

**Application Recommended for Approve with
Conditions
Gannow**

FUL/2022/0353

Town and Country Planning Act 1990
Erection of 7no. new dwellings
Land Off Claremont Street Burnley Lancashire BB12 0HG

Background

The application has been brought to Development Control committee as objections has been received.

The application site relates to the site of a former Victorian Sunday School building located off the western side of Claremont Street. The site which is now cleared, is classed as previously developed land (brownfield land) and is located within the settlement boundary of Burnley in which policy SP4 applies. It is in a sustainable location being well related to an adequate range of existing services on Padiham Road, including a regular bus service within short walking distance.

The site extends to approximately 0.15 ha. It is bounded on its north-east side by a former Methodist Chapel which benefits from planning permission for conversion to 18 no apartments (Class C2) under planning permission FUL/2019/0396 granted January 2020. The north-western boundary wraps tightly around a vehicle repair garage, comprising a yard and single storey garage building, and extends towards the back alley at the rear of Nos 1-5 Mitchell Street. The site is bounded on its south-west by the back alley of Nos 237-253 Padiham Road and on its south-east by Claremont Street.

The surrounding area is predominantly residential and is characterised by two storey stone built Victorian terraced housing arranged along grid-iron streets. This high density layout with a uniform style of architecture and unity of materials, scale and massing give the surrounding townscape a strong and distinctive historic character.



Photo 1: Current site with frontage along Claremont Street



Photo 2: Relationship with properties along Claremont Street

Proposed Development:

The application seeks permission to erect 7 no, 2 storey, two-bedroom properties. The properties will form 2 main blocks; the first with 3 dwellings and the second being 4 dwellings which will all front onto Claremont Street.

The properties will have a single pitched roof with ridge height of 7.6m and eaves height of 4.8m. The width of each unit is approximately 4.8m and the length 8.4m. Proposed materials have altered during the course of the application from render and composite cladding to natural stone to the front and gable elevations.



Parking

Each dwelling will have 2 incurtilage parking spaces to the front of the house as laid out in revised block plan 025 rev C (see extract below).

Landscaping

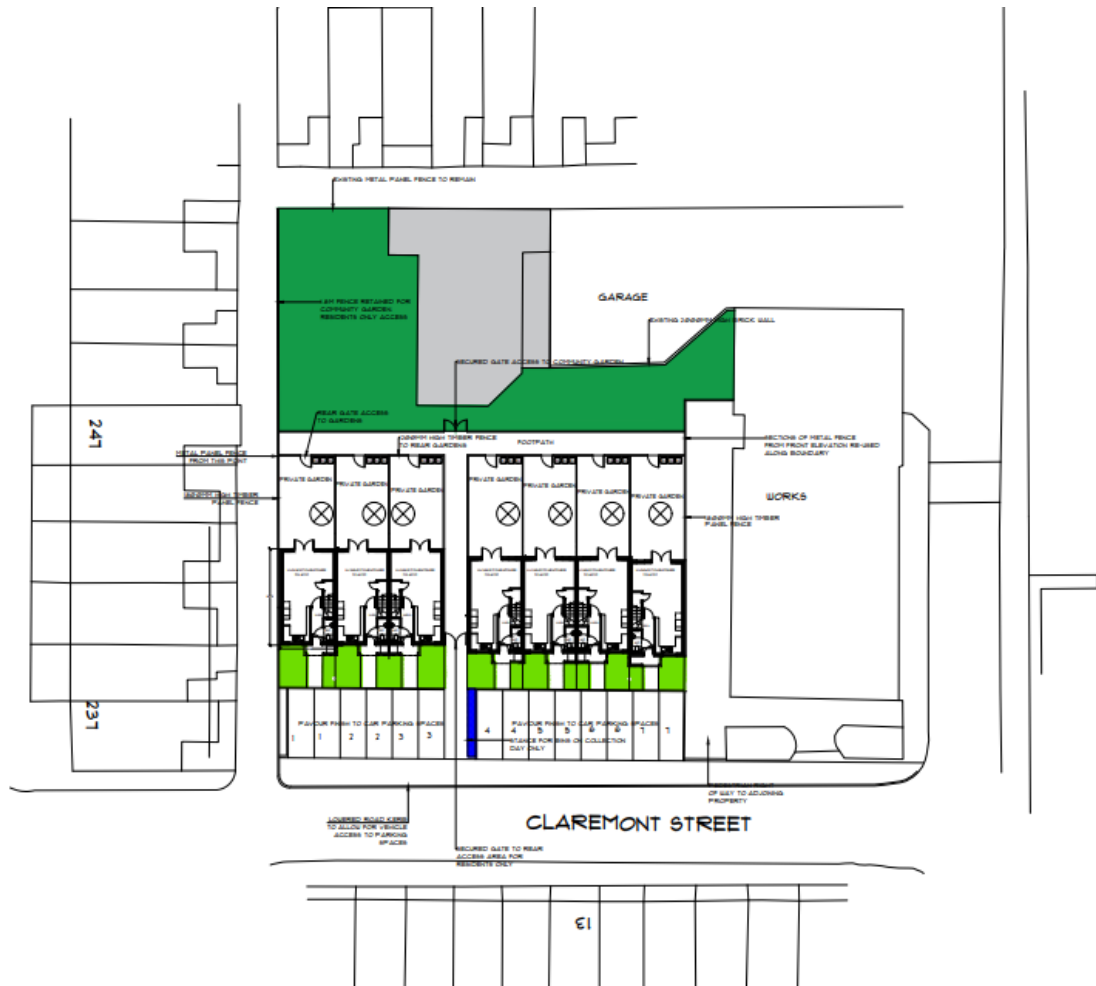
Each dwelling will have its own rear private garden and a small amount of soft landscaping to the front of the property. A central access path between the properties will be created which provides access to the rear of all the properties and also leading to communal garden space. A secure gate will be placed in between properties 3 and 4 to ensure that the space to the rear is not open to the public.

Affordable housing

The agent had submitted an affordable housing statement which states that 100% of the properties will be affordable with the scheme being aimed at the over 55 age group. Policy HS2 only requires affordable housing to be provided on site of schemes over 10 units, which is reflected in the NPPF. Indeed, if this was the case then any affordable element

would have to be tied up in a Section 106 Agreement. During the course of the application the applicant has confirmed that the affordable description has been taken out of the proposals.

Proposed Site Plan – extract not to scale



Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS4 – Housing Developments
NE5 – Environmental Protection
IC1 – Sustainable Travel
IC3 – Car parking Standards

National Planning Policy Framework (2021)

Relevant Planning History:

FUL/2019/0631 - erection of 10 no retirement bungalows within a gated development

Refused for the following reasons:

1. The proposed development by virtue of its poor design, layout and failure to respond to the surrounding context, is considered to be detrimental to the character and appearance of the area contrary to policies SP5 and HS4 of Burnley's Local Plan (July 2018) and NPPF Chapter 12.

2. The proposed development by virtue of its poor design and layout; and failure to provide appropriate privacy distances would result in a detrimental impact to the amenity of neighbouring residents and future occupants in terms of amenity space, daylight to habitable rooms; privacy and outlook and is therefore not in accordance with the aims of Policies HS4 and SP5 of Burnley's Local Plan (July 2018) and NPPF Chapter 12.

APP/2006/0837: Proposed 18 new apartments – granted

APP/2004/1223: Proposed erection of seven three-storey dwellings – granted

Consultation:

LCC Highways: - No Objection

No objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

The proposed internal parking and access arrangements as shown on the submitted plans are acceptable.

It is expected that a charging point for electric vehicles shall be included with-in the development to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non- residential buildings, which states charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

The available sight lines from the driveways onto Claremont Street are acceptable based on the recommendations from Manual for Streets and are fully achievable over the existing adopted highway, as such sight line conditions are not required for this application.

I am of the opinion that the level of traffic generated from a development of this size and nature (7 dwellings) and at this location would not have an unacceptable impact on the function of the surrounding highway network.

If the Planning Authority is minded to approve the application the Highway Development Control Section of Lancashire County Council requests that the following conditions are attached to the decision notice:

- 1. Construction Management Plan*
- 2. Drainage Strategy*
- 3. Parking areas to be paved and surfaced detailed in a scheme to be submitted to the Local Planning Authority*
- 3. Requirement to create dropped kerbs*

Environmental Health – no objection

Environmental Health has no objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend the inclusion of the following condition(s) as part of the approval if granted:

- - 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. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.*
- - There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.*

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

Environmental Health (Contaminated Land):

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.*
- 2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents'

United Utilities:

Request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Coal Authority: Advise that the application site falls within the defined Development Low Risk Area. Accordingly, if permission is granted it will be necessary to include the Coal Authority's Standing Advice within the Decision Notice as an informative note.

Publicity:

Two letters of objection have been received and summarised as follows:

- The proposed layout is not safe for pedestrians as it involved crossing the existing footpath
- There is already pressure for on street parking in the area with a local school and doctors surgery. The proposed parking will mean that people can't park on the eastern side of Claremont St

Planning and Environmental Considerations:

Principle of Development

Policy SP4 provides the development strategy for the borough and supports the redevelopment of previously developed sites within the current built-up areas of Burnley provided they are compatible with other relevant policies of the Local Plan.

The application site is considered to be in a sustainable location being well related to an adequate range of existing services and facilities including a regular bus and rail services within a short walking distance. The site is also classed as previous developed land (brownfield). The NPPF at paragraph 119 is clear in stating that decisions should promote an effective use of land in meeting the need for homes and other uses, and at paragraph 120 that substantial weight should be given to the value of brownfield land with settlements for homes and other identified needs.

As such the principle of development is considered to be acceptable subject to consideration of the following:

- Impact on character and appearance
- Impact on residential amenity
- Highway and access

Design, Character and Appearance

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Local Plan Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect townscape setting and locally characteristic street layouts, scale, massing and materials; and to contribute positively to the public realm.

The site is constrained by its size and shape, and previous schemes have attempted to achieve layouts with built form on the southern edge of the site onto the back street which serves properties along Padiham Road, which have not been considered appropriate. The proposed layout principally utilises the front elevation onto Claremont St which aims to respond to the adjacent terraced properties and an improvement on previous schemes. The density would also appear to be appropriate, and it is considered that 2 storey properties is most appropriate for the site which works with the surrounding context.

It is necessary to also consider whether or not the layout functions well and provides an attractive, high quality place to live that respects the local context. Initial concerns about the layout to the front which included a shared footpath along the length of the properties has been removed. The mass of hard surfacing has also been broken up with soft landscaping strips in front of each of the dwellings. There are many other examples across the borough of a similar access and parking solution to the front and LCC highways have not objected to the highways layout.

Concerns was also raised with the 'ginnel' access between units 3 and 4, as it wasn't considered to be safe and meet basic designing out crime principles. A gate has now been shown on the site plan which will mean that only the residents have access to the ginnet which leads to the rear of the properties and a shared garden.

With regards to material detail, the original proposals included render and composite cladding, which was not considered to be appropriate given the context of the site. Materials have now been replaced with natural stone which helps to reinforce the local character and distinctiveness resulting in a satisfactory visual appearance.

Boundary details

Additional details were requested for boundary details as the site is very visible along all boundaries. An existing green mesh fencing exists to the east and part of the northern boundary, a mixture of timber fencing is proposed at the common boundary with the former Methodist Church.

Impact on Neighbour Amenity

Local Plan Policy SP5 requires development to safeguard the residential amenities of neighbouring occupants. Policy HS4 sets out the minimum interface distances between properties, requiring 20.0m between habitable rooms or 15.0m between a blank gable and habitable room windows.

There is an approximate distance of 13m from the proposed front elevation to the adjacent terraced property. Whilst this is slightly below the standards as set in policy HS4, there are allowances depending on the surrounding context. In this instance it is not considered to be detrimental and it is common to have terraced properties facing another terrace row.

Parking and Highway Safety

Local Plan Policy IC1 requires development to provide safe access to, from and within the site, including adequate visibility splays. The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they occur.

The proposal makes provision for 14 off street car parking spaces, which equates to 2 spaces per property and complies with the Council's parking standards. Furthermore, the

site is situated within a highly sustainable and accessible location within easy walking distance to public amenities. Claremont Street, is a lightly trafficked side street with no Traffic Regulation Orders restricting on-street parking of vehicles.

Highways have assessed the application and do not object to the development subject to conditions.

Other Considerations

Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out appropriate survey. Environmental Health have assessed the application and have recommended conditions.

Conclusion:

The development of this brownfield site within the settlement boundary, is acceptable and would make a contribution to the borough's housing mix. Amendments to the detail design and materials results in an acceptable layout which attempts to respond to the surrounding context.

Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 001, proposed plans and elevations 026 Rev Cn and 027, site section 024 Rev A and proposed block plan 025 C unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity

3. All materials to be used in the approved scheme shall be as stated on the approved drawings received and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

Highways

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Delivery, demolition and construction working hours.
The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.
Note: Construction Management Plan.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018)

5. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: In the interest of highway safety to prevent water from discharging onto the public highway.
6. No dwelling shall be occupied until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.
Reason: To allow for the effective use of the parking areas.
7. No dwelling shall be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.
Reason: In the interests of pedestrian safety and accessibility.

8. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed, 1 per property and shall thereafter be maintained

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

Environmental Health

9. 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. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

10. Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling

and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policy NE5 of Burnley's adopted Local Plan.

Drainage

11. Prior to the commencement of development the applicant shall submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

Notes

Informative Note:

• *This consent requires the construction of a vehicle access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority at highways@lancashire.gov.uk to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>*

Coal Authority standing advice