FUL/2022/0136

Application recommended for delegation to the Head of Housing and Development Control to approve subject to a Section 106 obligation.

Rosegrove with Lowerhouse

Town and Country Planning Act 1990

Proposed residential development comprising 36no elderly bungalows, landscape, access and associated works.

Address: Former Dexter Paints, Gannow Lane Burnley.

The application is before Development Control Committee as the proposed number of units is over the guide number provided in Policy HS1/22 of the Burnley Local Plan which requires 'around 27' houses for this site.

Background:

There is planning application history on this site connected with the previous industrial occupier and the telecommunications mast, which was granted planning permission in 1999/2000. The most relevant permission is that for the residential development of the site which was granted in 2015 (application reference APP/2015/0114). This was for 27 detached and semi-detached bungalows. The access to the site from Saltburn Street has been put in place pursuant to the previous residential permission. 2no houses were constructed as a result of that planning permission, but they were never completed and were left empty. The developer sold the land to the current owner, who demolished the buildings and cleared the site. There is also a 15m high telecommunications mast in the northeast corner of the site which will remain in situ.

The applicant has various sites for over 55s accommodation across Lancashire and manages and maintains those sites as part of his family business. One of the other sites is that at Weaver's Fold, further up Gannow Lane, for which planning permission was granted in 2016 for 94 dwellings (APP/2015/0423). That site was completed 4 years ago. The applicant has recently also sold one of his sites to Calico (Antley Court, Burnley) who rent out the properties, they currently charge £120 per week for the properties, the applicant always aspires to keep his rents below the social housing rental income; currently charging £110 per week.

Application site:

The site is located on the north side of Gannow Lane at the junction of Gannow Lane and Saltburn Street. The Leeds Liverpool Canal runs along the northern boundary of the site. To the west of the site there are terraced houses along Saltburn Street and more modern houses at Wilson Fold. To the east of the site is Gannow Business Park, where there is a number of industrial occupiers. On the opposite side of Gannow Lane to the south there are semi-detached houses under construction. The site is located about 600m from Gannow Top roundabout and the A671 road to Burnley to the east and about 100m from the shops and services on Rosegrove Lane to the west.

Proposal:

The proposals are for the construction of 36 no. elderly person bungalows (to be occupied by those 55 years of age or over).

The proposed bungalows are to be one bedroomed, with a separate living room, kitchen, bathroom and dining/health care room. They are all to be provided with one car parking space and are arranged in terraced groups around a central access road. There will be communal front and back gardens with an area of open space provided close to the Leeds Liverpool Canal. The access point to the site will be from Saltburn Street as per the previously approved access.



Fig 1: Location Plan

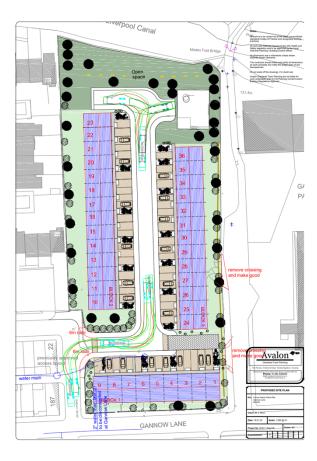


Fig 2: Proposed Site Plan (as amended)

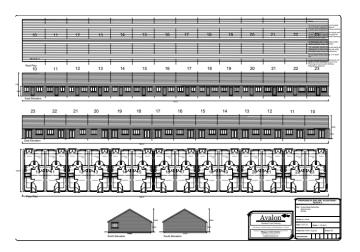


Fig 3: Proposed plans and elevations (as amended)



Fig 4: Photo of the site (taken from the submitted Design and Access Statement)

Relevant Policies:

Burnley Local Plan

- SP1 Achieving Sustainable Development
- SP2 Housing Requirement 2012-2032
- SP4 Development Strategy
- SP5 Development Quality and Sustainability
- HS1 Housing Allocations HS1/22 - Dexter Paints
- HS2 Affordable Housing Provision
- HS3 Housing Density and Mix
- HS4 Housing Developments
- NE1 Biodiversity and Ecological networks
- NE3 Landscape Character
- NE4- Trees, Hedgerows and Woodland
- NE5 Environmental Protection
- IC1- Sustainable Travel
- IC2 Managing Transport and Travel Impacts
- IC3 Car Parking Standards
- IC4 Infrastructure and Planning Contributions

CC4 - Development and Floor Risk

CC5 - Surface Water Management and Sustainable Drainage Systems

Material considerations:

National Planning Policy Framework (NPPF)

Development Contributions Supplementary Planning Document (SPD)

Air Quality Management: Protecting Health and Addressing Climate Change SPD (2020)

Planning for Health SPD (2022)

Technical Housing Standards – nationally described space standards.

Site History:

APP/2015/0114 Proposed residential development comprising 27no. bungalows, associated private and general amenity space, landscaping, access and parking (re submission of APP/2013/0430), Approved.

APP/2013/0430 Proposed demolition of existing warehouse and erection of 30no. bungalows, Refused.

Consultation Responses:

Publicity: 2no letters have been received following the publicity for the planning application. These are not objections but raised matters which need to be addressed in the application. The following points are raised:

- The site has been cleared and as result any biodiversity has been removed a condition should be used to ensure that the landscaping scheme comprise native species of trees, shrubs and wildflower planting to compensate for the loss of habitat.
- The granting of planning permission on this site for housing may mean that the adjacent business cannot operate 24 hours in the future due to noise and vibration form the business in their operation.

Contamination consultant: No objection, a condition is requested to be included in relation to potential contamination on the site.

Lancashire County Council Highways Authority (HA): No objections but the following matters to be addressed:

- 6m radius kerb is required at the access to bring it to adoptable standards
- a street lighting assessment for Saltburn Street for the section from the junction with Harling Street to Gannow Lane
- the formation of a section of 2m footway to join with the exist footway on Harling Street
- The provision of some tactile paviours across the junction of Saltburn Street and the new access
- The re-instatement of a section of footway to the gable of Plot 1
- A swept path analysis for a refuse collection vehicle to enter the site and turn in the turning head adjacent to plots 23 and 36 increase of visitor parking

• Electric vehicle charging points

Various conditions are requested relating to:

- Management and maintenance of estate streets to remain private streets or
- which do not conform to adoptable highway standards.
- Scheme for site access/off-site highway mitigation works
- Construction Management Plan (CMP).
- Construction deliveries outside peak traffic
- Wheel washing /mechanical road sweeping
- Highway surface water drainage

Following the submission of amended plans the HA have confirmed again there is no objections to the proposal. They note it is expected that this site remains a private site in line with other similar sites that have been delivered by the applicant. The applicant has addressed some of the concerns raised, and the remainder of the concerns being addressed through a S278 agreement with the HA.

As part of the off-site highways works they require the following points and concerns to be addressed:

- A street lighting assessment for Saltburn Street for the section from the junction with Harling Street to Gannow Lane,
- The formation of a section of 2m footway to join with the exist footway on Harling Street
- The provision of some tactile paviours across the junction of Saltburn Street and the new access
- The re-instatement of a section of footway to the gable of Plot 1

It is also expected that:

- The carriageway and associated footways shall be constructed in line with Lancashire County Councils' adoptable standards.
- A charging point for electric vehicles shall be included in the development.
- Street lighting provision should be in line with conventional street lighting schemes, it is noted that a taller floodlighting scheme as utilised at Weavers Fold may not be approved as the light spill beyond the site to the canal and the rear of Wilson Fold maybe excessive.

Conditions are requested to relate to:

- Management and maintenance of estate streets to remain private streets or
- which do not conform to adoptable highway standards.
- Scheme for site access/off-site highway mitigation works.Construction Management Plan (CMP)
- Construction deliveries outside peak traffic
- Wheel washing/mechanical road sweeping
- Highway Surface water drainage
- New road built to Lancashire County Council's Specification for Construction
- of Estate Roads
- Highway works constructed prior to occupation.

- Electric vehicle charging point.
- Lighting

Lead Local Flood Authority (LLFA): Initial objection was received to the proposal. Following the submission of additional information, this was maintained. The objections were made on the following grounds:

Inadequate Surface Water Sustainable Drainage Strategy

Following further information, the LLFA withdrew the objection to the application. Conditions are requested relating to the following:

- Final Surface Water Sustainable Drainage Strategy to be submitted
- Construction Surface Water Management Plan
- Sustainable Drainage System Operation and maintenance Manual
- Verification Report of Constructed Sustainable Drainage System

Canal and Rivers Trust: No objections. Comments relating to the impact on the character and appearance of the waterway corridor; with specific consideration to be given to:

- Boundary treatments
- Landscaping
- Surveillance
- Anomaly of drawing ref 12
- Measures should be included to protect the canal during construction and promote biodiversity on site

Lancashire Fire and Rescue: Comments made with regards to matters relating to fire safety.

The Coal Authority: The Coal Authority concurs with the recommendations of the Preliminary Risk Assessment (Desk Study) that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Conditions requested as follows:

Site investigation and verification

United Utilities: Further information required as have concerns about the proximity to the water asset. A site plan showing the location of the water main and the site layout shall be submitted for consideration.

Drainage Strategy condition is requested.

Greater Manchester Ecology Unit (GMEU): No objection, conditions requested relating to the following:

Bird breeding season

- Measures to protect the canal during construction
- Lighting design
- Measures to ensure net gain for biodiversity

Environmental Health: No objection but a condition is requested in relation to noise and disturbance. On the submission of a vibration report, no objections have been made on this basis.

BBC Greenspaces Team: No request for on site or off-site children's play areas. The green space provided within the site seems sufficient for the development size, which can be maintained by a management company.

Planning and Environmental Considerations:

Principle of the development:

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that the proposed can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the borough. It also echoes the guidance in the NPPF by stating that 'Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.'

Policy SP2 sets out the Housing Requirement for the Borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites have been chosen through the local plan process to meet this requirement. The application site is one of the sites identified for housing HS1/22 – former Dexter Paints Land at Hollins Cross Farm, and is identified as Brownfield land.



Fig 5: Site allocation in Burnley Local Plan HS1/22 Dexter Paints site

Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site-specific requirements set out in HS1/22, together with the requirements of other policies elsewhere in the plan. This policy states that the development of the site is acceptable for around 26 units. It is accepted that the increase in units on the site to 36 is around 35% above this, however the policy does not provide an upper limit. With this in mind, the suitability of the development will be addressed in full in this regard in the remaining sections of the report.

Therefore, it is considered that the principle of developing the site for residential purposes is established through the Local Plan.

These sites have been selected in accordance with the development strategy in Policy SP4 and the principle of development assessed on their individual characteristics and locations taking into consideration potential adverse impacts of development and whether they could be mitigated to an acceptable level.

Moreover, the allocated sites and their potential impacts have been subject to a high level of scrutiny by third parties and examination by the Planning Inspectorate as part of the Local Plan adoption.

HS1/22 – Former Dexter Paints	
Housing Delivery	The site is acceptable for around 27 dwellings.
Additional and Site Specific Policy Requirements and Design Principles	

- Vehicular access should be taken from Saltburn Street only, with the existing site access from Gannow Lane permanently closed;
- 2) Screening and noise mitigation measures are required in order to lessen the impact of noise from adjacent industrial uses to the east of the site; and
- 3) Proposals should address the site's waterfront location in accordance with Policy SP5.

Supporting Information

- Planning Permission has been granted for the redevelopment of this site.
- Screening and noise mitigation measures to lessen the impact of noise from the adjacent industrial uses is required. Distance should be maintained between existing industrial uses to the east of the site.
- Access should be taken from Saltburn Street.
- The site will require contamination investigation and remediation due to previous industrial usage in accordance with Policy NE5.
- 5) The following conditions were attached to the current planning permission: The existing access to the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads, concurrent with the formation of the new access; The new estate roads including the access into the site from Saltburn Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base-course level before any construction works take place within the site.

Design /Scale and layout:

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 existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. Policy HS4 provides more detail.

Paragraph 126 of the NPPF states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. As such design is a key consideration in any planning application.

The scheme proposed is for 36 houses. The Policy HS1/22 states that 'around 27' dwelling will be acceptable on this site. The applicant has maximised the number of the units on the site due to it's layout but has managed to incorporate quality landscaping and open space provision on the site despite this. Therefore, although not strictly in accordance with the wording of the policy, which is not exact, officers accept that 36 houses can be accommodated on the site.

The development would be constructed from natural stone walls and slate roofs, which are welcomed natural materials resulting in quality finish to the development. They would be laid out on the site in 3 blocks, two running north to south with a central access road and one across the front of the site, behind a low stone wall on Gannow Lane, separated by a small grassed area. The access would be from Saltburn Street as required by policy HS1/22, and there would be an area of open space provided adjacent to the canal. A condition is attached to secure landscaping in detail, which will visibly improve the development.

Although it is acknowledged that to improve design further it would be beneficial to consider orientating houses towards the canal and perhaps building houses directly overlooking the canal, the applicant has explained that this is not possible as the area of land close to the Canal has a steep incline and has been filled in the past. This makes it potentially unviable for this kind of development due to the additional costs of piling and the impracticality of having houses raised above the ground for ease of access for the occupants. It is accepted by officers that this is a difficult site to develop in terms of viability and as such the layout presented to Members is the one the applicant considers viable to develop on this site.

The houses would be single storey one bed terraced properties with one parking space per house, and bins located at the front of the properties, behind low hedges. This ensures elderly residents do not have to drag bins from the back of their properties on bin day, which makes them more accessible, and also ensures that they are hidden from view behind the hedgerow.

The floor area provided is in line with the Government's technical housing standards. There would be communal open garden areas at the back of the houses with areas for the occupants to sit out.

It is not unusual when considering a design for a housing scheme, that permeability of the site is requested to allow people to move through the site easier, who may not live there, and allow occupants to access the site from various points. In this case the applicant has provided the main entrance and exit to the site from Saltburn Street. This layout of the scheme is considered benefit in terms of a feeling of safety and security for the older occupants; there is

also no tow path on this side of the canal, which stops people who are not wanted to enter the site. Officers consider this is an acceptable approach for this scheme.

The applicant has various other development in the area which are well maintained and laid out.

Below is a Google image of the applicant's other site at Weavers Fold further up Gannow Lane. Planning permission was granted for that site for 94 dwellings in 2016 (application APP/2015/0423). The site was completed around 4 years ago.



Fig 7: Current photograph showing communal garden area and planting at Weaver's Fold.



Fig 8: Current photograph showing landscaped entrance at Weaver's Fold.

The applicant has explained to officers that he offers a bespoke service to his occupiers which allows them to benefit from a well landscaped housing estate planted out and maintained on their behalf by his company. The applicant has confirmed that due to the older age of the occupiers, they do not want the extra stress of having to maintain their own gardens and as such the model works well where garden areas are shared and maintained by the applicants company.

A condition is included to ensure that a full scheme and programme comes forward for the management and maintenance of these areas which can be agreed in detail with the local planning authority.

The Canal and Rivers Trust has specified that they would like to keep boundary treatments near the canal low and that a natural planting scheme would benefit the canal frontage. They have also requested that the orientation of the end houses is changed to allow some overlooking. The applicant has not agreed to facilitating this but has put in some windows on those end elevations which will look over this space. The applicant did not agree that the re orientation of these houses was necessary and wanted to keep the linear arrangement to the layout due to the restraints of the site. The inclusion of the extra windows on the end elevations are welcomed, although it is acknowledged that changing the full orientation of these end houses, would be more of a benefit to the layout of the development. In addition to this officers have asked whether 4 units could be placed at the canal side of the site directly overlooking the site, however on discussion with the applicant, it has been accepted that the build out costs associated with this due to the previous infill in this area and the slope wouldn't be viable. In any case, it is acknowledged that the area directly adjacent to the canal should be kept free for maintenance to the canal and also to protect the integrity of the canal.

Policy SP5 also requires that measures should be incorporated to minimise energy and water consumption and opportunities should be sought on site to supply energy from renewable and low carbon sources, along with opportunities to contribute towards local and community renewable and low carbon energy initiatives. The applicant has confirmed that the new Building Regs Part L which came into effect in June 2022 have a 30% improvement over the old Regs for energy efficiency as compared to when Policy SP5 was adopted. Each dwelling with on-site parking is now also required to have an electric charge point fitted to the dwelling (Part S). The applicant has also confirmed they have not been able to identify any local community low carbon initiatives to contribute towards. Alternative low carton energy sources, such as thermal or solar are not considered viable here as they would be expensive to install on what is already a marginal site. As such it is considered that the applicant has incorporated measures to minimise energy and water use as required by the provisions of that policy.

Policy HS4 requires that 20% of the dwelling should be built to be adaptable to support the changing needs of the occupiers over their lifetime. The agent has confirmed that 100% of the buildings will be built to adaptable standards on account that they are specifically for the over 55s and this has been taken into account in their design. A condition is included to ensure that this is demonstrated to have been met prior to the occupation of the dwelling houses.

On balance, although it is accepted that the layout of the development is not optimised, the over 55 occupancy of this site means that the scheme before Members has been designed specifically for their needs, and on this basis a flexible approach can be applied. The quality finish of the development through materials and landscaping, with the inclusion of the conditions referred to in this section of the report, means that officers consider that on the whole, the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

Traffic and Highway Safety:

The NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport. Policy IC1 of the adopted Burnley Local Plan states that development scheme should promote sustainable travel, provide a safe and convenient access and provide/contribute to off and on-site infrastructure where necessary to ensure the development does not materially add to highway safety concerns or reduce the efficient use of

the highway network. Policy IC2 of the same plan requires this level of development to be accompanied by a Transport Assessment (as it has been), and Policy IC3 relates to car parking standards within new developments specifically.

The site is located in a sustainable position close to bus links and within walking distance of shops. The access is provided from Saltburn Street, as stipulated by Policy HS1/22 and parking for 1no vehicle is provided with each dwelling in line with the required standards set out in the Local Plan.

The applicant has confirmed that the internal layout of the development will not be offered to the Highways Authority (HA) for adoption. The HA has confirmed that there would be some S278 works which will be required, as set out in the consultation section of this report, and this will be secured through the use of a condition. The applicant is aware of this and has raised no objection to the requirement for these works. In relation to the internal roads, if approved a S106 obligation will be put in place to secure the ongoing management and maintenance of the internal roads in the proposed development. This will ensure that they are management maintained to the correct standards for the future occupants.

Parking has been provided on the site in line with the relevant parking standards, and a condition has been requested which requires an electric charging point to be provided on site for each dwelling. This matter is however addressed by Building Regulations and as such it is not required to add an additional condition here. A condition regarding lighting has also been requested, which will be incorporated within a condition requested by the ecologists (GMEU) to reduce the number of conditions attached to the planning permission.

With the inclusion of the conditions as requested by the HA and the noted S106 obligation, and in the absence of an objection from the statutory consultee, officers are satisfied that the development is acceptable in this regard and in accordance with the relevant local and national planning policy.

Residential amenity:

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development. This is supported by the provisions of the NPPF. HS4 gives detailed guidance in relation to required overlooking/overbearing distances.

Policy NE5 requires that development proposals should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risk of adverse impacts to air, land and water quality, vibration heat, energy, light and noise pollution both during construction and in operation. A letter received following public consultation has raised a possible issue of vibration from the adjacent commercial premises.

The Local Plan provides detail in relation to distances which should be maintained between houses, either within the scheme proposed, or adjacent to the site. In this case there is only 2no units which do not adhere to these distances, units 14 and 15 as detailed on the proposed site Layout. The distance to the properties to the rear are below that which is set out in Policy HS4, which requires 15m. In this case there is 11m between the existing gable end and the proposed windows of units 14 and 15. Although it is acknowledged that this is not ideal, overall the distances are maintained throughout the development and as the impact will be on future occupants, not existing occupants of no 11, they will be aware of the situation prior to them moving in. As such, on the whole it is considered that the development is acceptable and in accordance with the relevant policy in this regard.

The Council's Environmental Health Officer has considered the proposal and has raised no objection in relation to potential contamination on the site, they have requested that a condition is attached in relation to this.

A letter was received from a nearby business which expressed concern that if residential properties were located on this site it could stop them from being able to operate their business on a 24 hour basis in the future, although they have no plans for this currently.

As a result, the applicant has supplied a vibration report which has considered this, and it has been acknowledged by the EHO that this is not a matter to be concerned about and vibration would not be an issue for the future occupants from this established business.

With the requested conditions relating to contamination and the confirmation that vibration is not an issue which concerns the Council's EHO, officers are satisfied that the development is acceptable and in accordance with the relevant local and national planning policy in relation to residential amenity.

Affordable housing

Policy HS2 of the adopted Burnley Local Plan sets out the Council's approach to affordable housing. The Council's adopted 'Developer Contributions' Supplementary Planning Document sets out the requirements for the different types of housing sites in terms of affordable housing provision. This site has a requirement for 0% affordable housing provision.

The proposal is therefore considered acceptable in this regard.

Ecology and biodiversity

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. In all cases measures should be taken to safeguard protected and priority species and habitats before any development commences. Paragraph 174 of the NPPF states that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

c) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

Paragraph 180 of the NPPF states that when determining planning applications local planning authorities should apply certain principles, the relevant one to this application is:

'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused'.

Objections have been received to the proposal in relation to the impact on ecology and biodiversity, these are set out in full in the consultation section of the report.

The applicant has confirmed that they are keen to make biodiversity improvements on the site and this is welcomed by officers. The Greater Manchester Ecology Unit (GMEU) have considered the proposals and have made no objections to the development. They have confirmed that the application includes an ecology assessment which has been undertaken by a suitably qualified ecological consultant. That consultant has undertaken a detailed survey of an appropriate level.

The survey showed that the site has limited ecological value and that the main issue to be considered would be with nesting birds and the clearance of any remaining trees and shrubs during the nesting season. As such a suitably worded condition has been requested. In addition, they have stated that as the site is adjacent to the Leeds Liverpool Canal, standard measures to protect the canal form accidental harm during construction should be included within the Construction Environmental Management Plan for the site.

It was also highlighted that the canal is likely to be used for foraging and commuting for bats, therefore no additional light pollution should be caused by the proposals and a suitably worded lighting condition is recommended. This condition has been incorporated into the lighting condition for the Highways Authority to reduce the number of conditions added to the decision, if approved.

Finally, GMEU expect that a condition is also included to ensure that suitable Biodiversity Enhancement Measures are included to ensure there is no net loss across the site.

With the inclusion of these requested conditions, and with the support of the applicant, officers are satisfied that the proposal meets with the relevant local and national planning policy in this regard.

Open Space:

Local Plan Policy HS4(5) requires open space to be provided at a rate of 0.3ha per 50 dwellings. Where this is impracticable a payment in lieu can be made for the benefit of existing public open space nearby.

This development will be restricted to over 55s and are 1 bedroomed units, therefore it is not considered that children will be living at the site. Although it is acknowledged that there is likely to be grandchildren visiting the site, this would not be an intensive use comparable to a family housing development.

The Council's Green Spaces department has considered the proposal and consider that there is no need as a result of the restricted occupation, for play provision on site. There is a good sized open space area on the site and as such they are satisfied, provided this is management and maintained by the developer, that this would be acceptable for this development.

This proposal has a greater quantity of open space on the site than the previous approval. There are also communal open garden areas around the properties, leading to much more openness than the previous approval. These areas will provide for hedgerows and natural planting to contribute towards the semi natural environment of this area, allowing, for example, bat routes along the canal.

The applicant manages and maintains all the open space on other developments in their ownership and this is the intension for this site. The business is family run and the expectation is that this will be the long term strategy with all their developments. Officers are therefore satisfied that due to the specific offer of the applicant, that the management and maintenance arrangements are acceptable through the use of a suitably worded condition. The use of a condition also allows the local planning authority to retain control with regards to the quality of the ongoing management of the site.

With the recommended condition, it is considered that this proposal is acceptable and in accordance with the relevant local and national planning policy in this regard.

Drainage

Policy CC4 seeks to ensure that new development does not result in increased flood risk either on the development site or elsewhere. Policy CC5 requires surface water discharge to be appropriately managed and discharge to be restricted through measures including SuDS. The NPPF also provides detail.

The Drainage Strategy submitted with the application confirms that it is intended by the applicant that surface water runoff from the site will use the existing connection for surface water and install drainage which will take all water surface runoff from the new buildings and hardstanding area and that surface water attenuation will be provided within he development site using underground storage. The proposals will be designed so as not to effect the existing situation and therefore there will be no change to the flood risk upstream or downstream of this location.

Foul water will be drained into the public combined sewer that lies just to the north of the existing site access and flows south into the 450mm diameter public sewer that lies within Gannow Lane.

United Utilities have considered the detail of the drainage of the site and they have confirmed that they have no objection. They have requested that the applicant submit a further detailed site layout which shows the location of the water main on site in relation to the proposed development on the site (such as walls, fencing etc). This has been provided by the applicant. United Utilities have also requested a detailed condition is included to give full details of the surface water and foul water drainage scheme prior to the commencement of development.

In relation to surface water, the Lead Local Flood Authority have provided comments. They initially objected to the proposals, however with the submission of further drainage information they have now withdrawn this objection, subject to the conditions requested as noted in the consultation section of the report.

With the extra information having been provided, and with the inclusion of the conditions requested by the statutory consultees, and with no objections received from them, officers consider that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

Other matters:

Bins: The Council's preference is always for bins to be stored at the rear of developments. However, in this case the applicant has applied for bin storage at the front of the houses. This will ensure that the elderly residents are not required to manoeuvre bins long distances for collection on bins days. Although ideally, they would be kept at the rear, the installation of quality planted bin stores at the front of the houses will ensure that the bins are kept to a tidy appearance and will make accessing them easier for occupants.

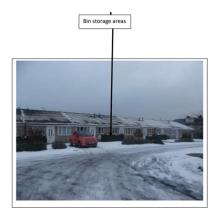


Fig 9: Demonstration of bin storage areas on another site belonging to the applicant

Coal: The application site falls within the defined Development High Risk Area and as such within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As required, the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Preliminary Risk Assessment (Desk Study) (25 February 2022, prepared by Worms Eye Ltd), which accompanies this planning application.

The Coal Authority has considered this and has raised no objections to the application, they have requested the use of a condition as noted in the consultation section of the report. With this included, officers are satisfied that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

Conclusion:

The proposal seeks to develop a site that is acceptable in principle as it is allocated for housing purposes in Burnley's Local Plan. The proposed scheme has been amended since first submitted and proposes a suitably designed scheme, in line with the requirements of local and national planning policy as set out in the report. The site is a brownfield site which has existing viability constraints and the applicant has put forward a scheme for over 55s which is considered by officers, on balance, to be acceptable.

Matters such as design, scale and layout, traffic and highway safety, residential amenity, affordable housing, ecology and biodiversity, open space and drainage have been considered within the report and considered to be satisfactory. As such the development is considered acceptable and on balance, is acceptable in relation to the relevant local and national planning policy subject to the conditions listed below and the S106 agreement for the ongoing management and maintenance of the internal road layout:

Recommendation:

The application be delegated to the Head of Housing and Development Control to approve subject to securing ongoing management and maintenance of the internal road layout through S106 obligation and the conditions listed below:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed below:

Application form received 4th March 2022
Location Plan received 4th March 2022
Existing site Plan 03 received 4th March 2022
Street Views Plan 07 received 4th March 2022
Proposed Sections 12 received 13th June 2022
Access Layout J1409 Access Fig 1 received 13th June 2022
Amended Proposed Plans and Elevations 03A 04B 05B
Amended Proposed Site Plan DWG 02 B
Planning and Design and Access Statement received 4th March 2022

Preliminary Ecological appraisal received 4th March 2022 Preliminary Risk Assessment received 4th March 2022

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

3. The development hereby approved shall be restricted to over 55s accommodation only.

Reason: Acceptability of the development is in accordance with the occupancy of the units being over 55s only in accordance with the provisions of the Burnley Local Plan and the National Planning Policy Framework.

Materials

4. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The materials shall then be retained as agreed for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Contamination condition

- 5. 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. The Preliminary Risk Assessment carried out by Worms Eye has identified potential risks to future site users.
 - 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' in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provision of the National Planning policy Framework.

Highways

6. No part of the development hereby approved shall be occupied until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The scheme shall be fully implemented and completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

- 7. 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.
 - Arrangements for turning of vehicles within the site.
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
 - 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.
 - Measures to deal with dirt, debris, mud, or loose material deposited on the highway because 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.
 - · Construction vehicle routing.
 - 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 interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. Deliveries to the approved development shall only be accepted between the hours of 9:00am and 3:00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for a highway surface water drainage scheme.

The development should be undertaken in accordance with the agreed details and the scheme shown on the approved drawing shall be constructed in accordance with the approved details, and retained thereafter.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Adaptable homes

11. Prior to the occupation of the development hereby approved, evidence shall be provided to and approved in writing by the Local planning Authority which demonstrates that at least 20% of the houses hereby approved have been built to current adaptable homes standards (Part M4(2) of the building Regulations 2010.

Reason: In the interest of providing adaptable homes to support the changing needs of occupiers over a lifetime in accordance with Policy HS4 of the Burnley Local Plan.

Lead Local Flood Authority

12. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy (surface water and foul water drainage strategy incorporating an assessment of flood risk, Rev A, October 2022, Reford) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL:
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the existing on-site surface water drainage systems to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to

published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

- 14. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
 - a) A timetable for its implementation;
 - b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
 - g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

15. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework. 16. Prior to the occupation of the first dwelling houses hereby approved, full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:

Proposed finished levels or contours

Means of enclosure

Car parking layouts

Other vehicle and pedestrian access and circulation areas

Hard surfacing materials

Minor artefacts and structures (e.g seating/signs etc)

Proposed and existing functional services above and below ground (e.g drainage power, communications cables, manholes etc)

Bin store hedge surrounding planting

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscaping shall be carried out in accordance with the approved details no later than the first available planting season following occupation of the first dwelling house or in accordance with the programme prior agreed in writing with the local planning authority

Reason: In the interest of securing a quality finish to the development in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Canal conditions

17. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) should be provided to the local planning authority for approval in writing to include measures detailing how materials will be stored on site and how the canal will be protected from dust and site laden runoff.

Reason: In the interest of protecting the integrity of the canal during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Coal

- 18. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance in accordance with the timetable agreed with the local planning authority.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

19. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

UU

- 20. 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 ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

GMEU

21. No removal or works to any hedgerows, trees, shrubs or brambles shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for written approval.

Reason: In the interest of the protection of protected species in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

22. Prior to occupation, a lighting design strategy for areas to be lit externally shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Provide details of light levels and spillage

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interest of the protection of biodiversity and ecology on the site in accordance with Policy NE1 of the Burnley Local Plan and in the interest of highway safety and residential amenity in accordance with polices SP5 and IC1 of the Burnley Local plan, and in accordance with the provisions of the of the National Planning Policy Framework

23. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall be agreed in writing with eh Local Planning Authority) and shall be retained thereafter.

Reason: In the interest of the enhancement of biodiversity on the site in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the National Planning Policy Framework.

EHO

24. 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.

Reason: in the interest of protecting residential amenity in accordance with policies HS4 and NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

- 25. 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.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.
 - All noise mitigation measures to be instated for the eastern boundary of the development (as per the planning and design access statement) and for the windows/external fabric of the dwellings (as per the noise impact assessment dated 27th September 2022).

- The lighting scheme should comply with Environmental Zone E3 (small town centres or suburban locations) of the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation in accordance with Policy NE5 of Burnley's Local Plan and 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.

26. Prior to the first use of the development hereby approved the hedge surrounds shown on the site layout at the front of the properties shall be installed and available for use for the storage of bins. The bin storage areas shall remain in place for the duration of the development and for the use of storage of bins only.

Reason: In the interest ensuring a quality development in accordance with Policy SP5 of the Burnley Local Plan.

Informative – The developer is advised to consider the comments from Lancashire Fire and Rescue, Canal and Rivers Trust, Highways Authority, Lead Local Flood Authority and United Utilities comments available online prior to the commencement of development.

Elizabeth Hindle 27th January 2023