

**Application Recommended for Approve with Conditions
Rosegrove With Lowerhouse**

FUL/2023/0034

Town and Country Planning Act 1990

Erection of 2 no. detached bungalows with access off Lower Rosegrove Lane
Halstead Farm Lower Rosegrove Lane Burnley Lancashire

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

Background

The application site extends to approximately 0.28ha and is located within the Development Boundary as identified in Burnley's Local Plan in which policy SP4 applies. Access to the site is gained from Lower Rosegrove Lane which leads off Liverpool Road.

The site is on the edge of the built up area and is described as being rural character. It is part of a wider site ownership associated with Halstead Farm. To the west is a large area of protected open space known as Green Brook. There is a public footpath No. 41(see extract below) which runs off Greenbrook Road between properties and the rear of Empire industrial park. The footpath has connections to the canal and Lower Rosegrove Lane and wider footpath links to the Padiham Greenway. There is a collection of residential properties close to the site which all have access from the Lower Rosegrove Lane.

The site currently consists of derelict stone and brick buildings which abut up to the dry stone wall which runs along the north and eastern boundary of the site. The rest of the land to the west is open in nature with views out over Green Brook protected open space.



Photo 1:View of the site from the Lower Rosegrove Lane.



Public Right of Way No. 41

Extract from mario maps showing the location of the Public Right of Way shown in purple on the plan



Aerial Image Extract image from www.googlemaps.com

Shows the adjacent greenfield land, location of the canal, adjacent properties and the edge of the Empire Business Park (Liverpool Road)

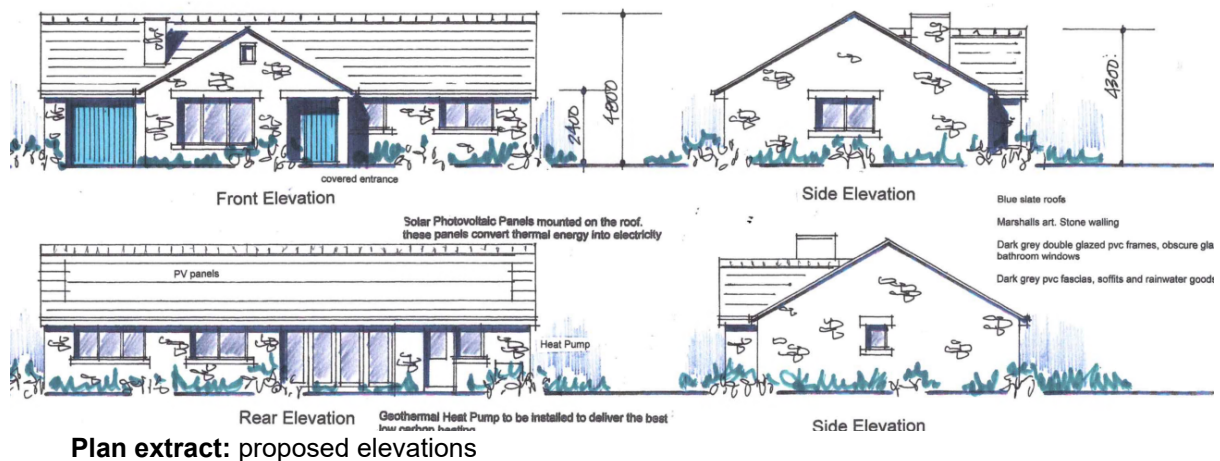


Photo 2: Proposed access from Lower Rosegrove Lane utilising the same access as Halstead Farm

Proposed Development:

The application seeks permission to erect 2, 3 bedroom bungalows. The properties will have a pitched roof with ridge height of 4.8m and eaves height of 2.4m. There will be a projecting gable feature to the front elevation which incorporates a lounge and hallway. The approximate footprint of the units are 15.6m in length and 9m wide, this includes an attached single garage. Each property will have 2 in curtilage parking spaces and an electric vehicle charging point.

Proposed materials are artificial stone, blue slate roof and upvc windows. To the rear roof slope a solar photovoltaic panel will be installed.



Plan extract: proposed elevations

Landscaping

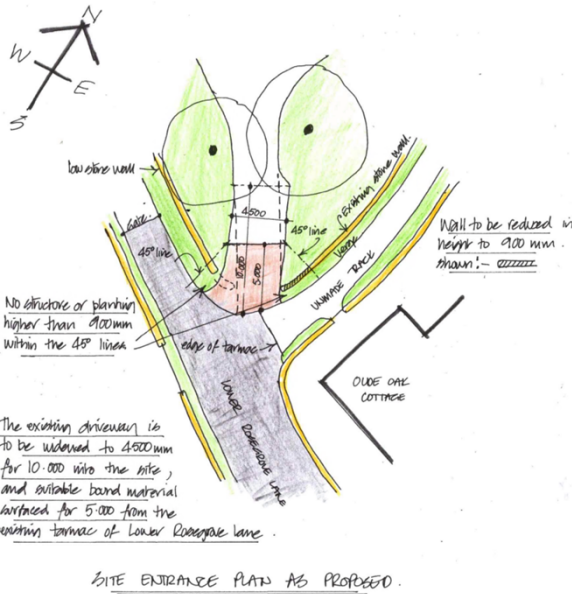
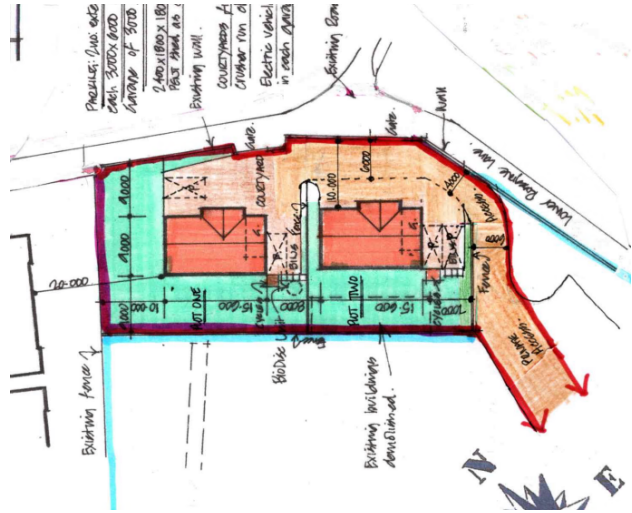
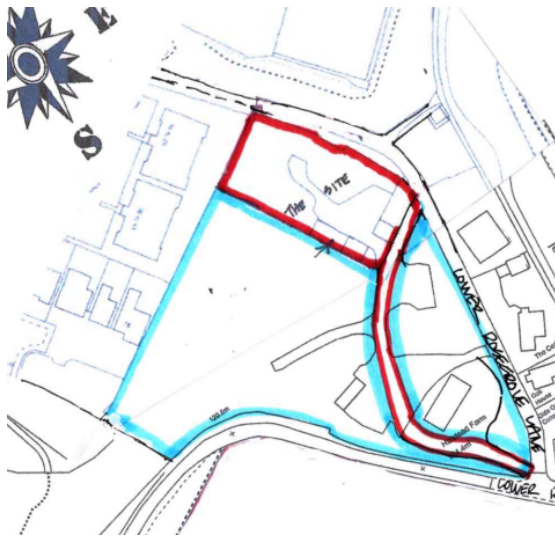
Each dwelling will have a private garden space to the rear, with plot one also having a large garden area to the north western boundary. The access lane and courtyard area to the front of the properties will be finished in porous crushed chippings.

Boundary details

The existing dry stone wall which runs along the lane to the front of the proposed properties will remain in place. It is considered this forms a major part of the character and appearance of the area and a condition will be placed to ensure the wall remains in place.

A 1.8m high timber close boarded fence will be erected between properties and also the rear boundary.

Proposed Site Plan – extract not to scale



Access

Access to the site was initially proposed from Greenbrook Road which was considered to be unsuitable as this is a PROW. LCC highways made initial objections which prompted the request for amended plans to be submitted. Amended plans have been received which now shows the access coming off Lower Rosegrove Lane through the existing access for Halstead Farm.

Plan extract: proposed entrance details from Lower Rosegrove Lane

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:

The site has been subject to pre application ref: PRE/2020/0096

Consultation:

LCC Highways: - No Objection

There is however some concern regarding the access from Lower Rosegrove Lane, due to the intensification of the access, it will need to be widened to 4.5m to allow for 2 vehicles to pass.

The new access should be constructed in a suitable bound material for a distance of 5m to prevent loose material being carried onto the highway.

In order to progress the application, we would look for plans showing the widening of the access and the visibility splay as detailed in the condition c listed below.

Should you wish to support the application we would look for the following conditions and notes to be added to your decision notice.

An updated plan Ref: 22/85/11 has been submitted and shared with LCC highways, who have no objection.

Environmental Health – no objection subject to the following condition

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- An acoustic assessment for all noise-related areas of construction works, including piling, and any mitigation measures necessary to minimise noise or vibration disturbance from those construction works;*
- Procedures for maintaining good public relations including complaint management, public consultation and liaison;*
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.*
- Procedures for emergency deviation of the agreed working hours;*
- Control measures for dust and other air-borne pollutants, including on-site wheel washing facilities;*
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.*

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

Environmental Health (Contaminated Land) The site is a known landfill site known as Lowerhouse Lodges.

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 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.

United Utilities

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

According to our records there is an easement close to the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 04/02/1981 UU Ref: R629 has restrictive covenants that must be adhered to. It is the applicant's responsibility to obtain a copy of the easement document, available from United Utilities Legal Services or Land Registry. The applicant must comply with the provisions stated within the document.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

advise that surface water from new developments should be investigated and delivered in the

following order of priority:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

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.

LCC Archaeology – no objection subject to condition

The site of the proposed new buildings is on the site of a building that appears on the 1st edition Ordnance Survey 1:10560 map, surveyed in the mid-1840s, which shows a small hamlet named as "Lower Rosegrove" William Yates 1786 map of Lancashire shows a named settlement at "Rose Greve" which has a scatter of buildings associated with the printed name, one of which may indicate the site of Lower Rose Grove although the cartographic detail is not sufficient to be definite on this.

The building shown on the 1st edition map appears to have been replaced by the 1890s as the 1st edition 25-inch maps show a building on a different alignment on the site. The site therefore has the potential to contain features and deposits relating to the rural and agricultural settlements that have since been largely subsumed into the urban area around Burnley. While we do not consider those to be so significant as to prevent development, we would advise that any surviving features or deposits on the site should be recorded prior to destruction by the construction of the proposed bungalows and that a programme of archaeological work known as a "strip, map and record" excavation should be implemented at an early stage in the development process. This can be secured by an archaeological condition and the following wording is advised:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Note: The programme of archaeological work should comprise a strip, map and record excavation of the area affected by the development. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists

Publicity

There have been 2 rounds of public consultation on this application. The initial 21 days consultation from the 30/1/23 – 20/2/23 and the 2nd from the 29th March – 11th April. The second round of consultation was to allow residents the opportunity to comment on amended plans which show access to the properties from Lower Rosegrove Lane and not from Greenbrook Road.

The main objections to the first consultation related to the concerns over access. A total of 8 responses were received with comments summarised as follows:

- impact on the safe use of the PROW which is very busy with local people accessing the canal and wider routes
- increasing number of cars parked on Greenbrook road could become more intense
- do not want extra traffic coming along Greenbrook road which is already very busy
- unsuitable access, a suitable access from Lower Rosegrove Lane is possible
- concern about any construction traffic using the track
- no passing bays, not suitable for vehicles

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. The majority of 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 key issues:

- 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 proposed bungalows are appropriate in scale and nature to the surroundings. In assessing the immediate context of the site, there is a similar design bungalow adjacent to the site and two further 2 storey properties on the eastern side of the lane. Halstead Farm house has itself been subject to some renovation works but the essential character of the rural location has been maintained with the use of stone and slate, which the proposed aim to reflect.

There will be some impact on the character of the area given the space has been left derelict for a number of years, however there are benefits of the site being improved especially with the removal of the unstable and derelict buildings on site.

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 20m from the proposed gable elevation of plot No. 1 to the rear of apartment properties at Upper Brook. The window on the gable elevation of the proposed is a small ensuite window and as such it is not considered to be any of detrimental impact on amenity.

In terms of space between the properties, a 1.8m high wooden fence is proposed and there are no issues with any over looking given the orientation of the properties is the same.

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 initial submission proposed the use of the narrow PROW off Greenbrook Road which was not considered to be suitable from the planning department, LCC highways and also raised several objections from local residents. Amended plans which have been received now show access to the properties from Lower Rosegrove Lane, utilising the same access to Halstead Farm. It is considered this to be more appropriate and revised comments from LCC state that there is no longer an objection 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 access has resulted in an acceptable scheme.

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 shall be carried out in accordance with the approved plans listed on this notice below and the structural report dated 2016.

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.

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

5. All visibility splays at the construction site access to the development shall be cleared to ground level prior to the commencement of any works in accordance with plan 22/85/11.

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

6. No dwelling shall be occupied until the car parking area as shown on plan 22/85/4B has been surfaced or paved and 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. Before the access is used for vehicular purposes, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway, in accordance with plan 22/85/11. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility, in the interests of highway safety

8. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other hard material in accordance with details on plan 22/85/11

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

9. The proposed access from the site shall be constructed to a minimum width of 4.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway in accordance with plan 22/85/11

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. 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

11. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. 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.

- 12 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.

Archaeology

13. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This

must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological or historical importance associated with the site.

Other

14. The dry stone wall surrounding the site, as shown on plan 22/85/B shall be retained and repaired where necessary and shall remain in perpetuity.

Reason: In the interests of safeguarding the character of the area in accordance with policy SP5 of Burnley's adopted Local Plan.

Notes

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848

or at www.groundstability.com

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.

Archaeology

Note: The programme of archaeological work should comprise a strip, map and record excavation of the area affected by the development. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists