

Application Recommended for Approval

APP/2007/0739

Cliviger with Worsthorne Ward

Full Planning Application

Erection of seven houses with parking spaces including layout, scale, access and appearance (landscaping reserved for future approval)

Old Hall Farm Hall Street Worsthorne Burnley

Background:

The application relates to the site of two former agricultural buildings previously granted permission for development for redevelopment for Business Use (Class B1 – Light Industry/Offices). Objections have been received.

The application was initially submitted for the erection of a block of 16 one and two bedroom apartments. This was considered to be unacceptable and negotiations have resulted in a sequence of amendments, over a protracted period, to produce the present scheme.

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

E12 - Development in or adjacent to Conservation Areas

EW11 - Rural diversification and conversion of rural buildings for employment uses

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H7 - Open space in new housing development

TM15 - Car parking standards

TM5 - Footpaths and walking within the urban boundary

Site History:

12/01/0494: Outline for residential development: Refused

12/02/0647: Change of use of farmyard and buildings to Use Classes B1 and A2: Withdrawn

2003/0473: Change of use from farmyard and buildings to (Class B1) use – Granted

2003/0948: Erection of 3 dwellings – Refused

2005/0970: Demolition of existing agricultural buildings and construction of two new buildings to accommodate business (Class B1 - Light industry/offices) and the formation of car parking and turning areas - Granted

Consultation Responses:

United Utilities – No objections to the proposal. Comments regarding water supply, drainage and protection of underground services for the information of the developer.

Highways (Lancashire County Council) –

1. A length of Hall Street just before the site access is unadopted and should be made up to adoptable standard.
2. A public footpath crosses the site and would need to be diverted.
3. The access road could be obstructed at times due to vehicles parking in relation to the nursery.
4. There are no objections to the highway layout now proposed.

Footpaths Officer (Lancashire County Council) – No objections to the proposed treatment of the public footpath.

Environmental Health – Recommend that the possibly contaminated land is investigated and appropriately remediated. [*Condition*]

Neighbouring Residents – 17 letters making objections as follows:

1. The development would be in a cul-de-sac location and all traffic would have to pass through a residential area that contains elderly peoples housing and a children's nursery.
2. Difficulty of access for refuse and emergency vehicles. Increased traffic hazard at the junction of Hall Street with Ormerod Street and in the village; hazard to children and the elderly; conflict with brewery wagons reversing into Hall Street.
3. There is already a traffic and parking problem on Hall Street due to drop off/pick up at the Nursery and Home for the elderly.
4. Traffic problems during the construction period. [*This is the unfortunate side effect of land development, but due to the scale of development, is unlikely to have significant impact on neighbouring occupiers*].
5. The land is a Greenfield site.
6. Disruption of the natural environment and rural character.
7. Loss of light to adjacent house.
8. The permission for Class B1 units previously granted was subject to a condition restricting hours of operation which meant there would be low traffic and parking generation in the evening and weekends.
9. Provision is not made for diversion of the public footpath.

10. Anti-social behaviour occurs on the open and vacant site, but this should not be a reason to favour the proposal.

Planning and Environmental Considerations:

The site originally formed part of Old Hall Farm and until recently contained two buildings either side of the former farmyard. Old Hall Farm house is now separately occupied as a dwellinghouse. One of the two buildings, a large structure partly stone, partly boarding, with a corrugated sheet roof has now been demolished, with its concrete base remaining. The smaller building is a stone shed, partly open at the front.



The original farm buildings. **Now:** demolished; open, in disrepair; now ungated entrance.

The 2005 permission involved demolition of the existing agricultural buildings and construction of two new buildings as follows:

- Single storey light industrial building of 528 m² in four units;
- Two storey office building comprising 562 m² arranged in 8 units of varying size.

The buildings would be in natural stone with slate roofs. They would be sited in a similar position to the existing buildings, with car parking arrangements providing 22 car parking spaces.

The present proposal is for the erection of a terrace of 5 cottage style dwellings and 2 detached houses of similar style. They would be of natural stonework, under slate roofs. Access would be from a new cul-de-sac from Hall Street. Each dwelling would have 2 off-street parking spaces.

The main planning issues are:

- Principle of the redevelopment of the former agricultural buildings in this location;
- Highway safety and parking.
- Impact of buildings on adjacent occupiers.
- External appearance in the edge of rural conservation area location.

Principle of the redevelopment of the former agricultural buildings in this location.

As regards the Development Plan, the existing and proposed buildings are adjacent to but within the Urban Boundary (UB), and within the Worsthorne Conservation Area (CA).

Policy GP1 provides that *new development within the Urban Boundary will be permitted when it makes efficient use of land and buildings by following a sequential approach by considering: (i) firstly re-use of existing buildings; (ii) then previously developed land; and then (iii) the use of previously undeveloped land where it is well located in relation to houses, jobs, other services and infrastructure and is, or can be made, accessible to public transport, walking or cycling.*

The buildings would not be re-used, and the former agricultural land and buildings is not defined as previously developed land. The location of the site meets criterion (iii).

The previous permissions for Business development had the car park located outside the UB, judged acceptable on the basis that the land would not be built on, and the extensive landscaping provided along its perimeter would improve the setting of the buildings at the urban edge. The present proposal draws in its horns as far as land consumption is concerned, by adhering closely to the UB, with domestic gardens backing on to it. On that basis the proposal would be in accordance with Policy GP1.

Highway safety and parking

The modest scheme for 7 dwellings includes a highway layout that meets Highway Authority standards. The car parking provision of 2 spaces per dwelling is in accordance with the Car Parking Standards in **Policy TM 15**. My view is that the concerns of residents about traffic and parking may well apply to a more intensive development. However, the generation of traffic and parking is unlikely to have significant impact on neighbouring residents and highways.

Impact of the buildings on adjacent occupiers

The nearest dwelling (Old Hall Farmhouse) is set with its back to the site, at an angle to the nearest proposed house, with an intervening distance of 18m. This would separating distance would safeguard the appearance and privacy of both existing and new residents in accordance with **Policy H3**.

External appearance

Policy E14 requires that development *will preserve and enhance the character of Conservation Areas*, and sets out criteria against which schemes should be assessed.

The design of the present scheme by using natural stone and slate, and having a built form and mass that would harmonise with the edge of village buildings meets the criteria.

Conclusion

The proposed development would make would provide a small pleasant group of housing, helping to complete this part of the Conservation Village, retaining its character and without adverse impact on its residents.

Recommendation: That outline planning permission be granted subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the building(s), the access thereto 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, the access to the site 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 three 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, engineering, mining or other operations shall be carried out in, on, over or under the land the subject of this application at any time, other than: (a) development in accordance with the application form and details shown on the approved plans, or on any subsequently approved amended plans; and (b) the painting of the exterior woodwork of any building.
6. The external materials of construction shall be natural wall stone and natural roof slate samples of which have the prior written approval of the Local Planning Authority.

7 (In this condition any reference to ground contamination shall include ground gases.) Before the development of any phase is started:

(i) The site shall be investigated in accordance with a scheme of investigation that has the prior written approval of the Local Planning Authority and that is designed to identify ground contamination.

AND

(ii) The ground contaminants identified by the scheme of investigation or otherwise known to be present in ground within the site shall be assessed to determine its likely adverse effect on (a) ground water and surface water in respect of land within the site and any land, adjacent to the site including land covered by water; and, (b) the future residents, users and occupiers of the land.

AND

(iii) A contamination remediation scheme shall be designed to remove or otherwise treat the identified ground contaminants and to prevent the determined adverse effects and shall be submitted to and approved in writing by the Local Planning Authority.

AND

(iv) The contamination remediation scheme shall be carried out as approved.

AND

(V) A report of completion of all works in connection with the contamination remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

1-4 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 enable the local planning authority to consider future development having regard to all relevant material considerations.

6 In the interests of the visual amenities of the street scene and the Worsthorne Conservation Area generally in accordance with Policy E12 of the Burnley Local Plan Second Review.

7 To ensure that contaminated land is identified, investigated, and treated, in accordance with Policy GP7 of the Burnley Local Plan Second Review.

AR

9.5.2008