

Application Recommended for Approval
Queensgate Ward

REM/2023/0169

Town and Country Planning Act 1990

Application for approval of Reserved Matters (appearance, landscaping, layout and scale) for the erection of 73 dwellings pursuant to outline planning permission OUT/2021/0443

Land At Barden Lane Burnley

Applicant: Mr Neil Lewis, Countryside Partnerships

Background:

The application seeks approval for the Appearance, Landscaping, Layout and Scale of a residential development of 73 dwellings, following the grant of outline planning permission in December 2022. The outline permission includes approval for the proposed access from Barden Lane. The site was previously occupied by Lodge Mill that was demolished in 2014.

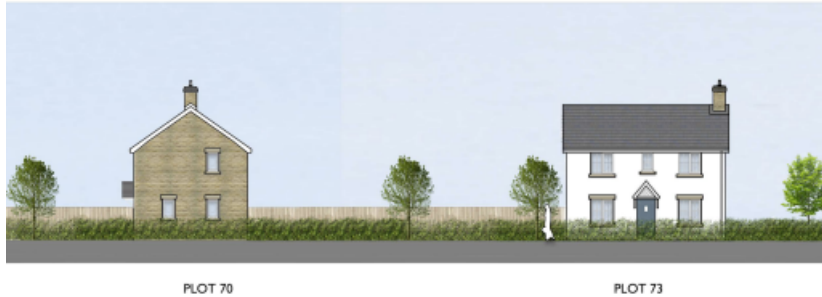
Proposed Site Plan



The proposed development consists of 6no. detached houses, 56no. pairs of semi-detached houses, 7 no. terraced houses (in rows of three and four houses) and 4no. flats in a two storey building. This provides a range of 4no. one bedroom units, 29no. two bed units, 34no. three bed units and 6no. four bed units.

Some amendments have been made to the layout and design of the scheme since first submitted. All proposed dwellings are two storey with the exception of 4no. 2.5 storey houses with pitched roof dormers to the front. The proposed houses are designed with mainly gable elevations and some hipped roofs with well proportioned elevations, heads and cills and chimneys to some gable plots along the spine road, particularly those with a gable end to the road.

Frontage to north side of spine road



The proposed houses would be constructed in reconstituted stone and some render with dark grey flat concrete tiles to the roof.

Frontage to south side of spine road



Plots 20-23 indicated to the right hand side above is dual fronted with hipped roofs to all sides and a central chimney at the end of a row of houses and would accommodate 4no. one bedroom flats.

Seventeen of the proposed dwellings (Sweetpea and Dalia house types) which are 3 and 4 bedroomed, would be constructed to comply with the adaptable home standards in the optional Part M4(2) standard of the Building Regulations 2010. This would exceed the 20% requirement imposed by Condition 6 of the outline permission.

All properties would be served by a conveniently placed electric vehicle charging point.

Relevant Policies:

Burnley`s Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 – Green infrastructure

HS1/29 – Housing allocations – Lodge Mill

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

HE2 – Designated heritage assets
HE4 – Scheduled monuments and archaeological assets
NE1 – Biodiversity and ecological networks
NE4 – Trees, hedgerows and woodland
NE5 – Environmental protection
CC4 – Development and flood risk
CC5 – Surface water management and sustainable drainage systems
IC1 – Sustainable travel
IC2 – Managing transport and travel impacts
IC3 – Car parking standards
IC4 – Infrastructure and planning contributions

Material Considerations

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) (Adopted December 2020)

The National Planning Policy Framework (2023)

National Design Guide (2021)

Site History:

APP/2004/0534 - Change from storage/distribution unit (Class B8) to storage and distribution and retail (Class B8/A1). Refused July 2004.

APP/2005/0862 - Use of first floor as dance & fitness studio (Class D2) opening hours Mon - Fri 9am-10pm, Sat 9am-7pm, Sun 10am-6pm. Approved October 2005.

NOT/2014/0480 - Proposed demolition of former weaving shed. Prior Approval granted February 2015.

OUT/2021/0443 - Outline application for up to 73 no. dwellings and associated works including details of access (all other matters reserved). Approved subject to s106 Agreement December 2022.

Consultation Responses:

LCC Highways

No objections - the principle of development and access were approved as part of planning application OUT/2021/0443. One minor point highlighted in respect of the surfacing materials of footpath to the west of the site which can be resolved. A condition is recommended to require details of the maintenance of streets to be submitted and agreed [this is however unnecessary as this is also required by Condition 21 of the outline permission].

Greater Manchester Ecology Unit (GMEU)

Comments are made in relation to the submission of details required by conditions on the outline planning permission relating to bats (Condition 10), lighting plan (Condition 16), badger survey (Condition 9), other protected species (Condition 11), nesting birds (Condition 13) and a Landscape and Ecology Management Plan (Condition 14).

These conditions are subject to a separate application process for the discharge of conditions. Comments also recommended some changes to the submitted landscape scheme to ensure the use of appropriate native trees and shrubs. GMEU is satisfied with the changes that have been made.

Lead Local Flood Authority (LLFA)

Initially objected to the proposal due to the capacity of the proposed drainage basin. The objection has been withdrawn following a revised drainage strategy that removes the proposed drainage basin and uses below ground storage tanks to attenuate flows. [The details of a surface water drainage scheme are required by conditions of the outline planning permission and do not fall to be approved through this Reserved Matters application].

United Utilities

Initially objected on the basis of the development being over United Utility assets/apparatus but withdrawn subject to a condition being imposed to require a scheme to be submitted for the protection of the assets/apparatus. [United Utilities note that there is an intention by the applicant to divert the water main that is affected and should this be the case then the provisions required by the condition will no longer be necessary].

Canal and River Trust

Request a full survey of the culvert under the Leeds and Liverpool Canal and a risk and method statement outlining the construction of foundations and landscaping works in proximity to the canal. A wildflower mix is suggested adjacent to the canal and reference made to lighting and issues of contamination. [In respect of the use of the culvert, this would form part of a detailed drainage scheme that is separately required by conditions on the outline permission. Details of lighting and contaminated land reports are also required by the conditions of the outline permission].

Network Rail

No objection in principle. The development is adjacent to GJC Bridge 80; the railway underbridge (Barden Lane) has a history of bridge strike which should be considered during the planning of deliveries and plant to site. Precautions, protections measures etc are required for development within 10m of railway land. There are notes and informatives to the developer in respect of their requirements before work is commenced [Condition 36 of the outline permission contains pre-commencement requirements for the submission and approval of a Method Statement and Risk Assessment and other details in respect of protection and safety of the railway].

LCC Public Rights of Way

No objections. Welcome the new link and footpath improvements.

Environmental Health

No objection in principle to the approval of the Reserved Matters in respect of noise, light, dust or odour nuisance, provided that the mitigation measures relating to window glazing specification and specified acoustic barriers to the site, as advised in the submitted Noise Assessment Addendum (March 2023), are adopted.

County Councillor Usman Arif

There are the following problems:

- the bridges on Barden Lane cause a lot of congestion. Only one vehicle can cross at a time. The proposed development will add to this problem;
- Barden Lane is in poor condition. Defects have not been repaired and will worsen as a result of more traffic;
- Traffic calming measures are required for Windermere Avenue and Barden Lane to deal with speeding issues with a number of serious accidents in recent years;
- Occupants will use Prairie Sports Village which has a parking issue;
- School places in the area are scarce; and,
- Impact on local services, people in the area struggle to register with a GP.

Publicity

Ten letters of objection have been received from occupiers at Lower Manor Lane, Garswood Close, Marina View and Lower Mead Avenue, making the following points:

- Impact of increase in traffic of 140+ cars on congestion and pedestrian and traffic safety at Barden Lane;
- Will worsen situation with road rage/conflicts, horns and disregard for right of way over two narrow bridges (railway and canal bridges) in close proximity with current system being inadequate;
- Better traffic management and traffic lights are required at this junction;
- Impact on air quality and noise;
- Object to the removal of trees and greenery from this location close to the M65 which could affect noise and pollution;
- Scale of development is excessive, a smaller development would be more suitable;
- Impact on wildlife, bats, nesting birds, hedgehogs, butterflies;
- Loss of privacy;
- Bins close to the canal will attract vermin;
- Flooding at the railway bridge during heavy rainfall.

Planning and Environmental Considerations:

Principle of proposal

The site is allocated for residential development at Policy HS1/29 of Burnley's Local Plan and outline planning permission (application OUT/2021/0443) that was granted in December 2022, following the completion of a s106 Agreement, has established that the site can be developed for up to 73 dwellings. The outline permission includes approval for the proposed access on Barden Lane. The s106 Agreement makes provision for the improvement of off-site public open space, off-site woodland planting, management of adjacent woodland, creation of footpath link to Heald Bridge, improvement of Public Bridleway to the site's southern boundary and an on-site contribution of 5% of dwellings for Affordable Housing (First Homes).

Conditions on the outline permission set out some of the parameters of development, which include a 6m green buffer along the bank of the Leeds to Liverpool Canal and a minimum 15m green buffer to protect woodland to the south side of the site. The outline permission also requires the Reserved Matters to include 20% provision of adaptable homes under the optional technical standards of the Buildings Regulations; details of energy and water efficiency measures; a scheme for the provision of electric car charging points; the inclusion of native species as part of a landscape scheme; a

detailed external lighting plan, details of refuse/recycling bin storage; and, a further noise assessment. These details have been submitted as part of this Reserved Matters application.

Design, layout and appearance of scheme

Policy SP5 seeks a high quality design by, amongst other things, respecting existing or locally characteristic street layouts, scale and massing, contributing positively to the public realm, maximising the benefits of a canalside location and respecting its townscape/landscape setting.

Proposed Canal Frontage



The proposed scheme has been designed with formal front elevations to face the canal corridor, set back by a landscaped buffer and footpath. The frontage is fully two storey with a range of semi-detached and detached house types.

Open space is required by Policy HS4 and is incorporated into the proposed scheme, as required by Policy HS4. The main area of functional Public Open Space is central to the site which will be landscaped for use as informal open space. This provides views from the spine road across the open space to the canal and so adds to the quality of the space and its enjoyment. Other open space is afforded through the retention of woodland and green buffers along the southern boundary and canal bank. Connectivity between the site through adjacent woodland (in the ownership of the Council) would be provided by a woodland path that is secured through the outline permission. A s106 Agreement which forms part of the outline permission also secures a contribution towards improving off-site open space and play facilities (based on £350 per bedroom) and is to be used to improve Barden Gardens on the opposite of the railway line.

Central area of Public Open Space



The design of the scheme has taken into account the distinctive character of the local area through use of well proportioned elevations, a majority of gable roofs, heads and cills, chimneys to key plots along the main estate road and use of materials with a predominance of reconstituted stone (and render). The number of terrace rows has been reduced and replaced by mainly semi-detached houses which improves access to rear gardens for storing bins and improves the quality of the street scene. The submitted details for the siting of bins away from public views are appropriate.

Positions of electric car charging points to be provided for each dwelling as required by the outline permission are acceptable.

The submitted scheme would provide in excess of the minimum 20% of dwellings to be constructed as adaptable homes under the optional technical standards of Part M4(2) of the Building Regulations 2010.

An Energy Statement has been submitted which sets out a mainly fabric first approach to energy efficiency, stating that all homes will meet the minimum requirement of part L of the Building Regulations (came into force 2023) which will deliver a 31% reduction in the part L requirements of the former Regulations (2013). This is likely to involve the use of PV panels to roofs. Given that there are no details of these, a condition is required to ensure that the details are appropriate and sensitive to the design of the scheme.

The layout of the scheme, with formal fronts to Barden Lane and the canal, street trees, open space and well designed houses, would provide a good quality development and place to live and complies with the expectations of Policies SP5 and HS4.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets or their settings will be assessed having regard to significance of the asset and states that all levels of harm should be avoided.

Lodge Canal Bridge on Barden Lane stands to the north western corner of the application site and is a Grade II listed building. The key feature of its setting is the canal. The layout and design of the scheme would maintain a green buffer along the canal and present a formal frontage of houses with the use of reconstituted stone/render which would be sensitive to the canal setting and is unlikely to lead to harm to the setting of the Grade II listed stone bridge.

The proposal would not therefore significantly affect historic assets and complies with Policy HE2.

Impact on residential amenities

Policy SP5 requires proposals for development to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users or result in unacceptable conditions for future occupiers of the development. Policy HS4 requires a minimum of 20m separation between elevations with habitable windows and 15m between a blank gable and an elevation with habitable windows.

The development site is overlooked across the canal by the rear of bungalows on Garswood Close with a separation distance of approximately 35-40m which is sufficient to maintain a satisfactory outlook and privacy for occupants. Apartments on the former site of Barden Mill would be a minimum of 30m separation which would also be sufficient to protect outlook and privacy. This would satisfy Policies SP5 and HS4.

The layout of the proposed plots and elevations has been improved since the application was submitted to increase separation distances through the orientation, and positioning of plots. There are still some instances where the separation distance is less, such as 17m between the Plot 20 and 50/51 but these are located at a corner landmark position where it makes a positive visual impression. Some detached houses (Mountford house type) have a gable elevation to the road but have no overlooking first floor windows and the distances are sufficient to provide satisfactory outlook and privacy. The spacing, orientation and distances between all dwellings would provide satisfactory levels of privacy, outlook and amenity.

An Addendum to the Noise Assessment that was considered with the outline application has been submitted and demonstrates that glazing and fence detail specifications for the plots adjacent to the railway would be sufficient to mitigate against noise from passing trains.

Objections to the proposal refer to increased noise from the traffic that would be generated by the development. The number of dwellings to be built on the site has already been approved as part of the outline permission. Barden Lane is a key traffic route with a considerable amount of passing traffic between Burnley and the A6068 in which case the additional traffic noise is unlikely to be significant.

The proposal would therefore safeguard the existing amenities of neighbours and provide adequate amenity for new occupiers which complies with Policy SP5.

Traffic and access

Policy IC1 requires safe access to be provided in new developments and Policy IC3 requires adequate car parking. Neighbour objections have been received relating to

the traffic issues on Barden Lane, caused by a give way traffic management system over the railway and canal bridges. These issues were considered at the time of the outline application (OUT/2021/0443) where the position of the local authority that the development can be accommodated on the existing highway network was accepted. Outline planning permission has been granted for a development of the proposed number of dwellings (73no.), including approval for access from Barden Lane which is not a Reserved Matter and not therefore for consideration.

The proposed internal access road and parking does form part of the layout of the scheme that is for consideration as a reserved matter. The highway authority is satisfied with the layout of the estate roads and driveways and level of car parking.

The proposal therefore satisfies Policies IC1 and IC3.

Other issues

Woodland, tree and ecology issues were considered in detail as part of the outline application. The s106 Agreement provides some off-site mitigation measures to compensate for on-site losses towards the southern portion of the site. On-site retention of woodland and trees as required by the outline permission is consistent with this detailed scheme. Conditions on the outline permission protect trees, birds, badgers, bats and to secure appropriate management of habitat and do not need repeating.

The site falls within the Flood Zone 1 which is the lowest risk to flooding. Conditions on the outline permission require details of drainage to be approved by the Council before development is commenced.

Affordable Housing at 5% of the scheme is secured through the s106 Agreement that forms part of the outline permission. The applicant has indicated that the amount of affordable housing will be increased but this would not be a planning requirement.

Conclusion

The proposed development provides a high quality scheme that is consistent with the approved outline planning permission and should therefore be approved.

Recommendation: Approve Reserved Matters

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

2. No development shall be commenced, including any earthworks, until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey that identifies the exact location of the water main, the potential impacts on the water main from construction activities (including any construction compound), the impacts post completion of the development on

the water main infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that the survey of the water main identifies the buildings/plots as within a 3m standoff either side of the main (6m in total), the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed in writing with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to avoid any potential risk to water infrastructure on the site.

3. Prior to the installation of any PV panels or equipment at any part of the development, details of the PV panels and their siting shall first be submitted to and approved in writing by the Local Planning Authority. The PV panels shall thereafter only be installed as approved.

Reason: To ensure that the details and appearance of the PV panels is satisfactory, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Janet Filbin
3rd October 2023