

Application Recommended for Delegation

Rosegrove with Lowerhouse Ward

APP/2012/0512

Outline Planning Application

Proposal to redevelop site to promote a mix of townhouses and an apartment block (117no. residential units) to include sports pavillion, ecology park, childrens play area, vehicular access and manoeuvring space and hard and soft landscaping including details of access (all other matters reserved for future approval); (to replace an extant planning permission APP/2008/0830)

WATERSIDE MILL LANGHAM STREET BURNLEY

Background:

Outline planning permission was granted for this development in January 2010. For economic reasons the development has not yet been started and a further period of permission is now sought.

The former industrial buildings on the site have now been demolished.

The extant outline permission indicated a high quality residential development, including thoughtful provisions relating to sustainable drainage, ecology and access.

Matters relating to vehicular access from Langham Street and Havelock Street were resolved (subject to traffic orders) by planning conditions and a legal agreement regarding provision for traffic calming, one-way traffic flow and waiting restrictions.

However, a neighbouring resident has made representations about the renewed proposal that include reference to an increase in traffic to the adjacent school following extended classroom provision which would be further increased as a result of the new development. This should be considered in relation to this renewal application; discussion with the Highway Authority is on-going, and the outcome will be reported at the meeting.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

E22 - Public Art

E4 - Protection of other features of ecological value

E7 - Water bodies and water courses

E8 - Development and flood risk

EW7 - Redevelopment of Existing Employment Land and Premises for Non Employment Uses

GP1 - Development within the Urban Boundary

GP5 - Access for All

GP6 - Landscaping and Incidental Open Space

GP7 - New Development and the Control of Pollution

GP8 - Energy Conservation and Efficiency

GP9 - Security and Planning Out Crime
H2 - The sequential release of further housing land for development
H3 - Quality and design in new housing development
H4 - Providing a choice of housing in new development
H5 - Local housing needs
H6 - Housing density
H7 - Open space in new housing development
TM15 - Car parking standards
TM2 - Transport Assessments (TAs)
TM5 - Footpaths and walking within the urban boundary
TM7 - Cycling network

National Planning Policy Framework (NPPF)

Site History:

2008/0830: Proposal to redevelop site to promote a mix of townhouses and an apartment block (117no. residential units) to include sports pavillion, ecology park, childrens play area, vehicular access and manoeuvring space and hard and soft landscaping including details of access (all other matters reserved for future approval)
– Granted

Consultation Responses:

Electricity North West – Comments about development for the attention of the applicant.

Canal & Rivers Trust – No objections. Ask that previous relevant conditions be re-imposed.

Archaeology Officer (LCC) – No comments on the proposal.

Neighbouring Resident – Letter making comments as follows (summarised):

- The use and plans for the site are very attractive.
- Extension to the school has taken place, increasing admissions and school drop-off traffic on Havelock Street (adjacent their house gable) and Langham Street together with traffic from the new development would lead to increased congestion and safety issues. [*This is the subject of on-going consideration*]
- Possible security problems during site development. [*Site security is a matter for the developer, but normally on-site surveillance would be put in place in a development of this scale*]
- Concern about hours of construction. [*Whilst most developments are carried out during the normal working day, a condition is recommended to enable control of unreasonable hours*]

Consultation Responses on the previous application

Highway Authority (LCC)

No objections. Recommend that:

1. Havelock Street be one – way westerly to Lockyer Avenue.

2. 20mph zone proposed within site to extend to include Langham Street, Havelock Street and the adjacent part of Lockyer Avenue Traffic, with traffic calming measures.
3. Waiting restrictions may be necessary at junctions to improve visibility. *[A condition is recommended to give effect to these matters]*
4. A contribution is requested for provision of improvements to cycleways alongside the site and linking it to both the developing cycle network generally and to Rosegrove centre. *[The applicant is considering this matter in consultation with other agencies. I will report the outcome at your meeting]*

Streetscene (Engineering)

Request that the development incorporate a Greenway cycle/footpath proposal through or along the edge of the site. *[The applicant is presently considering this matter and I will report the outcome at the meeting].*

Neighbouring Resident

One letter expressing support for the scheme but commenting that Havelock Street is narrow and further restricted by occasional street parking. *[This is a meaningful comment. A condition is recommended requiring off-site highway works which should deal with this matter].*

Streetscene (Engineering)

Refuse/recycling disposal. *[This would be dealt with at the detail stage].*

Environmental Health

Recommend conditions to put contaminated land desk study recommendations into effect. *[Condition]*

Ecology Advice (Lancashire County Council)

The advice notes that the ecological report submitted with the application indicates the need for further investigation and preparation of mitigation schemes in relation to protected and other species; a planning condition should put this into effect. *[Condition]*

The eco-park and pond could be more 'wildlife friendly' (my phrase) if the design were changed to remove hard edging and close-by footpaths, and links provided to natural grassland, scrub or woodland. *[My opinion is that the specification for the eco-park and pond realistically balances the need for sustainable drainage as an anti-flood drainage measure with the needs of nearby residents to have more close encounters with the newly created ecological habitats. Full details of the eco-pond are required by condition and further advice would be taken at that stage].*

United Utilities

No objection provided the site is drained by a separate system. Sustainable drainage ponds are not normally adopted nor are surface water systems discharging into the ponds. *[A condition is recommended requiring provision for management and maintenance of the ponds].*

Environment Agency

No objection in principle to the development. Additional investigation and assessment is required in relation to contaminated land and its remediation.

General concurrence with the recommendations of the ecological report, however, further survey work is needed in relation to water voles. Full details of the design and management of the eco-park, and ponds should be submitted as reserved matters. [*Conditions are recommended to deal with these matters*].

British Waterways

No objection to the proposal. Request a financial contribution to towpath improvement, and for litter clearance and maintenance. [*This is under consideration by the applicant and I will report the outcome at your meeting*].

Green Spaces

The play space would not be adopted as there is existing Council provision elsewhere. The adoption of the eco-park and sports pavilion would depend on the final details. [*This could be decided at the time of the reserved matters application*].

Planning and Environmental Considerations:

The site comprises about 2.8ha. It is bounded by the Leeds and Liverpool Canal in the south and has frontages to Langham Street and Havelock Street in the west and Sycamore Avenue in the east. To the north and south-east is public open space.

The site was formerly occupied by a large factory building used for many years for the manufacture of electrical appliances (the Glen Dimplex company). The buildings are now demolished.

Between the factory and Sycamore Avenue is an open area used as a car park. Apparently a restrictive covenant, whilst allowing vehicular access to the car park from Sycamore Avenue, prevents access through to the factory area. A culverted stream (Sweet Clough) runs under the car park land.

The application proposes redevelopment of the site for 117 dwellings, together with layout of an ecology park on the car park land.

The indicative layout is shown as follows:



The residential element of the scheme is indicated as 64 houses (24 three bedroom and 40 four bedroom) on the southern part of the site, and 53 apartments (13 one bedroom, 30 two bedroom and 10 three bedroom) to the north.

Two shallow water areas are included in the scheme having the dual design as amenity ponds and as part of the sustainable drainage scheme, attenuating surface water run-off to Sweet Clough. The application includes a report on the method of dealing with surface water and scoping the design of the attenuation system. Indicative details can only be provided at this stage, but this shows:

- A formal water area with fountains, set between rear gardens, but closely visible from several parts of the development; and,
- An informal 'eco-pond' set in the small eco-park.

The report indicates that ponds would rise around 12 – 15 cm during storm rain conditions. A condition is recommended requiring full details of the design and management of the pond and surface water system.

The application is in outline, and many of the matters arising in its consideration can be dealt with by conditions requiring full details at the reserved matters stage.

The main planning issues are the principle of loss of the land as an employment site, and the design and quality of the indicative scheme.

Loss of employment site (**Policy EW7**) was considered justified on the grounds of the outmoded development with poor access to the highway network, and with on-going adverse residential impact.

The indicative proposals met the Design and Quality requirements of **Policy H3** in a scheme that would provide housing for modern living in a high quality setting.

Other matters, including relating to Affordable housing and Public Art were dealt with by planning conditions.

The conclusion was that it was a well founded scheme indicating development designed to create modern living in a high quality setting that if delivered in full should set a high benchmark for the Borough's future housing.

In the present application, the applicant has requested that a 5 year period of permission would be appropriate to enable preparation of the development; given the present economic climate and the extent of the proposed development, this does not appear unreasonable.

The present recommendation is made on the above basis, acknowledging the need to consider the representations relating to vehicular traffic.

Recommendation: That provided that any issues arising from further consultation on highway matters can be satisfactorily resolved by conditions or submission of further information, the Head of Housing and Development Control be delegated to grant Outline Planning Permission subject to the conditions set out below, and any further conditions arising from the consultation.

Conditions

1. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (the reserved matters) shall be obtained from the local planning authority in writing before any development starts.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
5. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped

areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The Landscape Management Plan shall be carried out as approved.

6. Before any development starts 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 shall be 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 agreed in writing by the Local Planning Authority. The future maintenance of the public open space shall be secured either by the involvement of a Management Company or by an agreement with the Council's Green Spaces and Amenity Services, including a bond for the maintenance. Details of the method to be used shall be submitted to and approved in writing by the local planning authority before work starts on the development hereby approved and shall be implemented in accordance with the approved scheme before substantial completion of the development.
7. Full details of the design and provision for the management and maintenance of the proposed eco-park (whether included or not included within the public open space referred to in Condition 6) shall be submitted to and approved in writing by the Local Planning Authority before construction of the eco-park commences.
8. The development shall be drained on separate systems for foul and surface water unless approved otherwise in writing by the Local Planning Authority. Full details of the design and provision for the management and maintenance of any ponds or other areas of water within the site shall be submitted to and approved in writing by the Local Planning Authority before the start of construction thereof.
9. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not start until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the start of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

e. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 10 No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant and experienced and specialising in the assessment and evaluation of Landfill Gas migration. The investigation report shall:
1. describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations
 2. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.
- 11 If remediation measures are recommended as a result of the investigations required by Condition 10 above, these measures shall be incorporated into the development, before any buildings are occupied.
- 12 Provision shall be made for Affordable or Special Needs Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.
- 13 Before the development is commenced a scheme for the construction of the site access points and off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The scheme shall (except as may otherwise be approved) include provision for traffic calming, one – way traffic flow, waiting restrictions, on Havelock Street, Langham Street and the part of Lockyer Avenue between Lowerhouse Lane and Sycamore Avenue. The scheme shall be implemented as approved before the first occupation of any dwelling hereby permitted or before such other date approved in writing by the Local Planning Authority.

- 14 No works shall start in connection with the development hereby granted, until a survey has been conducted by a person who is registered by English Nature to investigate whether the site is utilised by bats or other protected species (including water voles) and the survey results shall be submitted in writing to the local planning authority. If such a use is established a scheme for the protection of the species or habitat shall be submitted to and approved in writing by the local planning authority. Such scheme as may be approved shall be implemented before any work starts, or in accordance with a programme approved in writing by the Local Planning Authority.
- 15 Within 6 months of the start of the development hereby granted a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify a date for implementation and the scheme be implemented as approved.
- 16 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 unless other days or times are approved in writing by the Local Planning Authority.

Reasons

- ! – 4 Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.
- 5 To ensure the long term landscape management of the site, in accordance with policy GP6 of the Burnley Local Plan, Second Review.
- 6 To ensure that adequate provision is made for public open space in connection with the development, and that it is well maintained and remains usable and easily accessible, in accordance with policy H7 of the Burnley Local Plan, Second Review.
- 7 In the interests of the amenities of development and its surroundings in accordance with policy H7 of the Burnley Local Plan, Second Review.
- 8 To minimise flood risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review, and in the interests of the visual amenities of the area generally in accordance with policy H3 of the Burnley Local Plan Second Review.
- 9 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors policy GP7 of the Burnley Local Plan, Second Review.

- 10/11 To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which may be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
- 12 To ensure provision of Affordable or Special Needs Housing in accordance with Policy H5 of the Burnley Local Plan Second Review.
- 13 In order to ensure that the final details of the works are acceptable before work starts, and In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway works, in the interests of highway safety and in accordance with policy GP1 of the Burnley Local Plan, Second Review.
- 14 To ensure that species/habitats protected by the Wildlife and the Countryside Act 1981 are protected, in accordance with policy E5 of the Burnley Local Plan, Second Review.
- 15 To ensure that provision is made for public art in the development, in accordance with policy E22 of the Burnley Local Plan Second Review.
- 16 To protect the amenities of nearby residents, in accordance with Policy GP7 of the Burnley Local Plan, Second Review.

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