

Application Recommended for Approval
Gawthorpe Ward

APP/2016/0510

Full Planning application
Proposed erection of 56no. dwellings
FORMER ALBION MILL ALBION STREET PADIHAM

Background:

The application was withdrawn from consideration at the last Development Control meeting in order to allow the applicant a further period to resolve issues relating to the on-site culvert with the Environment Agency.

The application is to redevelop the site (1.19ha) of the former Albion (later known as Perseverance) Mill which was demolished over 10 years ago with a development of 56 dwellings, comprising one, two and three bedroom mews style houses, 8 flats (One bedroom) and two bungalows (two bedrooms). The site sits lower than the surrounding streets of Dryden Street/Russell Terrace and Albion Street and levels out towards the back of the terraced street at Shakespeare Street. The mill site is situated to the south side of the Padiham Greenway.



Vehicular access is proposed from Stockbridge Road onto Shakespeare Street with pedestrian access over the existing bridge onto Albion Street. The proposal would involve ground clearance, decontamination and remediation works to make the site suitable for residential use. The proposed layout as detailed below has been designed to take account of an existing culvert (of Green Brook) that crosses the western portion of the site and two sewer easements which affect the western and southern parts of the site. A single 'H shaped road built with footways and to adoptable standards would provide access to most of the development, the exception being a row of eight flats that are proposed at the southern triangular shaped end of the site where car parking spaces would be accessed directly from Albion Street.

The application has been recently amended to allow for the re-opening of the Green Brook culvert that crosses the site. As a result of this, the layout of the scheme has been amended to site two storey flats at the southern end of the site which would have a frontage onto the re-opened culvert.



The proposed houses would be of traditional construction, with gable walls and roofs and a mix of reconstituted stone (Marshall's Cromwell weathered/buff pitch face) and through colour render with smooth grey concrete tiles to the roof.

Car parking is mostly provided on the forecourt frontages with narrow beds of landscaping between plots and some of the car parking is clustered at the end of cul-de-sacs. All three bedroom properties would have two dedicated parking spaces, a minimum of one car parking space would be provided for the remainder of the development, and where possible, two bedroom houses would have two tandem parking spaces.

Typical street elevations



Tree planting would be carried out within the frontage plots at regular intervals along the estate roads.

Access to refuse and recycling bins in rear gardens would in the case of terraced properties be from shared paths around the back gardens of properties and in the case of the proposed long terrace (plots 39-50 above) would be from gates onto Back Shakespeare Street.

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

E8 – Development and flood risk

TM15 – Car parking standards

Other material considerations

The National Planning Policy Framework

Site History:

All previous planning applications have related to the industrial use of the land.

Consultation Responses:LCC Highways

No objection subject to measures to mitigate the impacts of a potential increase in left turns from Russell Terrace into Dryden Street and under the railway bridge where there is a lack of visibility. Following further discussions, advise that the risk could be satisfactorily managed by way of a Prohibition of Driving Order on Shakespeare Street/Russell Terrace. This would involve forming a kerbed extension of the footway on the westerly side of Russell Terrace, supplemented by a line of bollards to prevent vehicles overrunning. The following requests are also made:-

- A direct pedestrian route onto Dryden Street to increase the pedestrian permeability of the site
- To promote access to public transport opportunities and the local cycle network by the provision of cycle storage facilities for each property; a pre-paid public transport voucher for each property for a period of 2-3 months for all new tenants in the first three years of occupation; and, an assisted cycle purchase scheme.

Conditions are also requested to require the new access roads to be constructed to the LCC Specification for Construction of Estate Roads; wheel washing facilities; a scheme for the site access and off-site works; a scheme of works and maintenance of the retaining walls; a contribution to the costs associated with the making of a Traffic Regulation Order on Brook Street between Albion Street and Back Wytham Street; and, a Construction Method Statement.

Environment Agency

Following initial objections, the EA state that they are now satisfied with the amended layout that involves the re-opening of the culvert. Further comments are awaited on an amended Flood Risk Assessment and will be reported in the late correspondence prior to the meeting.

Local Lead Flood Authority (LCC)

Following initial objections, comments are awaited on an amended drainage scheme and Flood Risk Assessment. Any comments that are received will be reported in the late correspondence prior to the meeting.

United Utilities

No objection. Foul and surface water should be drained on separate systems. The submitted Drainage Strategy is acceptable and recommend a condition to require its implementation. Public sewers cross the site and the UU will not permit building over or within three metres of the centre line of these. Also recommend a condition to require the maintenance and management of sustainable drainage systems,

Contaminated Land Officer

The submitted reports are accepted, including gas monitoring that has been carried out. A Verification is report to ensure the site remediation takes place.

Capita Ecology

Comments are awaited on an amended ecological assessment that contains details of daytime assessment of bats and water voles to take into account the opening up of

the culvert through the site. Any comments that are received will be reported in the late correspondence prior to the meeting.

Environmental Health

Recommend conditions to require the following:-

- Restrictions on construction working hours
- A Construction Method Statement
- No burning of waste materials on site
- Electric charging points at 10% of the dwellings.

LCC School Planning Team

An education contribution is not required at this stage.

Designing out Crime Officer (Lancashire Constabulary)

No objections; however, given the potential risk of crime and anti-social behaviour associated with new housing development, recommend a range of physical security measures and the use of Secured by Design.

Padiham Town Council

Supports the proposed development in principle but highlights the following issues which should be properly addressed:-

1. That the demand for vehicular access to the development, and its impact on surrounding highways, has been adequately assessed;
2. That there is adequate space allocated in the development for parking for residents vehicles and for community spaces;
3. That flood risks have been adequately assessed and that the proposed development includes suitable measures that take into account both the proposed development and the surrounding areas.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site is previously developed land which still displays the remnants of concrete floors and structures and sits surrounded by terraced streets within a built-up urban area where Policies GP1 and H2 would seek, in principle, to promote the re-development of the site for residential development. Policy HS1/23 of the draft Burnley Local Plan (Preferred Options version, July 2016) whilst of only limited weight, also identifies the site for housing purposes. 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 site is within an existing primarily residential area which is accessible to public transport and Padiham town centre by walking and cycling. The site therefore represents a sustainable location for development and there is no objection in principle therefore to the proposal. The main issues relate to the impacts of the development on flooding and surface water infrastructure, access and highway safety, design and layout, risks from contamination and residential amenities.

Impact on flooding and infrastructure

In terms of flooding, subject to a revised FRA to achieve discharge of run-off at greenfield rates, the proposal would not lead to an increased risk of flooding and complies with Policy E8 and the Framework.

Access and highway safety

Policy GP1 requires, amongst other things, that new development does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. The Framework states that proposals should provide safe and suitable access for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. 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 one parking space for single bedroom dwellings and two parking spaces for 2 or 3 bedroomed dwellings.

The proposed development would have a single point of vehicular access from Shakespeare Street where LCC Highways has expressed concern that drivers wanting to cross the Padiham Greenway will then turn right to Russell Terrace which leads to the junction of Russell Terrace and Dryden Street where, turning left into the tunnel, visibility for drivers is inadequate. This situation exists for current users of these local streets and LCC Highways confirm that there are no reported accidents at this junction (despite the poor conditions for visibility). However, LCC Highways do not wish to compound or increase the risks to drivers and have therefore suggested a scheme of works to stop up (for vehicles) the end of Shakespeare Street (towards Russell Terrace) which would therefore ensure that vehicles leaving the site would not approach the Dryden Street tunnel from the Russell Terrace direction. The disruption to the local area and highway network would be minimal although notably these works would involve the making up of a stopping up order which would involve public consultation. The costs associated with the making of such an Order as well as a Prohibition Order to stop up a section of Brook Street, would be borne by the developer and secured through a condition to require a Unilateral Undertaking to be made to the Council.

The proposed layout and estate road design is satisfactory. LCC Highways note that not all of the two bedroom properties would have two car parking spaces and some of those properties with two spaces, have tandem spaces which reduces the accessibility of the spaces. The properties are however to be occupied as affordable units where it is less likely that smaller properties would have two cars. LCC Highways has, in mitigation, also requested contributions to bus permits and measures to provide sheds for cycle storage and cycle vouchers. Whilst these measures would make a positive contribution to encouraging sustainable travel modes, it is accepted here where the scheme is reliant upon public grants, that the additional burden of these costs would jeopardise the viability of the scheme.

LCC Highways has also asked for a pedestrian access from the site onto Dryden Street to assist with the site's permeability. However, where the level differences between the site and Dryden Street are at their shortest, there are easements from the culvert and sewers which would prevent this from being constructed. Given however that the site would provide pedestrian access over the Green Brook bridge onto Albion Street, the site would be reasonably permeable and accessible to pedestrians.

On this basis, the impacts of the proposed scheme on traffic and highway safety can be satisfactorily dealt with through off-site works suggested by the highway authority. The proposal offers adequate parking to cater for the needs of the development and would provide reasonable levels of accessibility for pedestrians and cyclists. The proposal would therefore in these respects comply with Policies GP1 and H3 and the Framework.

Design and layout

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 use of reconstituted stone with part through render would be in keeping. The proposed dwellings have a collective and distinctive design that respects the character of the traditional terraced streets that surround the site. The layout has been designed to ensure that formal fronts with frontage landscaping and tree planting would provide an attractive internal layout. The development would provide approximately 46 dwellings per hectare which is appropriate in this setting. Due to the difference in levels with the surrounding streets, it is not possible to provide direct access and frontages to Dryden Street. However, the surrounding stone mill wall which also acts as a retaining wall on Dryden Street is in poor condition and would be improved/replaced with a stone wall to match the development. The proposal would lead to a satisfactory design and layout that would be beneficial to the site and the local area and as such, would comply with Policies H3 and GP3.

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 be satisfactorily spaced from the surrounding terraced houses with a minimum interface distance between a blank gable within the site and the main rear of terraced houses on Russell Terrace of approximately 11.5m. Interface distances between the rear of new houses and the main rear elevations of Shakespeare Street would be approximately 16m. This spacing would be sufficient to protect levels of privacy and daylight/sunlight provision. The proposals would not therefore significantly affect neighbouring residential amenities.

Land contamination

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 and remediation strategy have been submitted with the report which identifies the contaminants on the site and the measures, including gas monitoring that are necessary. A condition is recommended to ensure that the site is satisfactorily remediated and made suitable for residential use.

Summary

The proposed development is located on a previously developed site where its re-development has been awaited for some time. The proposal is likely to lead to significant benefits by the provision of affordable housing and environmental

improvements to the site and its surroundings. Issues relating to the culvert on the site have been satisfactorily dealt with by the applicant's agreement to its opening up.

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: 1713/001, 1713/104 2B4PGable Entrance-Roof Plan, 1713/106 2B4PGable Entrance-Ground Floor, 1713/107.1Gable entrance-Front Elevation, 1713/107.2 2B4PGable Entrance-Rear Elevation, 1713/107.3 2B4PGable Entrance-Gable Elevation, 1713/103 2B4P-Roof Plan, 1713/106.1 2B4P-Floor Plans, 1713/107.1 2B4P -Front Elevation, 1713/107.2 2B4P - Rear Elevation, 1713/107.3 2B4PGable Elevation, 1713/107.4 2B4P Gable 2 Elevation, 1713/104 3B5PRoof Plan, 1713/1053B5PFloor Plans, 1713/107.1RevA 3B5PFRont Elevation, 1713/107.2 3B5PRear Elevation, 1713/107.4 3B5PGable 1 Elevation, 1713/103 1B2PFlats-Roof Plan, 1713/106 1B2PFlats, 1713/107.1 1B2PFlats- Front Elevation, 1713/107.2 1B2PFlats-Rear Elevation, 1713/107.3 1B2PFlats-Gable Elevation, 1713/104 1B2PHouse-Roof Plan, 1713/106 1B2P House-Floor Plans, 1713/107.1 1B2PHouse - Front Elevation, 1713/107.2 1B2PHouse- Rear Elevation, 1713/107.3 1B2PHouse-Gable Elevation, 1713/103 2B3PBungalow - Roof Plan, 1713/106 2B3PBungalow-Floor Plans, 1713/107.1 2B3P Bungalow-Front Elevation, 1713/107.2 2B3P Bungalow-Rear Elevation, 1713/107.3 2B3P Bungalow-Gable Elevation, 1713/104 2B3P Shallow Bungalow-Roof Plan, 1713/106 2B3P Shallow Bungalow-Ground Floor, 1713/107.1 2B3P Shallow Bungalow-Front Elevation, 1713/107.2 2B3P Shallow Bungalow-Rear Elevation, and 1713/107.3 2B3P Shallow Bungalow-Gable Elevation, received on 11th November 2016; and, 1713-010RevF, 1713-010RevFHatch, 1713-012.01RevC, 1713-012.2RevC, 1713-011RevC, 216-224/E01RevP8 and 216-224/D01RevP5, received on 10th March 2017.
3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the Materials Schedule (dated October 2016) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Prior to commencing any construction works, a detailed materials plan to indicate how the buff and weathered stone variations of the approved materials would be distributed across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
4. The development shall not be carried out otherwise than in accordance with the Phase I & II Geo-Environmental Assessment (report ref: 11-360-r1, dated October 2016) received on 11th November 2016; the Remediation & Enabling Works Strategy (report ref: 11-360-r2, dated November 2016) and Supplementary Stockpile Investigation (report ref: 11-360-L2, dated 13th December 2016, received on 3rd January 2017; and, the Ground Gas Addendum

Report (report ref: 11-360-3L, dated 31st January 2017), received on 31st January 2017 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.

5. The development shall not be carried out otherwise than in accordance with the principles, strategies and mitigation measures contained within the Flood Risk Assessment, received on 13th March 2017.
6. Prior to any construction works being commenced on the site, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and be completed prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The approved drainage scheme shall thereafter be retained at all times.
7. Prior to any construction works being commenced on the site, details of a management and maintenance plan for the sustainable drainage system required by condition 6, which shall cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved plan details.
8. Prior to any construction works being commenced on the site, a conditions survey and scheme of works and maintenance strategy for the retaining structures adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall thereafter be carried out and completed prior to any dwelling being first occupied and the retaining structures shall thereafter be maintained in accordance with the approved details.
9. Within three months of the date of the commencement of groundworks on the site, a scheme and mechanism to facilitate the provision of traffic regulation orders and/or traffic prohibition orders to manage traffic at Shakespeare Street and Russell Terrace and Brook Street, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.
10. Within three months of the date of the commencement of groundworks on the site, a scheme for the construction of the site access and off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied.
11. The new estate road and access for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of

Estate Roads and shall be constructed to at least base course level before any superstructure works are commenced on the site.

12. Prior to any construction vehicles entering the site, facilities for the washing and cleaning of wheels of vehicles shall be provided at a convenient location adjacent to the site access and shall be deployed before vehicles leave the site throughout the development process.
13. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the Control of Dust statement (ref: RS(SWP).62.01) and Control of Noise statement (ref: (SWP).40.02), received on 2nd February 2017; and, the Construction Method Statement (dated February 2017) and the Construction Method Statement Plan (ref: 1713-010RevC), received on 7th February 2017.
14. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans and in the case of the boundary wall along Dryden Street, in accordance with a detailed design and specification (details of materials, design and copings) to be previously submitted to and approved in writing by the Local Planning Authority.
15. 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 five 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.
16. The development shall, only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP, reference 6038.002, dated February 2017), received on 8th March 2017.
17. 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.
18. 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.

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).
4. 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).
5. To ensure the satisfactory implementation of measures to reduce the risk of flooding on the site in the locality, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
6. 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).
7. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
8. In order to ensure the safety of the retaining structures, to safeguard the safety of the adjoining public highway, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
9. To allow the local highway authority to pursue the making of traffic regulation orders to restrict traffic movements in the immediate surroundings of the site in order to manage the risks associated with restricted visibility at the junction of Dryden Street and Russell Terrace and to manage car parking on Brook Street, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
10. To ensure a satisfactory means of access to cater for the approved development, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
11. To ensure a satisfactory standard of access to the site and to ensure construction vehicles can access the site prior to the main construction phase, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
12. To prevent mud and loose debris from being dragged onto the neighbouring streets, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
13. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

14. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
15. 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).
16. 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.
17. 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).
18. 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).

JF

13/3/2017