

APPLICATION NO: 04/01299 **WARD:07** Luddendenfoot

PROPOSAL: **Residential development to form 20 dwellings and 20 new build apartments (revised scheme)**

LOCATION: **Delph Mills, Burnley Road, Luddendenfoot**

APPLICANT: Britannia Developments Ltd

PARISH COUNCIL COMMENTS: Not applicable

REPRESENTATIONS: Yes – objections

RECOMMENDATION OF CPO: **Mindful to Permit subject to Legal Agreement**

DEPARTURE: No

Description of Site and Proposal

The site is located on the north eastern side of Burnley Road and extends to an area of just under 0.7 hectares. It was previously operated for manufacturing purposes, but that use ceased around the middle part of 2003 and the substantial mill building, which fronted the roadside was demolished earlier this year. The site is mainly flat and is flanked on two sides by existing buildings on Luddenden Lane and at Ripley Terrace.

The proposal is for the construction of 20 dwellings with two blocks of apartments accommodating another 20 units. A new access is proposed onto Burnley Road opposite the Station Road junction. The scheme has been revised since it was originally submitted, with an area of about 1.3 hectares behind the mill, including the mill dam, now excluded and the result of this is that the number of proposed housing units has been reduced from 80 to 40.

Relevant Planning History

The applicant submitted a proposal for 77 units last year, but this application was withdrawn (application no. 03/01582)

Key Policy Context:

PPG No **3** **Housing**

UDP Designation

**Primary Housing Area
Wildlife Corridor**

(NB. The proposed allocation in the draft Replacement Plan is unchanged)

UDP Policies

**E10 Loss of employment land and Buildings
H1 Layout and design
H4 Primary Housing Areas
H11 Change of use
H14 Affordable Housing
N2 Compatibility with area's character
N4 Design, layout and use of materials
N5 Design, layout and crime prevention
N6 Privacy and daylight
N24 Provision of open space by developers
N59 Wildlife Corridors
N78 Development near watercourses and floodplains
N95 Contaminated Land
CF5 Provision of children's play areas in larger housing developments
CF18 Education, infrastructure provision for new housing development
T3 Design of highways and accesses
T19 Car parking guidelines**

Publicity/ Representations:

The application has been publicised with site and press notices as well as neighbour notification letters. The revised proposals have also been re-advertised. 20 letters of objection have been received, all received prior to the re-advertisement of the scheme.

Summary of points raised:

- Loss of more trees in addition to those already felled
- Loss of habitat for wildlife
- Additional volumes of traffic on the already heavily congested Burnley Road
- Development should be restricted to the footprint of the mill and should not include building on the former mill dam area, which is greenfield

- Impact on school places in the area
- Flooding concerns
- Introduction of traffic lights would make existing problems on Luddenden Lane worse
- Insufficient parking to satisfy policy T19
- Inadequate infrastructure to support further housing
- Land contamination
- Infilling the historic mill dam would lead to the loss of an important piece of industrial heritage
- An archaeological watching brief should be conditioned due to the historic value of the site
- Affect on footpath within the site
- Danny Lane should not be closed off during construction works

Consultations

The following bodies/organisations have been consulted in respect of this application. Where comments have been received these have been taken into account as part of the assessment of the application.

Head of Engineering Services
Acting Head of Environmental Health Services
Group Director (Schools and Children's Services)
Head of Housing Services
West Yorkshire Police Architectural Liaison Officer
West Yorkshire Passenger Transport Executive (Metro)
West Yorkshire Archaeology Service
Environment Agency
Yorkshire Water
Head of Recreation, Sport and Streetscene

Assessment of Proposal

Principle

Notwithstanding the allocation, the loss of employment land and buildings has to be assessed as Policy E10 says that proposals will not normally be permitted where they would involve the loss of scarce land resources and/or buildings having an existing permitted or lawful use. The policy goes on to say that development will be supported where it can be demonstrated that there would be no loss of employment land for which there is either a local scarcity or insufficient alternatives are available locally.

Although the site is now cleared and available in theory for employment use, its re-development for such purposes would require substantial investment as well as infrastructure costs. Whilst it is located adjacent to a key distributor road, the site is divorced from the motorway network and it is in locations close to the

motorway where the demand for employment sites predominantly exists. There are available sites in better locations than Delph Mills and as such it is considered that the proposal is not in conflict with policy E10.

Turning to housing policy issues the site is allocated as a Primary Housing Area in the adopted Development Plan. Policy H4 lends support in principle to proposals for new housing provided that they do not create unacceptable environmental, amenity, traffic or other problems, and do not adversely affect the quality of the existing housing area.

Given the previous use of the land, the revised site area (i.e. the footprint of the former Mill building) fits into the definition of previously developed land as set out in PPG3. A principle objective of PPG3 is to concentrate new housing development on such land. Therefore, the development of the footprint of the mill for housing accords with the principles of PPG3. The area at the rear of the mill, which has been referred to in many of the objection letters and which was included in the originally submitted scheme, is considered by officers to be greenfield and following discussions with the applicant, this part of the site has now been excluded from the proposal.

Policy H11 is also supportive of residential proposals on vacant sites such as this one and it is considered that residential development would contribute to the Regional Planning Guidance targets for brownfield development in Calderdale.

In terms of density levels, 40 units represents an efficient use of around 0.7ha of land (equating to 57 dwellings per hectare) and this aspect of the proposal more than meets the minimum density standards recommended in the PPG.

Concerns have been raised in the objections about the local infrastructure and whilst there is little in the way of local services in the village, the site is adjacent to a bus route with regular services operating and this links well to facilities in the wider area.

In view of the above, it is considered that the development of housing at the site is acceptable in principle.

Layout and Design

The scheme is laid out with a single road leading through the centre of the site, with the houses and apartments located on either side. A pair of semi-detached houses and a row of 5 town houses would face onto Burnley Road. Three blocks of town houses would be sited on the north side of the internal access road, with the 2 apartment blocks on the opposite side.

The front elevations of the dwellings facing onto Burnley Road would be a mix of 2 and 3 storeys in height, whilst the other houses further into the site would

comprise of a mix of split level 2/3 storey and 3/4 storey buildings. The design of the houses is relatively simple, with projecting gable features introduced to break up the scale of this aspect of the development. The apartment blocks would be 4 storeys in height with balconies on both rear elevations and gable features are also proposed to both the front and back to break up the massing and scale of these buildings.

There is a varied mix of building styles in the vicinity of the site, with three storey buildings overlooking the site at a higher level from Luddenden Lane. Buildings on the other side of Burnley Road are of a two storey design, as are those on Ripley Terrace, although again these sit in an elevated position in comparison to the site. Taking account of these varied styles and the bulk and size of the mill building which the development replaces, it is considered that the proposal is satisfactory having regard to policies H1, N2 and N4.

Natural stone and artificial blue slate are proposed for the entire development, which again satisfies the above policies.

Crime Prevention

The West Yorkshire Police Architectural Liaison Officer has no objection to the application having regard to the applicant's intention to develop the site to Secured by Design standards. Condition 14 is proposed for full details to be approved in accordance with policy N5 of the UDP.

Trees and Ecology

The proposals as submitted gave rise to concerns with regard to the impact of the development on the trees within the site and also with regard to impact on wildlife. The reduction in the area to be developed means that those issues are now not at concern as the amended scheme would not affect any trees or wildlife. The Head of Recreation, Sport & Streetscene has confirmed that he has no objection to the revised proposals.

A landscaping scheme is proposed as condition 4 and the implementation of this linked into the existing landscaping at the rear of the site will ensure that the movement of species along the Wildlife Corridor is not prohibited in the long term by the development.

Residential Amenity

The new houses and apartments are sited such that the recommended minimum distance standards in policy N6 with regard to proximity to existing dwellings in the area, is exceeded. The relationship of the proposed new units to each other also satisfies the policy.

The Acting Head of Environmental Health Services has raised concerns about contamination of the site arising from its previous use, which is a point that one of the objectors has also picked up on. Whilst a contaminated land survey has been submitted with the application, this does not contain any mitigation measures and, as such, condition 6 is proposed for further details to be submitted, as required by policy N95 of the UDP.

Affordable Housing

Policy H14 of the UDP and the Government's circular 6/98 states that it is appropriate for local authorities to seek to negotiate an element of affordable housing on sites of the density proposed in this application.

There is an identified local need for units of this type in the area and the Head of Housing Services advises that he would require provision at the level of 10% of the units (based on floorspace rather than unit numbers) selling at 50% of the open market value.

The applicants are agreeable to this although full details of the provision are required under the terms of a legal agreement.

Education

Schools and Children's Services consider that 40 dwellings would have the potential to create demand for 9 primary school places and 6 secondary school places. Although there are surplus school places at primary level that is not the case at secondary level.

Schools and Children's Services advise that there are insufficient secondary school places within a 3 mile radius of the proposed development. The nearest schools at Calder High and Sowerby Bridge are full, as are Ryburn Valley and Crossley Heath, all of which are within the 3 mile radius. Although the Ridings has a limited number of places the DfES require all authorities to assess teaching spaces throughout their educational establishments. The new measure of teaching space (called 'Net/Standard Capacity') represents the actual physical teaching space available. It is this calculation in combination with numbers of pupils on roll that is used in calculating whether there is surplus capacity. As a result of this process the number of pupils admissible has decreased in both Sowerby Bridge High and The Ridings creating a negative surplus of pupil places in the area.

The development at Delph Mills will add to the negative surplus in the area and as such it is considered that a commuted sum of £40,000 to contribute towards education provision in the area is appropriate. This would form part of a legal agreement.

Open Space

The development is of a size to justify the provision of open space as required in policies N24 and CF5. The submitted proposals do not, however, include the provision of any on-site public open space or play facilities on the basis that Holmes Park is located in close proximity to the site on the opposite side of Burnley Road. Access to the Park is convenient in that there is a controlled pedestrian crossing on Burnley Road close to the site.

This approach is considered to be acceptable to officers, although the Head of Recreation, Sport & Streetscene advises that the facilities in Holmes Park are poor. It is, therefore, considered appropriate to require a contribution to be made to improvements and maintenance of existing facilities in the park. A contribution of £50,000 is requested by the Head of Recreation, Sport and Streetscene and the details of provision of this would form part of the legal agreement.

Highway Considerations

A traffic assessment has been submitted with the application and the proposal is for a new access to be formed from Burnley Road, opposite the Station Road junction. The Luddenden Lane junction is 30m away from the site, with a pelican crossing situated midway between these two junctions. The intention is to replace the existing pelican crossing with a new traffic signal control, which the applicant considers would have road safety benefits.

The comments of the Head of Engineering Services will be presented orally at Committee, although he has advised that he has no objection to the application.

With regard to parking provision, the houses would each have two spaces with 28 spaces proposed for the apartments. Contrary to what is suggested in the objections, this level of provision satisfies policy T19 requirements.

An objector has raised concerns about Danny Lane being closed as a result of the construction works, but the application does not propose this and the applicant has confirmed that there would be no need to close the Lane at any time.

Flood Risk

A flood risk assessment was submitted with the application, which the Environment Agency initially objected to on the basis that the proposal would increase the risk of flood to people and property on the site and in the surrounding area.

The applicant has subsequently submitted further information in response to this objection and the Agency has now withdrawn its objection.

Other Issues

With regard to concerns expressed about the footpath, which runs parallel with Ripley Terrace, this is not a public right of way. The revised proposals now exclude much of this path from the site, however, there is no statutory obligation to retain it.

The West Yorkshire Archaeology Service has been consulted on the application and notwithstanding the comments made in one of the letters of representation, the Service does not consider that there are any archaeological implications arising from the development.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below and a legal agreement being entered into in respect of the provision of affordable housing, contributions towards education provision, towards improvements to existing play facilities in the area and to secure the funding and implementation of traffic signals on Burnley Road. The recommendation to grant planning permission has been made having regard to the policies and proposals in the Calderdale Unitary Development Plan set out in the 'Key Policy Context' section above and to all other relevant material considerations.

Chief Officer: Jim Metcalf
Chief Planning Officer

Date: 24 November 2004

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:-

Roger Lee (Senior Officer) on Tel No: 392241