Former Baxi Site, Wyre Street, Padiham

Proposed Residential Development (Outline) by Baxi Heating UK Ltd

Planning Statement (Including Flood Risk Sequential Test)

January 2014

1. Introduction

1.1 This statement has been prepared in support of an outline planning application for residential development on an existing industrial site in Padiham, which has been submitted by Matthew Montague Architects on behalf of Baxi Heating UK Ltd. It will describe the site and its surroundings; the details of the proposal, and the planning policy context and justification for the proposal. The statement should be read in conjunction with the following documents

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Extended Phase 1 Habitat Survey
- Protected Species Survey
- Invasive Plant Species Note
- Phase II Environmental Site Assessment

2. The Site and Its Surroundings

2.1 The application site comprises a vacant factory site and adjoining open land, which is situated close to Padiham town centre (5-10 minute walk). Medium/high density housing adjoin the site the north and west, the River Calder runs along the southern boundary, with open countryside (Green Belt) to the north east and east.
2.2 The site comprises a range of factory/office buildings which vary in scale, appearance and age. However, none are of any particular merit and do not constrain the proposed redevelopment of the site.

3. Planning Policy/Corporate Policy Background – Delivering the Council’s Strategic Objectives.

3.1 The Development Plan for the area is the adopted Burnley Local Plan 2006 (LP). The relevant policies are referred to in further detail below. Weight must also be given to the National Planning Policy Framework (NPPF), particularly where the LP policies are “silent” or considered to be out of date in relation to the issues raised.

3.2 The proposal should also be considered in the context of the Council’s wider strategic objectives as detailed in the following documents:

- Strategic Plan
- Burnley’s Future 2014 – 2017 (The Community Strategy for Burnley)
- Green Spaces Strategy

4. The Proposal

4.1 The proposal is to redevelop the existing factory site for residential purposes. All matters, apart from access, are reserved for further approval although an indicative site layout accompanies the application. This shows a layout of 300 dwellings with vehicular and pedestrian access off Wyre Street, Lune Street and Grove Lane.

4.2 The illustrative layout shows development that accords with the existing urban grain and pattern of development locally, and would be of a scale and character that complements and enhances the local area. However, it is recognised that the Council seeks to provide larger homes and lower density housing as part of its housing provision in the area. Given that the application is in outline form (with design and layout reserved for later approval), the proposal does not preclude a different approach to the development of the site. Consequently, the site provides a significant opportunity to provide development that will make a positive contribution to the Borough; be of good design and quality; energy efficient; and secure. These are all requirements of both the LP (Policies GP3; GP8; GP9 and H4) and the NPPF.

4.3 The application site also includes an area of open land to the east of the existing factory site which is situated within the Green Belt. This presents an opportunity to provide landscape enhancement, both informal and formal recreation and flood alleviation measures. Such proposals accord with local and national Green Belt policy by keeping the land open. In addition, these aspects of the proposal will assist in delivering the Council’s Green Space Strategy and conform to Policy H7 of the LP, which requires new housing developments to provide, or contribute towards open space provision in the Borough.
5. Main Issues

The Principle of Development

5.1 The proposed residential site is defined as previously developed land, within the urban area of Padiham. It is in a highly sustainable location being close to the town centre (5-10 min walk), and close to local shops (including food stores). It is also accessible by different modes of travel.

5.2 The ‘golden thread’ of both local and national planning policies is the presumption in favour of sustainable development. It is considered that the proposal meets the definition of sustainable development contained in paragraph 7 of the NPPF, which then goes on to say (in paragraph 14) that such development which accords with the development plan should be approved without delay.

5.3 In respect of the LP, Policies GP1 and H2 seek to concentrate all new development within the urban boundary and where possible on previously developed land. In addition, two key aims of the LP are to promote urban and rural regeneration (Key Aim 1); and to provide better quality housing and spaces (Key Aim 3). The Council seeks to provide new housing development that is well related to public transport infrastructure, jobs and services. The proposal fully meets these requirements.

5.4 For the reasons given above, it is therefore considered that the proposal accords with existing and emerging local planning policies, and with the NPPF.

5.5 In addition, the Council’s vision, as stated in its Community Strategy (Burnley’s Future 2014 – 2017), includes an increase in the number of new homes, and a wider and more balanced range of housing. It states that new dwellings should be energy efficient and be safer by design. The proposal will therefore assist in delivering the Council’s vision.

Housing Provision

5.6 The NPPF requires Councils to maintain a five year supply of housing (with an additional buffer of 5%), based on objectively assessed needs for both market and affordable housing in its housing market area. In the case of Burnley, where there has been an under delivery of new housing since 2003 a buffer of 20% is required. Councils are also required to identify key sites which are critical to the delivery of their housing strategy in Local Plans.

5.7 A key requirement of the NPPF is that the Council’s identified sites should be “deliverable” and “developable” i.e. should be available now; be in a suitable location; can be built within the five year period, and that the development will be viable.

5.8 It is noted that the Council’s Housing Land Availability Schedule 2013 states that there is currently planning permission for 31.13 hectares of residential development which amounts to 1,445 units. The Council points to a requirement of 1070 dwellings over the next five years, which includes part of the existing shortfall, which it proposes to
spread over a 17 year period i.e. at 58 dwellings per year. However, there is an argument (which Inspectors have accepted at appeal) that any shortfall should be made up in the earlier years of the plan period given the current housing shortage.

5.9 In addition, whilst planning permission exists for 1,445 dwellings, the majority of these are on small sites which will deliver only a handful of new houses at any one time. The proposal offers the opportunity to provide a development of a substantial scale which will contribute significantly towards the Council’s wider housing and regeneration objectives.

Loss of Employment Land

5.10 It is noted that the LP designates the site as being within a defined Economic Improvement Area (Policy EW6/3). In addition, Policy EW7 of the LP seeks to protect existing employment sites from being redeveloped for non-employment uses unless it can be demonstrated that:

i) The existing use would harm the character and amenity of the area or;

ii) The site is no longer suited for employment use by reason of poor access, incompatibility with surrounding land uses, or poor access to public transport routes.

5.11 The factory has been vacant since 2007, with no interest having been shown by commercial developers or prospective occupiers despite marketing by local agents. In addition, Council officers have stated during recent pre-application meetings that efforts to promote the site for employment purposes have yielded no results.

5.12 In addition, many of the buildings require significant investment in repairs and modernisation. This, together with increased “holding” costs; the lack of demand; and low returns means that any future commercial use is unlikely to be viable.

5.13 Notwithstanding the lack of interest shown in the site, it is considered that industrial/commercial uses would now be incompatible with much of the surrounding residential area. Whilst it has historically been in industrial use, it clearly has the potential to cause significant environmental problems to local residents in terms of noise, smells and traffic problems from HGV’s and other commercial vehicles. The access to the site is poor as vehicles would have to travel through relatively narrow residential streets to reach the site. It is considered that this would be both dangerous and environmentally unsound.

5.14 In view of the above, it is concluded that the proposal accords with the criteria in Policy EW7 of the LP. However, should the Council consider that there is some conflict, it is contended that the overall benefits of the proposal in terms of the provision of new housing and associated environmental improvements, should carry greater weight in the balancing exercise.
5.15 The NPPF (paragraph 32) requires all proposals that generate significant amounts of traffic to be accompanied by a Transport Assessment (TA). It is also a requirement of the Council (LP Policy TM2) In addition, both national and local planning policies, including Policy TM1 of the LP, seek to promote development that is accessible by different modes of travel in order to reduce reliance on the motor car. In this regard, the highly sustainable location of the site and the proximity to local amenities and public transport services has already been referred to above.

5.16 The evidence contained within the TA demonstrates that traffic generated from the proposed development can be accommodated within the existing highway network. It should be noted that the methodology used in the TA has been agreed and discussed with the highways officers at Lancashire County Council.

5.17 In view of the above, it is concluded that the proposal is in conformity with the sustainable transport policies of the Council and also accords with the NPPF.

Flood Risk and Sequential Test

5.18 National planning policy in the form of the National Planning Policy Framework (NPPF) seeks to ensure that inappropriate development in areas at highest risk of flooding should be avoided by directing development away from such areas. It also states that where development is necessary, it should be made safe without increasing flood risk elsewhere. Policy E8 of the LP is consistent with this approach.

5.19 Consequently, it is a requirement that a sequential approach to development is undertaken before new development proposals can be considered. Applicants seeking to develop sites in higher risk areas should demonstrate that there are no other suitable sites in lower risk areas, by carrying out a Sequential Test. If there are no other sites available in lower risk areas, The Exception Test can be applied. Paragraph 102 of the NPPF states that for the Exception Test to be passed, it must be demonstrated that:

- The development provides wider sustainability benefits to the community that outweigh flood risk and

- A site specific flood risk assessment (FRA) must demonstrate that the development will be safe for its lifetime, taking account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.20 A site specific FRA accompanies the application and satisfies the second bullet point above.

5.21 The application site lies partly within Flood Zone 3a. Flood Zone 3a is defined in the Technical Guidance to the NPPF as having a high probability of flooding i.e. a 1 in
100 or greater annual probability of river flooding, or a 1 in 200 or greater annual probability of flooding from the sea.

5.22 The Technical Guidance states that “more vulnerable uses”, which includes housing, should only be permitted if the Exceptions Test is passed.

5.23 The Development and Flood Risk Practice Guide to PPS 25 (which remains extant) states in paragraphs 4.18 and 4.19 that the area to which the Sequential Test should be applied will be defined by local circumstances, and that a pragmatic approach on the availability of alternatives should be taken. Paragraph 4.18 states that where there are large areas in Flood Zones 2 or 3 and development is needed in these areas to sustain the local community, sites outside them would not be reasonable alternatives.

5.24 Officers of the Council have advised that the Sequential Test should cover all of the Council’s geographical area and that the development should be disaggregated to include small sites which could cumulatively provide the number of houses that are proposed in the planning application. The applicant fundamentally disagrees with this approach and is of the opinion that it is only by the development of larger single sites in geographically sustainable locations that the Council will deliver its wider regeneration and housing objectives.

5.25 On this basis, the applicant and the Council have identified three sites which are considered to be comparable in terms of the scale of development. These are:

- Former William Blythe Works, Hapton
- Habergham and Ivy Bank School Site
- Colne Road/New Hall Street/Elm Street Housing site

Each of these is addressed in turn:

*William Blythe Works, Hapton*

5.26 The site is a vacant factory situated in the village of Hapton. The factory buildings have been demolished and the site was last used approximately 5 years ago. A development brief (prepared on behalf of the owners) was approved by the Council in 2011 as an aid to marketing the site. The site lies within Flood Zone 1.

5.27 The Development Brief states that the site is capable of accommodating up to 280 dwellings. In this regard, it is comparable with the Baxi site. However, since the Brief was prepared, the site has remained vacant and no planning application has been submitted. Whilst it is available, it is not in the control of the applicant. It is also considered that the Baxi site presents an additional opportunity to provide an additional large site in a sustainable location, which will offer a greater offer/choice to prospective developers and make a positive contribution to the Council’s aims and objectives.
Habergham School Site

5.28 This is a vacant school site located off Kiddrow Lane between Padiham and Burnley. The majority of the site lies within Flood Zone 1 with small sections to the south being in Zones 2 and 3.

5.29 It is understood that the County Council is considering the future of the site but to date, no decision has been made and no planning application has been submitted. It is therefore concluded that the site is not reasonably available.

Colne Road/New Hall Street/Elm Street

5.30 This site also lies within Flood Zone 1. Planning permission (ref 2011/0497) was granted on 25 January 2012 for 58 dwellings. An indicative masterplan points to there being potential for a total of 200 new houses in the area (adjoining sites).

5.31 However, the development is essentially the redevelopment of a former high density housing area and therefore it does not add to housing numbers in the Borough. In addition, there is no indication of the adjoining land being put forward for development.

6. Other Matters

Ground Conditions

6.1 The site is “previously developed” and therefore matters of potential ground contamination need to be addressed. In this regard, a Phase II Environmental Site Assessment is submitted with the proposal. It provides a geotechnical and environmental overview of the site which concludes that there is potential for contamination to be present as a result of past uses on the site. It recommends that further detailed investigative work be carried out.

6.2 The conclusions of the report are not unusual in the context of the redevelopment of industrial land where ground contaminants are normally found. There are no reasons to conclude that the site cannot be adequately remediated and therefore the matter can be reasonably dealt with by planning condition(s).

Ecological Issues

6.3 The planning application is accompanied by a Protected Species Survey. The authors have surveyed the site with reference to the existence of, or the potential of protected species to be present i.e. Great Crested Newts, Bats, Reptiles, Water Voles, Otters and Barn Owls. This approach accords with paragraphs 117 and 118 of the NPPF, with the provisions of Circular 06/2005 and with Policy E5 of the LP.
6.4 The survey concludes that there are no protected species present on the site which would constrain or prevent the proposed development. There are however opportunities for creative conservation which are included in the recommendations of the report. It is considered that these and any other matters relating to biodiversity and ecology could the subject of planning conditions.

Planning Obligation

6.5 Policy GP10 of the LP states that the Council will require developers to enter into planning obligations to contribute towards additional infrastructure and community facilities required as a result of the development. Pre-application discussions indicate that contributions will be sought towards affordable housing, education provision and green infrastructure.

6.6 The applicant seeks to adopt a positive approach to this matter and would welcome early discussions on the Council’s proposals. The applicant will require full and substantiated justification for any proposals and will need to be satisfied that all of the tests contained in paragraph 204 of the NPPF are satisfied i.e. that any obligation is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

7. Public Consultation

7.1 The applicant carried out a public consultation exercise in Padiham in November 2013. The responses received are included in the application document. The results demonstrate that there is overwhelming support by members of the local community for the redevelopment of the site for residential purposes.

8. Conclusion

8.1 The proposal has identified and addressed the main planning issues and constraints. It will result in a high quality development reflecting the character and identity of the area, and which fully meets the definition of Sustainable Development as detailed in paragraph 7 of the NPPF i.e. by performing:

- An economic role – through the provision of new development
- A social role – by the provision of new housing to meet future needs
- An environmental role – through the development of a brownfield site within the built up area of Padiham, close to the town centre.
8.2 Having regard to the LP, the NPPF, and other material considerations, it is considered that planning permission should be granted.

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