

Application Recommended for Approval
Hapton with Park Ward

APP/2018/0504

Full Planning application

Proposed residential development of 45no. dwellings and associated works
LAND AT WEST SIDE OF STATION ROAD & ADJACENT TO PADIHAM GATEWAY
AND GREEN LANE PADIHAM

Background:

The application relates to Phases 5 and 6 (site area of 0.8 hectares) of a wider previously approved residential development site off Station Road, Padiham. Phases 1, 2 and 3 of the development are complete and Phase 4 is due to commence shortly. The site area for Phases 5 and 6 as now proposed also encompasses a small area of the previously approved Phase 4.

Phase 1 comprised the access road from Station Road to provide access to the whole site. Phase 2 was for the erection of 20 dwellings; Phase 3 was for 23 dwellings; and the revised area for Phase 4 provides for 22 dwellings.



Overall site area

It is proposed to provide 45 dwellings in total in Phases 5 and 6. Phase 5 would comprise 22 one & two bedroom apartments and 4 semi-detached houses of two and three beds. Phase 6 would comprise 14 two-bed semi-detached; 2 three-bed semi-detached and a terrace of 3 two and three bed semi-detached.

The properties would be two storey and of traditional appearance.



Typical House type



Typical Apartment elevation



East elevation (to Station Road)



West elevation



South elevation



North elevation

The Education Authority has requested a contribution towards school provision and expresses concern that the viability assessment submitted with the application concludes that the scheme would not be viable if the contribution was made.

Relevant Policies:

National Planning Policy Framework

Burnley Local Plan

- Policy SP1 – Achieving Sustainable Development
- Policy SP2 – Housing Requirement 2012-2032
- Policy SP4 – Development Strategy
- Policy SP5 – Development Quality and Sustainability
- Policy HS2 – Affordable Housing Provision
- Policy HS3 – Housing Density and Mix
- Policy HS4 – Housing Development
- Policy NE3 – Landscape Character
- Policy NE4 – Trees, Hedgerows and Woodland
- Policy NE5 – Environmental Protection
- Policy IC1 – Sustainable Travel
- Policy IC3 – Car Parking Standards
- Policy IC4 – Infrastructure and Planning Contributions

Policy CC4 – Development and Flood Risk

Relevant Site History:

APP/2009/0489 – Outline application for the erection of 136 houses and apartments together with elderly person sheltered housing scheme – permission refused (appeal dismissed)

APP/2010/0713 – Mixed use development incorporating employment units, D1 unit 100 dwellings and a sheltered housing scheme was granted outline planning permission in March 2011 subject to conditions

APP/2012/0434 - Variation of conditions on outline permission APP/2010/0713 to allow the development to progress in Phases – *granted*.

APP/2013/0077 Approval of Reserved Matters Phase 2 for the erection of 20 dwellings - granted

APP/2013/0357 – Reserved Matters Application

Application for approval of reserved matters on outline planning application APP/2010/0713. Approval sought for appearance, landscaping, layout, scale and associated highway works (Phase 3 of development)

APP/2013/0363 – Variation of Condition 5 on planning permission APP/2012/0434 (relating to the phasing of the development) – granted

APP/2013/0364 – Discharge of cond 20 (part) of planning permission APP/2012/0434 - relating to noise – part discharged.

APP/2014/0075 – Discharge of Condition 11 of outline permission APP/2010/0713 (as varied by APP/2012/0434 relating to contamination remediation in respect of Phases 1 & 2 – discharged.

APP/2014/0151 – Hybrid Planning Application seeking full planning permission for the erection of 39 dwellings and outline planning permission including details of access (all other matters reserved for future approval) for the erection of a further 38 dwellings.

APP/2018/0273 - Non material amendment to planning permission APP/2014/0151 to include a planning condition which lists the plans as approved - granted

APP/2018/0376 - Erection of 22 dwellings (Minor Material Amendment to Planning permission APP/2014/0151 as amended by APP/2018/0273 in respect of variation of layout and house types (Condition 14 - approved plans); and Variation of Condition 6 (materials); 7 (landscaping); tree protection); 10 (surface water drainage); 11 (contamination); 12 affordable housing); 13 (public open space) – granted

APP/2018/0538 – Application to discharge Condition 12 on APP/2018/0376 (Phase 4) relating to Affordable Housing – condition discharged

Consultation Responses:

1. Lancashire County Council (Highway Authority) – comment that no objections are raised in principle to the development but initially raised a number of issues of concern as follows:
 - The carriageway width of the access road for Phase 6 is considered to be too narrow; a minimum width of 5.5m would be acceptable, although 6m would be preferred.
 - The turning head return arm may be short Lancashire County Councils adoptable standard is the road with plus 9.4m
 - Plot 11 has no additional pedestrian access.
 - Plot 7 driveway narrows to have a fence on both sides making car doors difficult to open without fouling on the fence an additional 0.8m width is required.
 - The footway in front of Plots 20-25 will need to be made up to an adoptable standard.

Amended details have been received in response to the Highway Authority comments, which address their concerns.

The Highway Authority are now satisfied with the details and request that the following conditions are imposed on any planning permission:

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
3. For the full period of construction facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. There should also be provision to sweep the surrounding highway network by mechanical means if needed. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
4. No development shall be commenced until full engineering, drainage; street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.
5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site

Suggested conditions 2 – 5 are recommended to be imposed on any planning permission granted. It would be appropriate to include suggested condition 1 as an informative on the decision notice.

2. Lancashire County Council (Education Authority) has carried out an education assessment in respect of the impact of the development on provision of school places.

When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site.

There would be a yield of 3 places primary school spaces from this development Therefore, a contribution from the developer in respect of the full pupil yield of this development is sought, i.e. 3 places (£47,259.93)

The latest projections for local secondary schools show there to be 401 places available in 5 year's time with additional planning approvals expected to generate a demand for a further 13 spaces. Pending applications are expected to generate a demand for a further 5 places.

There would be an expected pupil yield of 1 pupil from this development. No contribution is sought from the developer in respect of secondary school places.

The applicant has agreed to the contribution and will provide a Unilateral Undertaking to support the payment.

3. Environment Agency (Contaminated Land) – (controlled waters) raise no objection to the development.

4. Environmental Protection Team (Contaminated Land)

There are no immediate concerns in respect of the development, however the results of additional gas/groundwater, monitoring should be forwarded to the Local Planning Authority, with proposed actions should they be required. Consideration should be given to any previously unidentified contamination, including PCBs and asbestos. The following conditions are advised:

Reporting of Unexpected Contamination

- (i) In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing

immediately to the Local Planning Authority. A full risk assessment (including investigations if necessary) must be undertaken, and a remediation scheme (if required) must be prepared. The assessment must be forwarded to the Local Planning Authority for approval before works may continue.

- (ii) Where any remedial works are necessary, a verification report must be submitted to, and approved in writing by the Local Planning Authority. The report shall also details of the long-term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

These conditions can be included on any planning permission granted.

- 5. Lancashire Fire and Rescue Service comments that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'

An informative note can be included on the decision notice to draw attention to the Fire Officers comments.

- 6 Crime Prevention Officer, Lancashire Constabulary

In addition to the security measures mentioned in the application, the development should take into account the full security measures within the 'Secured by Design 'Homes 2016' specification to mitigate the risk to crime.

In addition measures to mitigate crime from theft from construction sites should be considered.

An informative note can be included on the decision notice to inform the applicant of this advice.

- 7. Streetscene

The refuse storage facilities are adequate and should be available at all times for the occupiers of the student apartments and the commercial units as appropriate

- 8. Burnley Wildlife Conservation Forum

The site contains some locally valuable wildlife habitats comprising scrub and semi-mature trees habitat adjacent to the Station Road and Green Lane boundaries. The habitat on the Station Road boundary would be lost by the development. On the Green lane boundary, plans indicate that whilst some of the trees and scrubs habitat will be retained, a significant number of mature trees will be removed.

There is a rectangle of land adjacent to Green Lane near to its junction with Station Road with some potential for native tree and shrub planting and a larger area of open land to the south of Phase 4 with further potential for planting. This area could be planted with trees and shrubs as mitigation for the removal of the

trees and habitat, in order to deliver a minimum net loss of biodiversity and overall a biodiversity gain.

The applicant liaised with the Wildlife Forum and submitted an amended plan to include additional planting in some of the amenity green spaces within the development. The area to the south of Phase 4 is outside the applicant's control and the confines of the application.

9. Greater Manchester Ecology Unit (the Council's consultant on Ecology matters)

Comment on the ecological aspects of the development, including nesting birds, invasive species and loss of biodiversity.

Nesting birds: No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present .

Invasive Species: recommend an informative on any planning permission t point out that it is an offence under the Wildlife and Countryside Act to introduce, plant or cause to grow any invasive wild plant listed in the Act, such as Japanese Knotweed and Himalayan Balsam If any such species will be disturbed, a suitably experienced consultant should advise on how to avoid an offence under the Act.

Contributing to and Enhancing the Natural Environment recommend that a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane shall be approved. The content of the plan should include provision of bird nesting opportunities.

Appropriate conditions / informative notes can be included on any planning permission granted

Planning and Environmental Considerations:

The principle of the proposal

In principle, the development is acceptable and in line with policies relating to provision of housing, in the Local Plan. The site is a brownfield site, in a sustainable location close to public transport, shops and services.

Policy SP4 of the Local Plan sets out that development will be focussed on Burnley and Padiham. The settlement hierarchy within the policy identifies Padiham as a key service centre where large scale, major and a variety of smaller scale sites will deliver a comprehensive range of choice of types and tenure. On unallocated sites, new development will be supported within the Development Boundaries where it is of an appropriate type and scale where:

a) It makes efficient use of land and buildings

The proposal would provide for 45 dwellings on this currently vacant site. The density is 56 dwellings per hectare (dph) in line with Policy HS3 which expects a

density of at least 40 dph on such sites close to the town centre. HS3 states that a higher density will be acceptable having regard to townscape and design considerations. It would be reasonable to allow a higher density in this location. The layout includes 22 apartments which increase the overall density without adversely impacting on the character of the area.

- b) It is well located in relation to services and infrastructure and is, or can be made, accessible by public transport, walking or cycling*

The site is well located in relation to Padiham town centre within easy reach on foot and close to public transport facilities, shops and services.

- c) It does not have an unacceptably detrimental impact on residential amenity or other existing land users.*

There would be no unacceptable impact on residential amenity or neighbouring properties.

Consideration will also be given to whether schemes make use of previously developed land that is not of recognised biodiversity value; the impacts of the development in terms of parking and highway safety, residential amenity and; the impact on the character and appearance of the area.

The land has previously had the benefit of outline planning permission in 2014, for residential development and circumstances have not changed significantly since the 2014 approval.

The principle of the scheme is acceptable on the above basis.

Parking and Highway Safety

All the properties provide sufficient off street car parking to meet the needs of the development. The Highway Authority has agreed that the level of parking provision proposed for the development is acceptable, having regard to Policy IC3 of the Local Plan.

The access road has been designed to accommodate large refuse and emergency vehicles and these are proposed for adoption.

The proposed layout will not have an adverse impact on highway and pedestrian safety. Disruption during the construction phase can be mitigated by the approval of an appropriate Construction Management Plan, to be required by condition.

Residential Amenity

Policy SP4 sets out that new development will be supported within the Development Boundaries where it would not have an unacceptable impact on residential amenity or adjoining users, as set out above.

In addition Policy HS4 and SP5 seek to protect the amenities of existing and future occupiers. Policy HS4 expects appropriate outlook and privacy distances between habitable rooms as set out in Policy SP5. Facing habitable rooms should be set a minimum of 20 metres apart. In some cases, the distances are slightly under this standard, namely Plots 6, 7 and 8 are closer than 20 metres to the rear of the existing

houses on Orchard Avenue. Plot 6 is 19m from the existing house where as plots 7 and 8 are 18m. The application properties are set approximately 1 metre lower than the adjacent houses and a boundary fence of 1.8m is also to be erected to the rear of these plots which will minimise potential for overlooking.

In view of this, the development would provide for an acceptable standard of privacy for the occupiers, in line with Local Plan policies.

Design

Policy HS4 of the Local plan sets out that housing should be high quality in its construction and design in line with Policy SP5 which expects development to maintain and enhance local character and sense of place, respect the built and natural environment, take account of security within layouts, accommodate the current and future needs of local communities, incorporate natural landscape features and minimise climate change, respect characteristic street layouts, scale and massing, and have regard to landscaping and high quality materials in accordance with the context of the site.

The development is in keeping with its surroundings in terms of design and materials, being two storey properties in materials appropriate to the area in buff brick and/or stone. Precise details will be dealt with by condition. Each property has access to private amenity space, off street parking and space for refuse and recycling storage.

The proposal has been designed in line with secured by design principles to provide a reasonable level of security for the properties, including boundary treatment to provide secure rear gardens to each individual property; strong street frontages to provide natural surveillance and car parking close to each property. The comments of the Crime Prevention Officer will be drawn to the attention of the applicant.

In terms of landscaping, some of the trees and shrubs on the boundaries of the site will be lost but additional landscaping will be provided within the site and the boundary with Green Lane will be enhanced with additional planting to promote ecology and wildlife.

GMEU advise that nesting birds should be considered during the construction period, measures should be taken to prevent introduction or spread of invasive species. They recommend that a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane is provided. The plan should include provision of bird nesting opportunities. Subject to these measures, the proposal would not significantly affect local biodiversity or protected species.

Affordable Housing

Policy HS2 sets out that the Council will work with public and private sector partners to ensure that there is a sufficient supply of good quality affordable housing by supporting and facilitating the acquisition and adaption of existing housing by registered providers, working proactively with registered providers to identify sites and deliver schemes to provide affordable housing and requiring the provision of affordable housing for all housing developments of over 10 units.

In this case it is not proposed to provide affordable housing for Phases 5 or 6 of the development. All properties are to be made for sale on the open market. The applicant

intends to satisfy the requirement for affordable housing for the wider site by the provision on Phase 4 of the development which is to all to be affordable housing.

This is an acceptable approach and will satisfy the requirement to ensure that the appropriate provision of affordable housing is available within the wider housing development.

Infrastructure and Planning Contributions

Lancashire County Council as Education Authority has requested a contribution towards the provision of primary school education. Policy IC4 sets out that development will be required to provide or contribute towards the provision of the infrastructure needed to support it, including education provision.

The developer has agreed to pay the contribution and this can be achieved by way of a legal agreement.

Public Open Space

The developer has set out that it is not practicable to provide public open space within the development. Policy HS4 of the Local Plan sets out that for development between 10 and 49 on-site public open space should be provided unless it is impractical or unusable in which case, the payment of a commuted sum for the benefit of existing open space nearby would be appropriate. An obligation is in place on a previous permission for the site under APP/2014/0151 which covers the application site and the requirement to pay the required commuted sum is being met by the applicant.

The site is close to Padiham Greenway, leading to Padiham Memorial Park, which provides play facilities and open green space. The contribution would be used to maintain/enhance these facilities.

Other Issues

Contamination

A Land Contamination Assessment is submitted with this application which demonstrates that with the implementation of suitable remediation measures, there would be no adverse impact on residential amenity and the environment.

Conditions to ensure that the measures outlined in the report are completed would be appropriate.

Flood Risk

Policy CC4 seeks to ensure that development does not result in increased flooding on the development site or elsewhere. The site falls within Flood Zone 1 where there is the least risk to flooding. The site has previously been granted permission for a residential scheme and the application will not introduce a new of greater scale or a more vulnerable use.

The development will not significantly affect flooding on this basis.

Conclusion

The development is in a sustainable location in the urban area of Padiham within the Development Boundary. It would represent an effective use of land and make a positive contribution to the Borough housing stock. It would be of an appropriate scale, design and massing to respect the existing character of the area.

It would provide for adequate parking and amenity standards and no harmful impacts, which cannot be mitigated, have been identified.

The applicant has agreed to make a contribution towards education provision as requested by Lancashire County Council.

The proposal will comply with the development plan and there are no material considerations which would indicate that planning permission should not be granted.

Recommendation:

That planning permission be granted subject to the following 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: Location Plan, drawing no.100 Rev 1; Existing Site Plan, drawing no. 101; Masterplan Overlay, drawing no. 103; Boundary Plan, drawing no. 109; Finished Levels and Retaining Walls, drawing no. SPB-AJB-XX-00-DR-C-1405 Rev 2; Drainage Layout, drawing no. SPB-AJP-XX-00-DR-C-1000 REV p1; Vehicle tracking, drawing no. SPB-AJP-XX-00-DR-C-1570; Tree Survey and Root Protection Areas drawing no.5877.01; Tree Protection Plan, drawing no.5877.02; House Type 2B4P plans, drawing no. 115; House Type 2B4P elevations, drawing no. 116; House Type 3B5P plans, drawing no 120; House Type 3B5P elevations, drawing no.121; House Type 1B2P Flat plans, drawing number 150A; House Type 1B2P Flat elevations, drawing no. 151A; Fence details, drawing no. FD03; Fencing details, drawing no. FD04; Gate details, drawing no. FD13 all received 31 Oct 18

Amended Plan, Indicative Planting, drawing no. 108A received 29 Nov 18.

3. No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
4. For the full period of construction, facilities shall be provided within the site by which means the wheels of the vehicles may be cleaned before leaving the site. There

should also be provision to sweep the surrounding highway network by mechanical means if necessary.

5. No dwellings shall be occupied, until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details, unless otherwise approved in writing with the local planning authority.
6. The development shall be carried out in full accordance with the approved construction method statement throughout the construction period, which provides for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Measures to control the emission of dust and dirt during construction
 - vi) A scheme for recycling/disposal of waste water from construction works
 - vii) Details of working hours
 - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if appropriate. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided to the local planning authority to confirm that no active birds' nests are present.
10. Before any of the properties are occupied, a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane, including measures to provide for bird nesting opportunities, shall be submitted to and approved in writing by the local planning authority.
11. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays, unless approved in writing by the local planning authority.
12. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the local planning authority before their use in the construction work. The materials

used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

13. All tree works shall be in complete accordance with the submitted Arboricultural Impact Assessment and Method Statement (tba landscape architects, Ref: MG/5877/AIA &AMS/OCT18) and Drawing No. 5877.02 (Tree Protection Plan) to the satisfaction of the local planning authority.
14. The landscaping works, detailed on Drawing No. 108 rev A (Indicative Planting), received 29 November 2018 shall be carried out in the first planting season following the substantial completion of the dwellings and thereafter maintained in accordance with good horticultural practice to the satisfaction of the local planning authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the proper management and maintenance of the proposed streets within the development, in the interests of highway safety.
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the streets are constructed in an appropriate manner, in the interests of highway safety and residential amenity.
6. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. Having regard to Policy NE1 in order to protect nesting birds and their habitat.
10. In order to provide an enhancement to the landscaped area to encourage biodiversity and bird nesting opportunities, in line with Policy NE1.
11. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
12. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).
13. To ensure that the tree works are carried out in an appropriate manner and the trees are adequately protected during the construction period.

14. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with Policy NE4 of Burnley's Local Plan.