the designated South Pennines Moor Site of Special Scientific Interest (SSSI) which is 6.2Km from the site. The scrub and scattered trees have the potential to support nesting birds. The advice in section 6.1 of the Ecological Assessment submitted with the application should be conditioned to address this issue. The landscaping scheme should include compensation for the potential loss of nesting habitat which could be the replacement of appropriate nesting habitat or the provision of nesting features such as bird boxes.

Greenspaces and Amenities (Trees)

No objections to the removal of the two highway verge trees as long as appropriate replacements are planted at a suitable location.

Contaminated Land Officer

Comments are awaited and will be reported in the late correspondence prior to the meeting.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site falls within the urban area where Policy GP1 seeks to permit development that, amongst other things, makes efficient use of land and buildings by the use of previously developed land and undeveloped land where it is well located to existing development, services, infrastructure and employment. Policy H2 permits housing development in a sequential sequence to give priority to bringing previously developed land back into use. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposed housing would be located on land that has been previously occupied by housing but has since been demolished and is now grassed and part of the larger area of greenspace between Kinross Street and Melrose Avenue. The proposed development would however only involve the development of the same depth of plots that have in the past occupied the site and there would be no encroachment onto the main central playing field/open space.

The site is located within an existing primarily residential area, just over 1Km to the west of the town centre and accessible to public transport, shops, services and employment. It therefore represents a sustainable location for new housing development and would, in principle, comply with Policies GP1 and H2 and the Framework.

Visual impact

Policies H3 and GP3 require quality design that is suitable in respect of the layout, materials, size and scale of neighbouring properties and provides a distinctive character that contributes to local identity and a sense of place. The two storey scale and size of the proposed houses with formal fronts, gardens to front and rear, buff brickwork and porch canopy roofs reflect the existing development that adjoins the sites. The proposed bungalow would be lower in scale but the visual impact of the

change in height would be lessened by its position at the end of the street frontage. The overall development would appropriately address and define the street by the infilling of the large undefined open gaps and contribute to the visual amenities of the local area.

Impact on residential amenities

Policy H3 requires new housing development to ensure that the amenity of neighbouring properties is protected by minimising overlooking and ensuring a reasonable degree of privacy and outlook. The Framework states that development should seek a good standard of amenity for all existing and future occupiers of land and buildings. The proposed houses would follow the pattern of existing housing on Melrose Avenue and Kinross Street with adequate spacing between gables and between 21m and 26m between fronts which is sufficient to protect levels of privacy and daylight/sunlight provision.

Car parking and accessibility

Policies H3 and TM15 require new housing development to make parking provision in accordance with the Council's standards which are set out in Appendix C of the Burnley Local Plan, Second Review (2006) and require two parking spaces for 2 or 3 bedroomed dwellings. In this case, the proposal provides two forecourt parallel parking spaces for the proposed three bedroom dwellings and two tandem spaces for the proposed three bedroom bungalow fronting Kinross Street; and, one forecourt parking space for each of the two bedroom dwellings fronting Melrose Avenue. The development would therefore comply with the parking standards with the exception of the smaller two bedroom properties where there is one parking space. Given however that the properties are to be occupied as affordable housing by a registered provider and the site offers the opportunity for sustainable travel by walking, cycling or public transport to nearby amenities, it is likely that one car parking space would be sufficient. LCC are satisfied in this instance with the level of off-street parking that is proposed. The proposal therefore provides adequate parking to cater for the proposed development. A condition is recommended to ensure that the car parking spaces are provided and remain available at all times for the purposes of parking.

A well used public footpath crosses the playing fields between Melrose Avenue and Kinross Street. The footpath would pass between the gables of the existing and proposed house plots on Melrose Avenue and between the proposed bungalow and a proposed house on Kinross Street. The applicant has amended the proposals to increase the width of the footway with a grass verge to each side to prevent excessive enclosure and has also agreed to hard surface (with tarmac) the full length of the footway across the open space. Subject to these improvements, the Public Rights of Way Officer (LCC) is satisfied that the enjoyment of the footpath would not be prejudiced by the development.

Housing choice

Policy H4 requires developments of 10 units to provide a choice of housing. The proposal would provide a mix of two and three bedroom family properties as well as a bungalow which would be suitable for wheelchair use. Given the limited overall provision (31 units), this represents a reasonable choice of housing that is suitable to the area.

Trees, landscaping and ecology

Policy H3 requires new housing development to respond positively to the landscape. There are five small trees on the site close to the site's frontage and within the highway verge that will need to be removed to facilitate the development. Two of the trees (wild cherry and sycamore) front Kinross Avenue and are of low quality and amenity value and remaining three trees are clustered fronting Melrose Avenue, one of which (sycamore) is of poor quality and two within the highway verge (lime and sycamore) which are of moderate quality. The trees are not of sufficient amenity value to warrant protection and there are no objections from the Council's tree officer to their removal and replacement with appropriate specimens. A landscaping scheme has been submitted which indicates the planting of 6no. trees within the frontages and highway verge on Melrose Avenue. The replacement scheme would be acceptable subject to agreement over the species to be used in the highway verge.

The layout of the proposal provides for planting within the forecourts between paired parking spaces on Melrose Avenue (where only one parking space per plot) and planting at the back of the car parking spaces in respect of the three bedroom dwellings that have the main area of their forecourt given over to two parking spaces (on Kinross Street). The limited scope to provide landscaping amongst car parking spaces is partly mitigated by the presence of grass verges and provides a satisfactory appearance.

The submitted landscaping plan also indicates the provision of four bird boxes and three bat boxes to be installed on a number of the proposed dwellings in order to help maintain nesting opportunities in the local area. This would satisfy the need to safeguard protected species (Policy E5) and to preserve and enhance the biodiversity of sites (the Framework).

Impact on drainage

Policy E8 states that development will not be permitted where, amongst other things, it would increase the risk of flooding on site or elsewhere. The applicant has submitted a drainage strategy which states that surface water is likely to flow into the existing sewers due to the lack of infiltration on the site and the distance of the site to the nearest watercourse (Scott Park) but that this will be attenuated by the use of below ground storage tanks and oversized pipes. The Local Lead Flood Authority has made no objection to the principles of the strategy and their further comments on a detailed scheme and maintenance strategy will be reported at the meeting.

Other issues

Policy GP7 states that new development will be assessed against any risk that potential pollution may have on the development or the environment. A Phase I and Phase II geo-environmental site assessment has been submitted with the report which highlights that localised remediation and/or mitigation measures may be required. A condition is recommended to ensure that the site is satisfactorily remediated and made suitable for residential use.

The Schools Planning Team at Lancashire County Council calculate that that the proposed development would generate a yield of three primary school places and taking account places available within a two mile radius over the next five years, request that a contribution is made to fund the provision of one primary school place (a contribution of £13,474.53). The applicant has been asked to consider this request and has submitted a set of financial information which sets out the scheme costs and level of grant assistance. In these circumstances, it is accepted that a requirement to

make the requested education contribution could jeopardise the viability of the scheme and that in this instance, the benefits of delivering 31no. affordable units outweighs the limited harm that may result from failing to contribute to the costs of primary education in the local area.

Refuse bins and recycling facilities would be provided within the rear gardens to each property away from public views and access paths constructed around the back of the terrace group to those rear gardens of the inner town houses (6no.)

Summary

The proposed development is located on undesignated land within the urban boundary and close to existing housing and accessible to public transport, shops, services and employment. It has been previously developed for housing but has since been grassed over and forms part of the expansive area of greenspace between Melrose Avenue and Kinross Street. The removal of part of this greenspace would not significantly affect the central playing field and the depth of the plots would be consistent with the neighbouring frontage development on these streets. As such, the proposal would be viewed as an infill development and is likely to positively contribute to the visual amenities of the streets. The proposal would also be beneficial in providing 31no. affordable housing units, including one bungalow designed to accessibility standards. The proposed development would have no significant impacts on highway safety, residential amenities and any impacts from the loss of a small number of trees can be satisfactorily mitigated by the replacement planting and measures to provide bird boxes. A request from Lancashire County Council to fund one primary school place has been considered but on this occasion it is accepted that the additional costs would jeopardise the viability of this social housing scheme.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3082/100/Rev2 (1:1250 location plan) and 3082/120/Rev3, received on 5th December 2016; 3082/107, 3082/106/Rev7, 3082/111/Rev4 and 3082/115/Rev4, received on 12th January 2017; 3082/104/Rev1, received on 18th January 2017; and, 3082/109Rev1, received on 30th January 2017.
3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the schedule of materials (Materials Tracker) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
4. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development,

whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. In respect of the 2no. trees to be planted in the highway verge, revised details of the species and planting heights shall be agreed in writing with the Local Planning Authority prior to their planting.

6. The development shall only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP, reference 6101.003, dated November 2016) submitted with the application and the Ecological Features plan (drawing number 3082/109Rev1), received on 30th January 2017. The bat and bird boxes to be provided shall be installed prior to their respective dwellings being first occupied and shall be retained at all times thereafter.
7. No dwelling shall be first occupied until the public footpath improvement works as identified on the approved plans have been carried out and completed.
8. No dwelling shall be first occupied unless and until its associated car parking space(s) has or have been constructed, drained, surfaced in a bound material and made available for use in accordance with the details indicated on the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
9. The footways fronting the development site at Melrose Avenue and Kinross Street shall, following the construction of the individual driveways, be re-constructed to a specification to be first submitted to and approved in writing by the Local Planning Authority.
10. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for that dwelling shall be provided within a concealed area of the curtilage. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
11. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the approved Construction Management Plan, received on (to be inserted).
12. The development shall be carried out and completed in accordance with the Drainage Strategy Report (Ref:216-396), received on 24th January 2017 and shall thereafter be maintained at all times in the future in accordance with the Drainage Maintenance Strategy Report (Ref:216-396), received on 25th January 2017.
13. The development shall not be carried out otherwise than in accordance with the Phase I Geo-Environmental site assessment (report ref: 11-513-R1, dated November 2016), the Phase II Geo-Environmental site assessment (report ref: 11-513-r2, dated December 2016), and the Remediation & Enabling Works Strategy (report ref: 11-513-r3, dated December 2016) and shall be

completed prior to the first occupation of any dwelling. Verification of the works shall be provided to the Local Planning Authority prior to the occupation of the approved dwellings.

14. Prior to any site clearance or development being commenced on the site, the retained trees as identified on the approved landscape plan shall be protected in accordance with the tree protection measures contained within the Arboricultural Impact Assessment (prepared by TEP, ref: 6101.001, dated November 2016) submitted with this application. The protection measures shall remain in situ and be adhered to at all times until the completion of the development.

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 a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
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5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate protection and enhancement of the biodiversity of the site, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To maintain and improve adequate accessibility along a public footpath, in the interests of accessibility and amenity, in accordance with Policies H3 and TM5 of the Burnley Local Plan, Second Review (2006).
8. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan (2006).
9. To ensure a consistent, even and tidy appearance to the footways following the construction of multiple vehicle crossings, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
10. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

11. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
13. To ensure that the site is appropriately remediated and made suitable for residential occupation, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
14. To ensure adequate protection for the long term health of trees which contribute to the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies E5 and E6 of the Burnley Local Plan, Second Review (2006).

JF 6/2/2017