

Application Recommended for Delegation

APP/2018/0376

Hapton with Park Ward

Minor Material Amendedment : Variation of Condition 6 (materials); 7 (landscaping); 8 (tree protection); 10 (surface water drainage); 11 (contamination); 12 (affordable housing); 13 (public open space); and variation of Condition 14 (approved plans) on Planning Permission APP/2014/0151 as amended by APP/2018/0273

PHASE 4 STATION ROAD DEVELOPMENT STATION ROAD PADIHAM

Background:

Planning permission was granted for the residential development of land off Station Road, Padiham under planning permission APP/2014/0151, as amended by APP/2018/0273. Application APP/2014/0151 granted full planning permission for the erection of 39 dwellings in Phase 4 of the development and granted outline planning permission for the remaining Phases 5 and 6.

APP/2018/0273 amended APP/2014/0151 by including a new condition 14 which listed the approved drawing numbers. No other changes were made and the relevant planning permission for the development remains as APP/2014/0151 as amended by APP/2018/0273.

Following the grant of the permission for Phase 4 under APP/2014/0151, the permission was implemented by the partial construction of the access road; therefore Phase 4 of the development remains extant and can be implemented at any time subject to compliance with the conditions. The outline application for Phases 5 and 6 required the submission of reserved matters before July 2017 and this part of the permission has now expired.

The current proposal seeks the variation of conditions in respect of Phase 4 of planning permission APP/2014/0151, relating to materials, landscaping, tree protection, surface water drainage, contamination, affordable housing and public open space. It is proposed that the conditions are reworded to take into account that some of the details required by the conditions in respect of Phase 4 are provided in this application, as discussed later in this report. It also seeks to make minor changes to the approved layout and house types under the new Condition 14, as discussed later in this report.

The part of the approved layout for Phase 4 to be amended by this application is indicated on the layout below, marked as 'A'. The area marked 'B' is within Phase 4 but is not to be amended at this stage.



This application proposes the replacement of the 25 approved dwellings within Area 'A' with 22 dwellings, resulting in a reduction of 3 units within Phase 4. The reduction in numbers is brought about by the replacement of one of the approved apartment blocks with a landscaped area.

The proposed 22 dwellings would comprise 11 three bedroom dwellings, 10 two bedroom dwellings and 1 three bedroom bungalow. The dwellings would be sited in a linear formation facing inwards towards the access road. The houses would be two storey apart from the bungalow, and they would be constructed in a buff brick with grey roof tiles.

It is initially proposed that they would be for open market sale, with the exception of the bungalow which will be offered up as a specialist housing offer to those in need. If the demand for the units as for sale on the open market is low, the following tenure hierarchy will then be adopted - homes offered as rent to buy, followed by shared ownership and then affordable rent.

An objection to the proposal has been received from a neighbouring resident.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local Plan

CC5 Surface Water Management and Sustainable Drainage Systems
HS2 Affordable Housing Provision
HS3 Housing Density and Mix
HS4 Housing Development
IC3 Car Parking Standards
NE3 Landscape Character
NE4 Trees, Hedgerows and Woodland
NE5 Environmental Protection
SP1 Achieving Sustainable Development
SP4 Development Strategy
SP5 Development Quality and Sustainability

Site History:

APP/2010/0713 - Mixed use development incorporating up to 2,195 sq. m. of employment units (Class B1 (b) and (c), and including Class D1 to a maximum of 242 sq.m), up to 100 no. residential units, a Category 2 elderly persons sheltered housing scheme, including details of access (all other matters reserved for future approval) – outline permission granted for the wider site

APP/2014/0151 – Hybrid planning application seeking full planning permission for the erection of 39 dwellings (Phase 4) and outline planning permission including details of access (all other matters reserved for future approval) for the erection of up to 38 further dwellings) – part outline and part full planning permission granted.

APP/2018/0273 – Non material amendment to planning permission APP/2014/0151 to include a planning condition which lists the plans as approved - granted

Consultation Responses:

1. Environment Agency - 'We have reviewed the letter report dated 20th July 2018 by e3p Ref No 11-417-L4. We are satisfied that Condition 11 (contamination) can be discharged. Please note that it would be prudent to obtain a Verification report once remediation has been achieved as described in the letter report above.'
2. Lancashire County Council (Highway Authority) – raises no objections on highway grounds.
3. One letter from a neighbouring resident – raises concerns regarding:
 - Loss of sunlight to his property
 - Loss of privacy
 - Increase in traffic
 - Parking problems
 - Disturbance during construction

There would not be an unacceptable loss of sunlight to the neighbouring property and there are no windows directly facing the habitable rooms. The traffic is unlikely to be over and above that already approved and the highway authority have raised no objections.

All developments are likely to experience some disturbance whilst construction works are carried out but providing this is restricted to normal working hours, the disturbance should be minimised.

Planning and Environmental Considerations:

The principle of housing on this site is established by the previous permissions. The site has been taken over by Calico who wish to progress the development following the previous developer leaving the site unfinished. Calico wish to make some changes to the development including a slight change in layout and a change of house types. It is also proposed to deal with as many of the conditions imposed on the previous approvals as possible relating to Phase 4, so that an early start can be made on the development once permission has been granted.

The application relates to the variation of conditions as follows:

Condition 6- Materials

Condition 6 of planning permission APP/2014/0151 currently reads:

Notwithstanding any description of materials in the application, unless it is confirmed in writing that the materials will be the same as Phase 2 of the existing development, no development shall start until a scheme showing precise details of all materials, including facing and roofing materials, have been submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

The materials for Phase 4 are proposed to differ from those used on Phase 2 so the condition requires the submission of a scheme showing the materials to be used.

The applicant has submitted a materials schedule which sets out that the facing materials would be Marshalls Cromwell walling, pitched face, weathered, with art stone detailing to match the facing materials; an Ibstock brick plinth in Atlas Smooth Blue; and a Marley Modern tile and ridge with matching end cap and dry verge. The windows would be grey upvc casement style.

The proposed materials are acceptable and they would harmonise with the previous phases of the development and traditional building in the borough.

It would be appropriate to amend Condition 6 accordingly, as set out in the recommended Conditions later in the report.

Condition 7- Hard and Soft Landscaping

Condition 7 of planning permission currently reads:

No work shall be started on the construction of the houses, until full details of both hard and soft landscape works in respect of Phase 4, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.

A satisfactory landscaping scheme has been submitted in respect of Phase 4, which provides for turfed rear gardens, low shrub planting to the fronts of the houses, paved pedestrian areas around the properties, with a tarmac access road, turning areas and driveways. There would be a 1.8 metre high close boarded timber fence around the boundaries of the development, with 1.5 metre high fences between the plots.

Condition 7 may be amended accordingly, as set out in the recommended Conditions later in the report.

Condition 8 – Tree Protection Plan

Condition 8 of planning permission currently reads:

No development shall start until the details of the means of protecting trees and hedges, including root structures from injury or damage prior to or during the development works, have been submitted and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

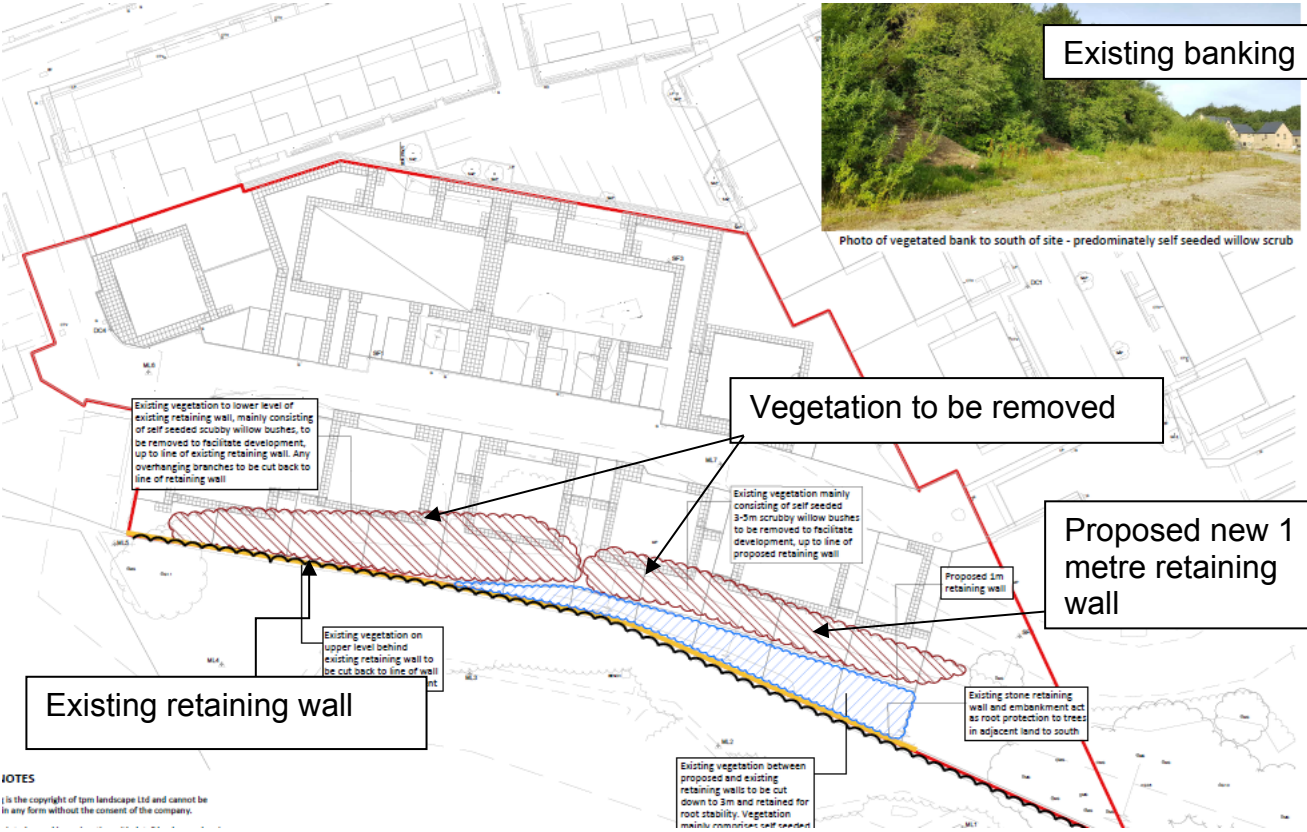
A Tree Protection Plan has been submitted which sets out the proposed measures to be taken to protect the existing vegetation of the site in respect of Phase 4.

It sets out that the existing vegetation to the lower level of the existing retaining wall, consisting mainly of self-seeded willow, will be removed to facilitate the development, up to

the line of the existing retaining wall. Any overhanging branches would be cut back to the line of the wall.

Existing vegetation on the upper level behind the existing retaining wall will be cut back to the line of the wall. Existing vegetation will be removed to the line of a proposed new metre high retaining wall, which will act as a root protection barrier to trees in the adjacent land to the south.

Existing vegetation between the proposed and existing retaining walls will be cut down to 3 metres for root stability.



Tree Retention, Protection and Removals Plan

The proposed measures are acceptable for this part of the site. The condition may be varied accordingly, as set out in the recommended Conditions later in the report.

Condition 10 – Surface Water Drainage

The condition requires the submission of a drainage scheme prior to the construction of the houses. It is worded as follows:

The approved surface water drainage scheme (drawing no. SPB-AJP-XX-00-DR-C-100 P1) is implemented prior to the occupation of Phase 4. No work shall then commence on Phase 5 until a surface water drainage scheme for this phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of this phase. The

scheme shall also include details of how the scheme shall be maintained and managed after completion.

A drainage plan has been submitted but further information has been requested from the applicant to demonstrate how the scheme specifically satisfies the condition. An update should be available before committee.

Condition 11 – Verification Plan in respect of Contamination.

The condition is worded as follows:

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority: A verification plan providing details of the data that will be collected in order to demonstrate that the works identified are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved before any of the houses are occupied.

The consulting engineer has commented that following the completion of the remediation works a report will be compiled detailing all the enabling works undertaken, waste consignment notes, and all site investigations, laboratory test certificates and validation testing undertaken. A certificate of completion of earthworks will then be included within the report.

Further information has been requested from the applicant before the Environmental Protection Officer can comment on the proposed variation of the condition and an update should be available before committee.

Condition 12 – Affordable Housing Scheme

Condition 12 states:

No houses hereby approved shall be occupied until a scheme demonstrating how it is proposed to satisfy Policy H5 of the Burnley Local Plan Second Review (provision of affordable housing) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a programme approved in writing by the Local Planning Authority.

The applicant has requested that the condition is removed. However a justification for this will be required to ensure that the housing needs aspect of the development are satisfied. It is most likely that the applicant will be able to demonstrate appropriate provision will be made, possibly on the future phases of the development or by demonstrating that the houses for sale will be set at an affordable price. The applicant's further comments will be reported to the meeting.

Condition 13 – Public Open Space Contribution.

The condition required the provision of appropriate public open space for the development and was set out as follows:

No houses hereby approved shall be occupied until a scheme for the provision of Public Open Space in connection with the development, whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within one year of the start of the development or as otherwise approved in writing by the Local Planning Authority.

The applicant has asked that this condition is removed as the payment will be made under the original permission where a unilateral undertaking was submitted by the original developer of the wider site which required a sum of £50,000 to be paid upon completion of 50 houses on the development. It appears that 50 houses have not yet been constructed by the first phases (Phases 1, 2 and 3) and therefore the sum has not yet been paid. The applicant is fully prepared to make the payment following the completion of fifty houses and is confirming the current position in respect of the number of houses already completed in order to determine the best approach for the Council to achieve the payment.

In the meantime however, it be necessary to retain the condition or vary it to include the need to satisfy the unilateral obligation already in place on the original permission for the estate. An update will be made to the meeting.

Condition 14 – Variation of the approved plans (Layout and House Types).

The approved planning permission for the part of Phase 4 subject to this application provided for 25 houses and it is currently proposed to provide 22 houses in a similar layout to that approved. The house types will change to provide a more traditional style.



Typical house type and street elevations

The proposed 22 dwellings would comprise 11 x 3-bed semi-detached dwellings; 10 x 2-bed dwelling including a pair of semis and two terraces of four properties each; and 1 x 3-bed bungalow to provide specialist accommodation. All of the proposed houses are 2 storey instead of the previous mix of two and three storey properties.

The overall mix of housing proposed is not materially different to that approved under the previous permission. The main difference being the bungalow and the loss of 4 bedroom

properties and increase of 2 and 3 bedroom properties. An apartment block would also be removed from the scheme, replaced by a landscaped area.

The properties all have adequate garden space, parking and refuse storage provision.

The impact on the existing properties on Wilding Way and Orchard Avenue would not be materially different to that previously approved. Whilst the privacy and outlook standards are not fully satisfied they are not significantly different to that already approved and are not compromised to an unacceptable degree.

The changes to the layout and the house types are acceptable.

Recommendation:

That the Head of Housing and development Control be delegated to grant planning permission for the development subject to the conditions below, updated as necessary, when the outstanding issues are satisfactorily clarified in respect of surface water drainage, contamination, affordable housing and public open space.

Draft Conditions (to be finalised once the outstanding issues are clarified)

1. The development hereby permitted shall be carried out in accordance with the following approved plans (to be updated following receipt of further information as set out above): Planning site boundaries, drg.no. 1771-02 rev3; Phasing plan, drg.no. 1771-101 rev3; and Illustrative Masterplan, drg.no. 1771-103 rev3; Materials Schedule; Tree Retention, Protection and Removals Plan; Drainage Layout Plan; Verification Letter received 25 Jul 18.
Street Elevations drg.no. 1771-104 rev3; Site Plan drg.no. 1771-105 rev5; Ground floor Site Layout, drg.no. 1771-106 rev 5; First floor site layout, drg.no.1771-107 rev5; Roof site plan drg.no. 1771-108 rev5; Landscape Plan, drg. no. 1771- 109 rev 5; House types drg nos 115, 116, 120, 121, 125 and 126 received 29 Aug 18.
2. Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays; between 0800 hours and 1300 hours on Saturdays; and at no time on Sundays, Bank Holidays or Public Holidays.
3. The materials to be used in the development of Phase 4 shall be in strict accordance with the approved Materials Schedule (Ainsley Gommon Architects June 18) received 25 July 2018 unless otherwise approved in writing by the Local Planning Authority.
4. The landscaping details shall be carried out in full accordance with Drg.No. 1771-109 rev 5 received 29 August 2018, prior to the occupation of the development, to the satisfaction of the local planning authority.
5. The approved tree protection measures as set out on the Tree Retention, Protection and Removals Plan (drg.3116 101 received 25 Jul 18) shall be adhered to during the construction of the development.
6. The approved Drainage Plan (drawing no. SPX-AJP-XX-00-DR-C-100 P1) received 25 July 18 shall be implemented prior to the occupation of Phase 4. *(This condition may be updated upon received of the additional information requested)*

7. Contamination (to be updated)
8. Affordable Housing (to be updated)
9. Public Open Space (to be updated)

Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
 2. To safeguard the amenities of the neighbouring residents having regard to Policy NE% of Burnley's Local Plan adopted July 18.
 3. To ensure a satisfactory development which harmonises with its surroundings, in the interests of visual amenity.
 4. To ensure that the landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.
 5. In order to protect ensure that the vegetation on the site is adequately protected in the interests of visual amenity
 6. To ensure that appropriate drainage is provided to the development.
 7. To ensure that all risks posed the contamination of the site have been adequately assessed and dealt with.
- 8/9. To ensure that appropriate provision is made.

CMR
11/09/2018