

Application Recommended for approval
Rosegrove with Lowerhouse Ward

APP/2018/0513

Full Planning application
Erection of 24 dwellings and associated works
LAND OFF FLORENCE AVENUE BURNLEY

Background:

The application relates to two areas of land on either side of Florence Avenue Burnley. It is proposed to build 24 dwellings on the site, 12 on each side of Florence Avenue, with associated landscaping, drainage and infrastructure works.



The site is a previously cleared housing site and is presently a vacant grassed area. It includes the public park to the east and some mature trees.

The properties would be semi-detached, two-bed bungalows facing Florence Avenue, with rear gardens to accommodate refuse and recycling storage. Two car parking spaces per property would be provided to the front of the bungalows.

The bungalows are designed with hipped roofs in a grey flat roof tile. They would be constructed in two types of brick alternating throughout the development, to give some variety in the street scene.



Indicative house type

The tenure for the accommodation types is not finalised but the applicant, a social housing provider, is working with partners for these properties being delivered as “step down” accommodation which will provide an accessible living space for people being discharged from hospital who are unable to return to their normal accommodation due to health reasons. This could be a permanent or temporary move. As an alternative these units would be used as assisted living accommodation with a final back stop position of the same being offered for traditional affordable rent for people with a need for bungalow accommodation, that will also result in a release of larger family accommodation in the area.

No objections from residents have been received. The application is referred to Committee because the Education Authority has requested a contribution towards school provision and 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: No relevant history

Consultation Responses:

1. Lancashire County Council (Highway Authority) – raise no objections to the principle of the development subject to the following conditions:
 1. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to, approved in writing by the local planning authority and constructed in accordance with the approved details. **Reason:** - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

2. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details. **Reason:** In order that the traffic generated by the development does not exasperate unsatisfactory highway conditions in advance of the highway scheme/works.

3. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. **Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

4. No development shall take place, including any groundworks, 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

Appropriate conditions are recommended to be imposed on any permission granted.

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.

The latest projections for local primary schools show there to be a shortfall of 40 places in 5 years time. With an expected yield of 2 primary school spaces from this development, the shortfall would increase to 42. Therefore, a contribution from the developer in respect of the full pupil yield of this development is sought, i.e. 2 places (£31,506.00)

The latest projections for local secondary schools show there to be a shortfall of 156 places in 5 year's time. With an expected yield of 1 place from this development, the shortfall would increase to 157. Therefore a contribution from the developer in respect of the full pupil yield of this development is sought i.e. 1 place (£23,737.28)

The applicant has submitted a robust viability assessment which demonstrates that the scheme would not support any additional contributions.

3. Greater Manchester Ecology Unit (the Council's ecology advisers) – The ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. The survey found the site to have limited ecological value. The invasive Japanese Knotweed was found on the site and the following condition is therefore recommended:
 1. Prior to the commencement of development, including groundworks and vegetation clearance,, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
4. The Coal Authority: No objections are raised to the development subject to conditions requiring the submission of a detailed scheme of proposed remedial works to stabilise shallow coal workings and the implementation of the remedial works, before any development starts.
5. Environmental Health (Contamination) – comment that 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.

8. Burnley Wildlife Conservation Forum

The site contains some locally valuable wildlife habitats comprising scrub and semi-mature trees habitat on the western side adjacent to the playground area. The area contains a significant number of native trees which will be removed as

part of the development. The application shows that there will be some landscape planting of trees and shrubs which comprise the linear planting along both sides of Florence Avenue, a small amount of grass meadow and two small areas of tree and shrub planting close to the playground. These do not provide a coherent wildlife habitat comparable to that which will be removed.

It is suggested that the significant area of amenity grassland immediately to the north-east of the development and the playground which includes just a few young trees, shown on the Landscape Masterplan could form a valuable wildlife habitat with imaginative planting, to enable this application to comply with the NPPF requirement for a minimum of no net loss of biodiversity and to result in an overall biodiversity gain.

The applicant held discussions with the Wildlife Forum, who were content that proposals included additional landscaping in discussions with the Head of Greenspaces and Amenity. They raise no objections to the scheme on this basis.

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 in a sustainable location within an existing residential area, making use of existing infrastructure.

Policy SP4 of the Local Plan sets out that development will be focussed on Burnley and Padiham. In Burnley, large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures.

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 24 dwellings on this currently vacant site. The density is 40 dwellings per hectare (dph) in line with Policy HS3 which expects a density of at least 40 dph on such sites.

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

The site is well located in relation to public transport and is within an existing built up residential area, making use of existing infrastructure.

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 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 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.

Following the demolition of the former dwellings, the footways and associated kerbing will require reconstruction. The existing street lights which were at the rear of the now removed grass verge will require re-siting to the back edge of the footway. A condition to achieve an appropriate scheme is recommended.

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.

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. The development meets these standards and would provide an adequate standard of privacy and outlook 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. Each property has access to private amenity space, off street parking and space for refuse and recycling storage.

A Crime Impact Statement has been submitted with the application following discussion between the developer and the Designing out Crime Officer, which makes certain recommendations in respect of appropriate security measures and

recommends that the scheme should be developed to Secured by Design standards. The development would be laid out in such a way as to promote natural surveillance, with appropriate boundary treatment to provide secure rear gardens and with car parking close to each property in accordance with secured by design principles to provide a reasonable level of security for the properties.

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. Conditions are recommended to deal with the Japanese Knotweed on the site.

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. A viability assessment has been submitted with the application which demonstrates that there is no capacity within the scheme for any additional contributions as the scheme is marginal and may not go ahead if additional contributions are sought. All properties are to be made for sale on the open market. However, the applicant, a social housing provider, will offer the properties on a shared ownership basis as a fall-back position should there be no take-up on the open market, followed by making the units available on an affordable rent basis.

Infrastructure and Planning Contributions

Lancashire County Council as Education Authority has requested a contribution towards the provision of primary school and secondary 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 applicant has provided a robust viability assessment which has been assessed by the Council's Head of Property who has advised that, taking into account the costs of developing the site, the scheme would not be viable if the contributions were made. The application is made by a social housing provider and involves grant aid from the Homes and Communities Agency to support the scheme. As set out above the social housing provider is working to deliver "step down" accommodation which will provide an accessible living space for people being discharged from hospital who are unable to return to their normal accommodation due to health reasons. As an alternative these units would be used as assisted living accommodation with a final back stop position of the same being offered for traditional affordable rent for people with a need for bungalow accommodation that will also result in a release of larger family accommodation in the area.

Given the sustainable location of the site and the benefits from providing this type of accommodation, it is considered that these benefits would outweigh the harm caused by the lack of contribution to school provision. In this case there is adequate justification for not providing an education contribution, particularly having regard to

the type of accommodation which is unlikely to be in high demand for family accommodation.

Public Open Space

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. The scheme will not support additional contributions, as set out above but in this case the developer is working with Green Spaces and Amenities to relocate the playground to provide enhanced facilities. It would be reasonable to accept this arrangement in lieu of a financial contribution.

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.

Conclusion

The development is in a sustainable location 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.

No education contribution is sought because of the nature and the viability of the development, to enable the benefits of the scheme to be realised.

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 approved plans. (A full list of approved plans will be submitted to the meeting.
3. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to,

approved in writing by the local planning authority and constructed in accordance with the approved details.

4. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details.
5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
6. The development shall be carried out in full accordance with the approved construction method statement as approved in writing by the local planning authority. The approved statement shall thereafter 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/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 necessary. 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. Prior to the commencement of development, including groundworks and vegetation clearance, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
10. 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.
11. 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

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.
- 3/4. In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway
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 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. To ensure effective control over the invasive species.
10. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
11. 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).

CMR