

Full Planning application

Proposed construction of terrace of 5no. two storey dwellings with forecourt parking  
LAND AT GROVE LANE & HIGH STREET PADIHAM

**Background:**

The application was first considered at a meeting of the DC Committee on 14 February 2019 and was deferred to allow further negotiation with the applicant on an education contribution and the separation distance between the front of the proposed houses on High Street and existing houses. Following discussions with the applicant, the scheme has been amended by removing the parcel of development at High Street from the proposal. This will allow the applicant to reconsider a development on the High Street part of the proposal at a later stage.

The amended proposal is to erect a terraces of five houses on land fronting Grove Lane.

*Land at Grove Lane*



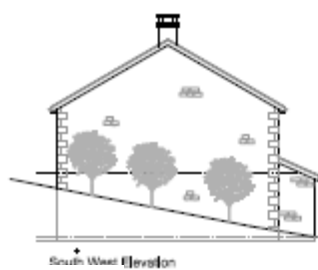
The plot is a regular shape and has become overgrown with vegetation and unused. The site is situated on a steep slope between Grove Lane on its south side and allotments off High Street to the north side. The land was historically occupied by housing but has been open land for a significant time and has naturalised. The land has also in the past been used as allotments but this use was abandoned due to the difficulties of working with the gradient of the land.

The proposed scheme involves a single terraced block to be built on the less steep part of the hillside with plots and frontage parking onto Grove Lane:



Proposed terrace to Grove Lane

Front:

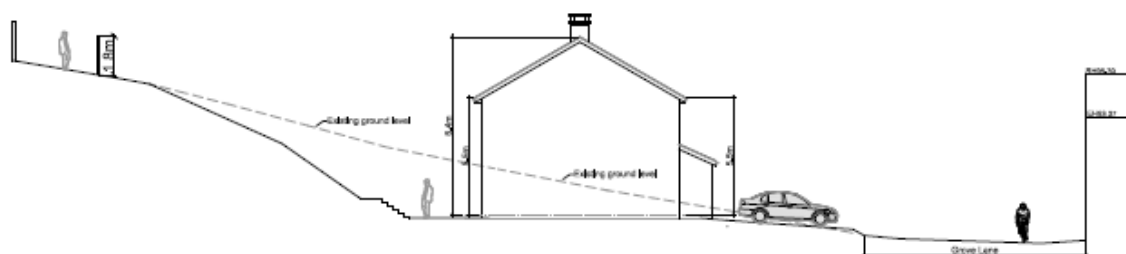


Rear:



The front and gable side facing Cliff Street would be constructed in coursed stone whilst the gable adjacent to the neighbouring property at no. 1 Grove Lane would be rendered.

#### Cross section – proposed houses fronting Grove Lane



The dotted line on the cross section above indicates the existing ground level which would be excavated to provide level ground for the proposed terrace.

All dwellings would be three bedroom and have two in-curtilage parking spaces to the front.

#### **Relevant Policies:**

##### Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable transport
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC3 – Car parking standards
- IC4 – Infrastructure and Planning Contributions

The National Planning Policy Framework<sup>2</sup>

#### **Site History:**

APP/2005/0819 - Proposed erection of three 3-storey and three 2-storey houses. Withdrawn.

APP/2008/0400 - Proposed erection of 8no. three storey dwellings and extension to public open space. Refused August 2008. [The reasons refusal stated that the site was a greenfield site and was contrary to housing related policies and that the development and would be out of keeping with its surroundings].

#### **Consultation Responses:**

##### LCC Highways

Following the submission of amended plans to improve the car park layout, LCC Highways have no objections subject to conditions relating to a Construction Management Plan and off-site works to alter the existing street lighting.

#### Coal Authority

Following an initial objection and the submission of further information, the Coal Authority has no objection subject to the imposition of a suitable condition to require intrusive site investigations prior to the commencement of development.

#### Land Contaminated Officer

Recommend a condition to require a contaminated land assessment is carried out.

#### Environmental Health Officer

No objections subject to conditions relating to construction work, noise and the provision of electric charging points.

#### Greater Manchester ecology Unit (GMEU)

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds and Japanese Knotweed can be resolved by condition. Mitigation should be provided for the loss of semi-natural habitats. Conditions are recommended to restrict work within the bird nesting season, to control Japanese Knotweed and to require a landscape plan to include native tree, shrub and hedge planting and the provision of nest boxes.

#### Publicity

Three letters of objection have been received from neighbouring properties (one of these is from a resident on Grove Lane). A summary of their comments is provided below:-

- Impact on highway safety from extra traffic, parking and construction vehicles
- High Street is very narrow and has a 90 degree turn onto Cliff Street
- Narrow streets are already full to capacity
- Insufficient space for parked cars on High Street
- Rear access to the Grove Lane properties would be a problem
- Inadequate access for fire engines, emergency vehicles and bin wagons
- Impact of vibrations on underground mine workings and potential subsidence
- Negative impact on local environment from loss of two green areas
- Many trees and bushes have already been removed
- Will greatly reduce the natural habitat of various wildlife
- The ecology survey has insufficient regard to the fact that there are bats which live within the area
- Planning permission has been previously refused
- Impact of noise
- Will overshadow the houses on High Street, reduce sunlight to south facing properties
- Too close to existing properties and packed in
- The new houses will appear alien and out of place adjacent to houses built in 1873
- Conflict with new family housing and the lower levels of activity/noise associated with the older people who live in this area

#### **Planning and Environmental Considerations:**

### Principle of proposal

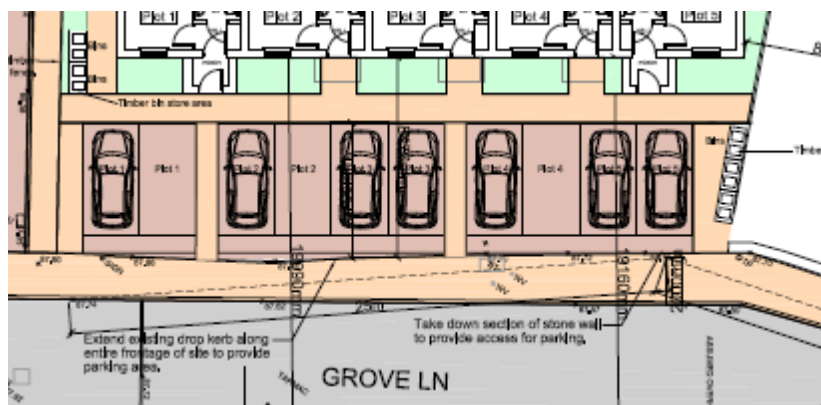
Policy SP4 identifies Padiham as a Key Service Centre at the second tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. The accessibility of the site within the existing urban area of Padiham and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. Consideration should also be given to the impacts of the development, particularly in respect of parking and highway safety, residential amenities and the effect on the character and appearance of the local area.

### Impact on parking and highway safety

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each 3no. bedroom dwelling.

The concerns expressed by residents relate to the increased use of the narrow streets and potential affect on parking. The proposed layout provides all car parking (two spaces per dwelling) within the site curtilage.

### Proposed parking layout – Grove Lane



Given that sufficient car parking has been provided to comply with Policy IC3, the proposal is unlikely to significantly affect on-street parking. A condition is necessary to ensure that this is carried out appropriately using porous and bound materials.

The proposed scheme has therefore made sufficient allowance for parking to meet the needs of the development and can be accommodated on the existing highway network. In respect of the impacts from the construction phase, it is acknowledged that this is likely to cause some short term disruption but this can be adequately mitigated by a condition to require a Construction Management Plan. No objections have been received from LCC Highways.

### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity or other existing land users.

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; this requires a minimum distance of 20m between habitable rooms or 15m where habitable rooms face blank gables or gables with non-habitable rooms. The fronts of the proposed houses would face onto the mainly blank gables of end terraced houses at a distance of approximately 19m. This would therefore be sufficient to protect outlook and privacy. Any increase in levels of general noise and activity would be modest and consistent with a primarily residential area.

The impact of the proposal on the residential amenities of residents is therefore acceptable and would not conflict with Policies HS4 or SP5.

#### Impact on visual amenities

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context.

The dwellings would be prominent on a hillside position but have been designed in a form that reflects the terraced traditions of the local area. Attention has been given to the use of coursed stone to the principal elevations, chimneys, window and door surrounds. Conditions are necessary to require samples of materials and detailed design of all boundary treatment. A landscaping scheme should be required by condition.

The visual impact would be appropriate within its context and respect the local area.

#### Impact on ecology

Policy NE4 states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. Some small trees and overgrown bushes that had no protection have already been cleared from the site. The site has no ecological designation but it is acknowledged that the site provides conditions that allow wildlife to thrive. GMEU recommend conditions to ensure that adequate protection is given to birds and to require the control of an invasive plant and a scheme for appropriate landscaping that will provide for mitigation. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

#### Impact on ground conditions

Policy CC5 requires appropriate assessment to identify the risks posed by unstable land. Following the submission of a further coal mining risk assessment, the Coal Authority accept that the site can be safely developed subject to conditions which require further intrusive site investigations and details to be agreed with the local

planning authority. A pre-commencement condition is necessary to ensure that this is carried out.

#### Section 106 Contribution

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. Education provision is an appropriate matter to contribute to but given that the proposal has been reduced to 5no. dwellings, the education contribution that was previously requested is no longer required. This is because Lancashire County Council do not make requests for education contributions for less than 10 dwellings.

#### Other issues

Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. The site has the potential to be affected by past farm uses and by local landfill sites. A condition is necessary therefore to require a desk top study and where necessary, a remediation strategy prior to the commencement of the development.

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. In this case, the site falls within Flood Zone 1 where there is the least risk to flooding. Due to the minor scale of the development, no further assessment on drainage is required and no comments have been received from United Utilities. On this basis, the proposal would not significantly affect flooding.

#### Conclusion

The proposal would contribute to the supply of new housing within existing Development Boundaries at a sustainable location in the urban area of Padiham. The development is of an appropriate scale, massing and design to respect the existing distinctive street character and is adequately spaced to safeguard residential amenities. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

#### **Recommendation: Approve with 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: 5668-003, received on 14 September 2018; 5668-004B, received on 19 November 2018; 5668-002E, received on 5 December 2018; and, Loc1 (1:1250 location plan) and 5668-007E, received on 7 March 2019.
3. Prior to construction work commencing on the approved dwellings, details and representative samples of the external materials of construction to be used on the walls and roof of the development 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 materials.

4. No development shall take place 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. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) 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) measures to control noise during construction;
  - vii) wheel washing facilities;
  - viii) details of working hours;
  - ix) details of phasing of the development and timescales for completion of stages of the development;
  - x) routing of delivery vehicles to/from the site; and,
  - xi) contact details for the site manager.
5. No construction of the approved dwellings shall be commenced until a scheme of off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for any necessary alterations to the highway resulting from the proposal including changes to street lighting. No dwelling shall be first occupied until the approved scheme has been carried out and completed in accordance with the approved details.
6. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) A desktop study to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.
  - b) If necessary following the recommendations of a) above, a site investigation designed for the site using the information obtained from (a) above; and,
  - c) a site investigation and associated risk assessment; and,
  - d) a Method Statement and remediation strategy, based on the Information obtained from c) above.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale which shall be agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past coal mining activity together with report findings and recommendations for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The remedial works contained within the approved scheme shall thereafter be implemented in their entirety and completed prior to any dwelling being first occupied.



8. Prior to the construction of any dwellings, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of new planting to include native tree, shrub and hedge planting and provision of nest boxes adequate to provide mitigation for loss of the existing semi-natural habitats on the site, shall be submitted to and approved in writing by the Local Planning Authority.
9. 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.
10. No works to trees or shrubs shall be carried out between the 1st March and 31st 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 which has been agreed in writing by the Local Planning Authority.
11. Prior to any earthworks taking place, a method statement detailing eradication and/or control and/or avoidance measures for japanese knotweed should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented and adhered to in full throughout the course of the development.
12. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
13. No dwelling shall be first occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 13 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
14. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with 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.
15. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a

suitable position to enable the recharging of an electric vehicle using a 3m length cable.

16. During the site works and construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays.
17. No dwelling hereby approved shall be first occupied until their associated screened refuse and recycling storage facilities have been constructed, completed and are available for use in accordance with the approved plans. The approved refuse and recycling storage facility shall thereafter be retained and remain available at all times for use by the approved dwellings.
18. Prior to the commencement of the construction of any dwelling, a scheme of boundary treatment which shall include design and material specifications, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out and completed prior to the first occupation of any dwelling to which that part of the approved boundary treatment relates and shall be retained at all times thereafter.
19. No dwelling shall be first occupied until its associated stepped access to the rear elevations has been constructed, completed and is available for use.

**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 HS4 and SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the safety and amenities of residents in the surrounding area are satisfactorily protected and disturbance is minimised, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
5. To ensure the minor changes to the highway that are necessitated by the development are agreed and carried out in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To ensure the site is made suitable for residential use, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The investigation and report is required prior to the commencement of development to ensure that

measures that are necessary to make the development acceptable can be carried out at an appropriate stage in the development.

7. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the Policy NE5 and the National Planning Policy Framework. The intrusive investigations and remedial work details are required prior to the commencement of development to ensure that the appropriate precautions, including any mitigation measures, can be carried out at the appropriate stage in the development of the site, in the interests of public safety.
8. In the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of semi-natural habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
9. To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
10. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
11. In order to prevent the spread of an invasive species, in accordance with the Wildlife and Countryside Act 1981 and Policy NE1 of Burnley's Local Plan (July 2018).
12. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
13. 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 CC4 of Burnley's Local Plan (July 2018).
14. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
15. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
16. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

17. To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
18. To ensure a satisfactory edge to the development and a satisfactory appearance within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
19. To ensure adequate access from the rear gardens of the approved dwellings, to ensure adequate accessibility, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF

12.3.2019