

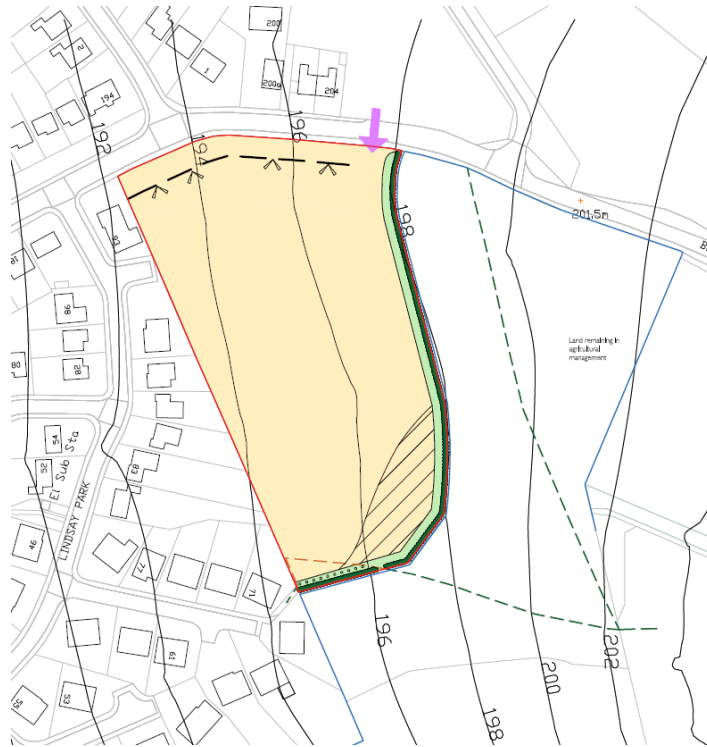
Application Recommended for Refusal
Cliviger with Worsthorne Ward

APP/2016/0416

Outline Planning Application

Outline application for residential development of up to 39 dwellings including details of means of access (all other matters reserved for future approval)

LAND SOUTH OF BROWNSIDE ROAD WORSTHORNE BURNLEY



Background:

The site is located directly adjacent to the urban boundary of Burnley, adjacent to the residential area of Brownside and the properties at Lindsay Park. The site lies wholly within the Rural Area and comprises an area of circa 1.5Ha. It constitutes Greenfield land and comprises grassed fields used mainly for grazing.

Brownside is located on the eastern outskirts of Burnley 2.5 miles east of the town centre and is a relatively modern estate that lies to the west of the more traditional stone village of Worsthorne. Worsthorne and Brownside share some services but are distinct residential areas separated by land defined as Rural Area under the designation of Policy GP2 and the designated Sports and Play Area land to the West of Worsthorne Primary School. Two public footpaths lie within the site, one running along the eastern boundary and one passing west-east through the southern part of the site.

The proposed access to the site will be off Brownside Road.

Pre-application discussions have taken place in regards to the development of this site with members of the Planning Team. As part of the preparation of the application the applicant also undertook community engagement and consultation on the emerging proposal in line with the Localism Act and National Planning Policy Framework (NPPF).

Following feedback from the above processes, and on-going negotiations with the Planning Team, the applicant and developer has sought to address the needs and requirements of the area, as well as any negative feedback obtained, with a scheme notably reduced from that original consulted on in the summer of 2016. The proposed development area has effectively been reduced in size from a site for approximately 60 dwellings (as initially proposed within the Community Consultation) to one for up to 39 dwellings, and there has been a reduction in the extent of the application site along Brownside Road.

Further additional changes to the scheme relate to the removal of the area of POS along the eastern part of the site following discussions with the Planning Team and the Head of Green Spaces and Amenities, with an off-site contribution to be provided in-lieu of on-site POS given the reduction scale of development and availability of green space nearby. The two areas identified by Head of Green Spaces and Amenity where these monies could be spent are Worsthorne Recreation Ground or Brun Valley Forest Park, both of which are accessible from the site.



Illustrative Masterplan site layout

Relevant Policies:

Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

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
GP10 - Developer Contributions

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
H7 - Open space in new housing development

E4 - Protection of other features of ecological value
E5 - Species protection
E6 - Trees, hedgerows and woodlands
E8 - Development and flood risk
E16 - Areas of traditional construction
E27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt

TM2 - Transport Assessments (TAs)
TM3 - Travel Plans (TPs)
TM4 - Transport hierarchy within development proposals

Relevant Emerging Local Plan Policies

SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS2 – Affordable Housing Provision
HS4 – Housing Developments
IC4 – Infrastructure and Planning Contributions

Burnley Green Infrastructure Strategy 2013-2031
Burnley Green Spaces Strategy 2015-2025

National Planning Policy Framework
Natural Environment and Rural Communities Act 2006
The Conservation of Habitats and Species Regulations 2010
Wildlife and Countryside Act 1981

Site History:

NOT/2005/0636 – Proposed extension of existing agricultural access track – Granted.

Consultation Responses:

Lancashire County Council (LCC) – Highways

The LCC Highways Officer provided a detailed assessment on the originally submitted scheme, and offered no objection to the scheme subject to appropriate conditions. The Highways Officer also confirmed that the approval provided to the Butchers Farm application (0417) does not alter the comments for the Brownside Application (0416). The applications were looked at together and the Transport Assessments included traffic from both proposals and were assessed as such. The amended scheme has

also been considered and I can confirm that although the proposed site entrance has moved slightly to the west, the Highways Officer has considered that this is unlikely to have any significant Highway impact over the proposal previously examined and that the visibility splays from the new site access remain adequate.

Notwithstanding this support it has been highlighted by the Highways Officer that there is a need to improve the sustainability credentials of the site, with a specific aim of encouraging other means of travel than via the private car. This is to foster sustainability, as highlighted within NPPF, and to minimise the impact of additional vehicular traffic movements as discussed above. The applicant is expected to support and improve sustainability through section 106 provisions (as detailed later in the report).

In light of the number of objections raised, the LCC Highways Officer has offered a detailed response to relevant sections of the application. Whilst the comments have been summarised partially for the purposes of this report (see below), a full copy of the comments are available to view on-line.

1. Transport Assessment (TA) / Statement (TS)

- LCC has examined the TA and can confirm that the methodology and rationale found within the document is generally acceptable to the highway authority.
- Paragraph 5.5.1 of the TA indicates a trip distribution split of 90/10 between traffic travelling to/from the west via the Brunshaw Road / Brownside Road roundabout and traffic travelling to and from the east via Worsthorne village. This appears a reasonable deduction, although in order to be robust the trip distribution has been assessed by LCC with all traffic travelling to and from Brunshaw Road.
- LCC does not believe traffic flow into and from Worsthorne village and beyond is likely to be problematic, especially considering the probable minor trip distribution.
- The main point of concern to LCC is the Brunshaw Road / Brownside Road junction which is shown in the TA as having an elevated 5 year PM peak Ratio Flow to Capacity (RFC) of 0.75 on the westerly Brunshaw Road arm (with included development). In order to robustly assess traffic impact LCC has remodelled this junction utilising the latest TEMPRO7 growth factors and assuming 100% of proposed development traffic (for both sites) travels to and from the roundabout. The assessment by LCC is that the roundabout junction will continue to (just) operate within capacity although the westerly Brunshaw Road arm is predicted to have PM peak RFC of 0.85, which is consider the absolute safe maximum. This is acceptable to LCC however it should be noted that any additional development in the Brownside or Worsthorne area, beyond that factored in within the TA, is likely to see the junction hit capacity by 2021.
- Paragraph 2.3.7 highlights that two sections of Brownside Road are throttled to single way working due to the presence of parked vehicles without expanding on the effects. LCC is aware of this occurrence which is created by residential parking adjacent to the two terraced blocks immediately east of the river Brun Bridge. The TA rightly highlights that no alternative parking facility is available for residents who park vehicles on Brownside Road. LCC has been unable to identify any additional traffic management measures, beyond those already instigated, which would be of sufficient benefit to merit introduction at this location. However it should be noted that vehicles speeds into the area are controlled and low (from the east speeds are restrained by the junction table located at the Brownside Road / Lindsey Park road junction / from the west they are regulated by the parking within the eastbound carriageway).

- Although not ideal the two informal give way systems created by roadside parking discussed do operate safely. An investigation of the 5 year casualty rate has confirmed that no collisions resulting in personal injury have been recorded in the area. A 5 year review of the County Councils Public Enquiry Message (PEM) system, the database of all public contact, has also confirmed that no contact has been received or complaints made regarding the operation of Brownside Road, or occurrence of on street parking in the vicinity of the discussed throttles.
- Paragraph 4.2.10 highlights walking distances from the centre of the site. Manual for Streets and Manual for Streets 2 (collectively MfS) identifies the concept of the 'Walkable Neighbourhood' in relation to residential development. MfS paragraph 4.4.1 states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas that residents may access comfortably on foot. The (Chartered) Institution of Highways and Transportation CIHT issued guidance to the effect that desirable walking distances for local facilities are 200m whilst preferred maximum walking distances are 800m. None of the facilities quoted in table 4.1 are within a desirable walking distance and a number are well beyond the 800m desired maximum. Additionally facilities such as the Spar Shop / Tesco or Pharmacy are likely to see some residents wishing to return home directly. As a result these facilities are unlikely to see significant access by foot, given the combined two way journeys will easily exceed 2km distances.
- LCC's view is that the site is not located within particularly attractive walking distance of local facilities. As a result it is not located in a highly sustainable location and is likely to see significant use of walking as a travel option. Consequently additional efforts to encourage non car mode travel should be made in order to improve the sustainability credentials of the site.

2. Access

- The access proposal is via a give way controlled road junction onto the existing adopted highway of Brownside Road. There are no concerns regarding conflicting vehicle movements with other junctions nearby.
- The applicant has indicated that the access will consist of a 5.5m wide vehicular road with two 2.0m wide pedestrian footways inclusive of 6m radii. This complies with the County Councils residential design guidance.
- A traffic count approximately 225m west of the proposed access, undertaken by the County Council in November 2013, indicated average vehicle speeds of 31mph for eastbound traffic and 29 for westbound traffic. My personal observations of vehicle speeds did not raise any obvious concern regarding inappropriate speed in the area.
- The applicant has provided confirmation of visibility splays of 2.4m X 43m which are consistent with requirements for the existing 30mph speed limit as defined within the Department for Transport (DfT) document Manual for Streets.

3. Road Safety

- I have reviewed the latest accident data on the immediate highway network surrounding the proposed development site and can confirm that no injury collisions have been recorded in the last 5 years.
- I have noted that concern has been raised regarding the ability of Brownside Road to withstand construction traffic, especially the load bearing capacity of the river Brun Bridge. I can confirm that as classified highway (C661) the road has been constructed to cater for all classes of vehicular traffic. In addition the bridge is not

restricted to an operational weight limit. Consequently LCC would have no concern regarding access to the site by normal construction traffic.

- As discussed above the throttle areas identified in paragraph 2.3.7 of the applicants TA are a consideration. LCC would seek to minimise the increase of vehicular traffic passing through the area. In order to do this the applicant will be expected to encourage the use of sustainable transport measures as per guidance provided within NPPF and further explored in the text below.

4. Sustainability

- National Planning Policy Framework (NPPF) paragraph 17 emphasises a need to "make the fullest possible use of public transport, walking and cycling" while para 35 emphasises a need to give priority to the creation of safe & secure layouts which minimise conflict between traffic, cyclists and pedestrian in essence actively managing patterns of growth". The development site is not located in an area that could be considered highly sustainable. Consequently the developer will be expected to make every effort to improve the sustainability credentials of the site and in particular encourage sustainable travel.
- The site location is served by a single bus service which has recently been reduced in frequency. LCC would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area. The contribution level will be decided based upon the number of dwellings proposed and will be assessed/clarified as part of a detailed matters application, should this application be approved.
- In order to encourage the use of public transport the two existing Brownside Road bus stops should be upgraded to become Disability Discrimination Act (DDA) compliant. The bus stop to the west is the stop people will wait to transit into Burnley and beyond. The existing bus shelter is old and of poor quality and would not encourage the use of public transport. The applicant would be expected to upgrade this shelter to a modern unit in order to encourage the use of the service.

[These requests can be covered by relevant conditions]

LCC – Lead Local Flood Authority (LLFA)

As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring a formal surface water drainage scheme and management plan to be agreed in consultation with the LLFA. Although they are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

[This can be covered by relevant conditions]

LCC – School Planning Team (SPT)

Based on the amended scheme, LCC SPT has made the following comments. Through a detailed research project carried out during 2012 LCC have established a pupil yield to be applied for the bedroom mix within a development. LCC will seek to apply these pupil yields to an assessment of this proposal, however, as bedroom

information has not been provided by the developer LCC will apply the 4 bedroom yield, to provide a medium to worst case scenario. Once bedroom information is available the impact of this development will be reassessed at reserved matters stage.

PRIMARY SCHOOL YIELD

When assessing the need for an education contribution from this development LCC considers primary school provision within a 2 mile radius of the proposed site. Latest projections for the local primary schools show there to be 105 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 15 school places. There are also pending applications expected to generate demand for a further 21 school places. With an expected pupil yield of 15 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

SECONDARY SCHOOL YIELD

When assessing the need for an education contribution from this development LCC considers secondary school provision within a 3 mile radius of the proposed site. Latest projections for the local secondary schools show there to be a shortfall of 349 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 6 places from this development the shortfall would increase to 70. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 6 places.

[This requirement can be covered by a relevant condition]

LCC – Public Rights of Way (PROW) Manager

Based on the originally submitted plans, the Manager raised no objection to the proposed application.

Environment Agency (EA)

The EA are not required to formally comment on the above application as it is not listed in the 'When to Consult the EA' doc or in the DMPO / GDPO .

United Utilities (UU)

UU have no objection to the proposed development provided that the conditions relating to foul water drainage, surface water drainage and asset protection being attached to any approval.

Capita Ecology Unit (Consultant)

No objection to the proposed development of the site in principle has been raised, however the consultant comments as follows;

The following designated sites are located approximately 1.6 km east of the application site,

- South Pennine Moors Phase 2 Special Protection Area (SPA)
- South Pennine Moors Special Area of Conservation (SAC)
- South Pennine Moors Site of Special Scientific Interest (SSSI)

The proposed development area is separated from the South Pennine Moors by existing infrastructure and agricultural land. The Extended Phase 1 Habitat Survey Report (Appletons, April 2016) states that the development site area is not considered to provide suitable breeding habitat for any of the bird species listed in the citation for the SSSI (merlin, golden plover and twite). No assessment has been provided in terms of impacts to the SPA. Golden plover and merlin have been covered above as they are also part of the designation for the SSSI. Short eared owl is also a qualifying feature of the SPA. However, from the habitat descriptions provided, it is unlikely that this species will be using the application site. None of the qualifying habitats for the SAC are present on the application site and it is unlikely that the development would directly affect these habitats. Therefore, it is unlikely that the development will have a significant impact on the designated sites. Natural England should be consulted for their statutory advice in relation to the designated sites.

Bats

The trees on the site were assessed as having negligible bat potential; therefore no further surveys in respect of bats are required. Habitats on site such as the hedgerows are suitable for supporting foraging and commuting bats, and therefore should be retained. As recommended in Section 6.3 of the Daytime Bat Survey Report (Appletons, June 2016) lighting should be designed sensitively to avoid impacts to wildlife.

Birds

The trees and vegetation across the site are considered to provide suitable nesting habitat for a range of common bird species. The information in Section 6.10 of the Extended Phase 1 Habitat Survey Report should be conditioned in order to ensure the protection of nesting birds. The mitigation relating to birds described in Section 6.6 should be included in the design to compensate for the loss of bird nesting habitat.

Other Protected Species

Working methods have been advised in relation to terrestrial mammals (Section 6.9 of the Extended Phase 1 Habitat Report).

Enhancements

The NPPF requires sustainable developments to achieve a net gain in biodiversity. In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is recommended that the enhancements listed in Section 6.6 of the Extended Phase 1 Habitat Report and Section 6.4 of the Daytime Bat Survey Report should be considered.

[These requirements can be covered by relevant conditions]

Natural England

Natural England has no comments to make on this application.

Burnley Wildlife Conservation Forum (BWCF)

The plot of land is located outside the present urban boundaries of Brownside and Worsthorne and is in the rural area that separates the two. The land comprises a field in active agricultural production as a grazing pasture which also constitutes an important wildlife corridor and open habitat link between the built up areas.

If this field is built upon it would create urban sprawl by effectively merging the built up areas of Brownside and Worsthorne. This would result in this field's present function as a wildlife corridor and open link habitat between Brownside and Worsthorne being lost because a housing development on this field would create a barrier preventing the existing free movement of wildlife through this field, notably mammals and upland birds, which also use this field as a foraging resource for food, and on past occasions have sporadically nested on it.

For these reasons, the BWCF object to the proposal.

The Coal Authority (CA)

The CA concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The CA recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

The CA considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The CA therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

Burnley Civic Trust

Burnley Civic Trust objects to the application for the following reasons;

1. This land is not within the village envelope,
2. It is not included as land to be made available in the proposed new district plan,
3. It is inappropriate development, and
4. The road surrounding the site is very narrow and not only will there be more traffic congestion, but pedestrians will also be adversely affected.

Burnley Borough Council (BBC) – Principal Planning Officer (Planning Policy)

The proposed site is a Greenfield site located within the Rural Area. Development on land within the Rural Area is limited by policy GP2 of the adopted Local Plan. Residential development on sites within the Rural Area does not accord with policy GP2. There is no justification for residential development in this location.

The Planning Statement accompanying this application states that the development boundaries in the adopted Local Plan were adopted over ten years ago. The adopted boundaries were devised under a different planning regime, i.e. pre-NPPF, and are therefore not consistent with the themes of the NPPF which is to seek to boost the delivery of housing. Furthermore, the settlement boundaries are clearly not reflective of the Borough's development needs of today meaning they are not prepared to ensure the Borough is able to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF.

Work on preparing the emerging Local Plan has considered both the concept of and the need to revise the Borough's development boundaries. It has also involved assessing sites through a Strategic Housing (and Employment) Land Availability Assessment to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF. This site was considered unsuitable for residential development principally as it would lead to the coalescence of Worsthorne village with Brownside in Burnley. To this end, the Preferred Options document published in July 2016 proposed a new development boundary for Burnley to take account of future development needs and no change was proposed in this location.

In the Planning Statement accompanying this application it states that, based on an assessment of the Council's Housing Monitoring from 2014, "Given the significant shortfall in housing delivery, lack of a reliable objectively assessed need baseline and the application of the 20% NPPF buffer, we do not consider the Council is able to demonstrate a five year housing supply."

Updated housing monitoring was published by the Council in October 2016. This provides evidence that against a number of scenarios including the former RSS housing requirement and the new housing requirement proposed in the emerging Local Plan the Council's position is that it can demonstrate a five year housing supply.

As this is a Greenfield site in the countryside that is not required to meet objectively assessed need and its development would have significant adverse environmental impacts, development would not be sustainable.

BBC – Head of Green Spaces and Amenities

If the developer(s) are not required to provide any public open space on the sites then then a S106 contribution for off-site provision should be made at the rate per bed space. For this development, there are two options for the location where this contribution will be used:

1. Improvements to Worsthorne Recreation Ground.

This is located approximately 540 metres from the Brownside development. S106 funding would be used for general improvements, a junior football pitch with goal posts and artificial grass goal mouths and the balance as a contribution to drainage improvements to match the contribution from the Butchers farm site. Improvements to Worsthorne Recreation ground are identified as a priority in the Playing Pitch Strategy.

2. Brun Valley Forest Park (BVFP)

Development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub. This is located 800 metres from the Brownside Rd. The

recommended walking distance to play areas is up to 800 m. Rowley is a popular destination and the development of this play area is identified as a priority in the Greenspaces Strategy to help meet the shortfall in play provision in the Brownside Rd area, details below,

Burnley Green Spaces Strategy 2015-2025 - Children & Young People Provision CYP4 - Address the absence of play provision in Brownside, Red Lees and Rowley residential areas by developing a new play area at Rowley as part of the Brun Valley Forest Park development, subject to funding.

The preference is for a contribution to BVFP.

[This can be covered by relevant conditions]

BBC – Environmental Protection Officer

No objections subject to conditions/informatives being considered in relation to noise impacts, electric charge points, construction management plans etc. should consent be given.

[This can be covered by relevant conditions/informatives]

Designing Out Crime Officer - Lancashire Constabulary HQ

At this stage the application is for access only. As a result a general recommendation is made that future proposed developments should be designed in accordance with the principles of the Secured by Design security scheme.

Detailed advice on what would be required has been passed to the applicant and further comments will be submitted at the reserved matters stage should the application progress.

Worsthorne-with-Hurstwood Parish Council

Based on the amended plans, the Parish Council object to the application on the following grounds,

- No part of the Brownside Road site falls within either the 2006 or emerging plan boundary and there has been no proposal to change the boundary.
- The Brownside Road site is Greenfield agricultural land currently under pasture.
- Contrary to the rural area policy GP2 of the 2006 plan.
- Applicants have not put forward any reasons why the Brownside Road application should not be determined in accordance with the adopted and emerging local plans which are both very clear.
- The open agricultural use of the land creates an attractive outlook for the residents who adjoin it and is a very positive benefit for the whole village.
- The highway authority agrees the Brownside Rd / Brunshaw Rd roundabout is close to capacity with little spare capacity in it. People already avoid the roundabout and this application will only increase this.
- The Brownside Road plans would remove an important landscape area, destroys the setting of Worsthorne, remove views of the village and towards Burnley and create skyline development.

- Worsthorne primary school governors have made it clear the school has no capacity and no likelihood of any becoming available. The application will make this situation even worse and shrink the catchment area for the school.
- Burnley has a five year supply of housing sites and therefore supply of new house sites should not be given any weight in ignoring planning policy.
- The reasons why the council proposed and passed the planning at Butcher's Farm in the village do not apply in this case.
- No local services have stated a need for this, quite the contrary they see preserving the village character as of more value to their businesses.
- The bus services do not run in the evening or on a Sunday so the marginal difference from this development will do nothing to protect them. The transport links are very poor; this location is completely unsustainable.
- There is no need for Affordable Homes in this area.
- No environmental improvements to the area as it would mean the loss of fields to be replaced with dense urban development a 100 % loss of natural habitat

We firmly believe that any development on the proposed site would have detrimental effects on the environment, infrastructure and safety of residents in our parish.

Neighbour Consultation Responses

173 email/letter responses have been received from nearby neighbours in respect of the originally submitted scheme. A further 25 responses have been received in regards to the amended proposal. Their points of objection to/concerns surrounding the proposed development have been summarised below,

- Proposal is contrary to National Planning Policy.
- Proposal is contrary to the current Burnley Local Plan.
- The proposal is contrary to the emerging Local Plan,
- No significant need for housing/no lack of five year supply.
- Disagreements with the survey information provided (traffic, ecology, etc.) / large elements of the surveys considered to be flawed.
- Unsuitable green field site / should be promoting brownfield sites for housing.
- Application is premature.
- Increased traffic generation in the area, especially around the school, causing congestion in the area.
- Proposed access is in a poor location and provides poor visibility on a fast road / proposed priority junction close to a school is not a good idea / is only one access point a good idea?.
- Location is an accident hotspot.
- Bridge on Brownsie Road not wide enough / unable to carry load of additional vehicles/heavy plant to construct the development.
- Poor transport links to the area/no bus service after 6.30pm Mon-Sat (none on Sunday).
- Private car will dominate trips to/from the site due its unsustainable location.
- Inadequacy of parking/turning.
- Increase in vehicle noise/fumes/odour to the area.
- Impact on highway safety in the area.
- Impact on pedestrian safety in the area (particularly around the school).
- The drains, services and infrastructure in the area are inadequate to accommodate additional buildings / impact on sewerage/drainage pipes crossing the site from the school.

- Lack of services in the area/within walking distance.
- Proposal will create urban sprawl.
- Impact on visual amenity of the area.
- The break between the village of Worsthorne and Brownside will be totally destroyed / Detrimental impact on the character of Worsthorne / Worsthorne will be subsumed into Burnley if this approved / loss of identity and character to the area.
- Loss of the field will detract from views around the village / the countryside should be preserved.
- Negative visual impact on the landscape/loss of green fields.
- Loss of light.
- Increased flood risk.
- Environmental impact of the proposal should not be ignored.
- Ecological impacts / destruction of habitats / impact on wildlife and mammals / Loss of trees and hedgerows / disturbances to local wildlife.
- Detrimental impact on a wildlife corridor / Impact on species.
- Noise impacts during construction.
- The school is already oversubscribed and neighbouring schools are at capacity.
- Loss of privacy/overlooking by virtue of the topography of the site
- Growth factors quoted by the developer are inaccurate and unjustified.
- No scheme benefits for this proposal / benefits proposed are a weak argument / actual disbenefits to the area in the long term.
- Proposal will be unsustainable development.
- Impact on Listed Buildings in the area.
- There are a number of former mine workings in close proximity to the village and a number of houses have suffered from subsidence,
- No need for Affordable Housing in this area,
- Majority of local residents don't want this development,
- The matters raised by residents have NOT been satisfactorily resolved,
- The proposed amended scheme does not satisfy the previously raised concerns (outlined above), and
- Design, layout and appearance of the proposal is unsuitable [Not a material consideration at this stage as it is an outline application with all matters except access reserved]

Response from the Governing Body of Worsthorne County Primary School

The Governing Body has raised the following concerns in regards to this planning application:

1. Threats to the health and safety of pupils and staff as they travel to and from school due to increased congestion resulting from the proposed new housing. No account has been taken by the developer of the impacts on health and safety of school users.
2. Health and safety concerns drainage as school sewage currently drains into main sewers beneath the proposed planning application site. Concern that the sewerage infrastructure might not have the capacity to deal with increased demand leading to issues further up the pipeline where the school is located.
3. Concerned with capacity for school provision as at present the school is full to its maximum Pupil Admission Number. Since the anticipated properties in the application will be most likely marketed at families, we are unclear as to where

the additional pupils will be educated. Our concern is that the school will be forced to accept additional pupils leading to classes above 30 in size in rooms with insufficient capacity.

Planning and Environmental Considerations:

The application submitted seeks outline planning permission for the proposed development of the site for up to 39 dwellings. Details of the access are included as part of the application with all other matters reserved. The main considerations with this application are whether the actual principle of the development of this site is acceptable and whether the proposed access is acceptable. These will be considered against other material considerations, as well as the other issues raised by objectors to the proposal. These will be assessed at the end of the report.

PRINCIPLE OF THE DEVELOPMENT

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay.' The NPPF advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and those relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority (LPA) cannot demonstrate a five year supply of deliverable guidance (Paragraph 49 of the NPPF). At present the LPA can demonstrate a 5 year supply of housing. The application should therefore be considered in the context of the presumption in favour of sustainable development with the Policies of the Burnley Local Plan having overriding consideration.

The proposed site is a Greenfield site located wholly within the Rural Area albeit immediately adjacent to the Urban Boundary around Brownsie. Policy H2 of the current Local Plan seeks to ensure that Brownfield land is redeveloped for housing before Greenfield development takes place, however for the purposes of this application the key Policies to consider are Policies GP2 and E27. Residential development on sites within the Rural Area does not generally accord with Policy GP2 as development on land within the Rural Area is limited as follows,

GP2 - DEVELOPMENT IN RURAL AREAS

Development in the Rural Areas, shown on the Proposals Map, will be limited to the following:

- a) agriculture, forestry and outdoor recreation uses not requiring large buildings;*
- b) re-use of existing buildings providing that the building is capable of re-use without complete or major reconstruction and such re-use does not have an*

- adverse effect on the rural economy, or a materially greater impact on the rural environment than the existing development;*
- c) the use of infill sites (small gaps in an otherwise built-up frontage), within named rural settlements;*
 - d) or proposals which contribute to the solution of a particular local housing, social, community or employment problem within named rural settlements; and*
 - e) other uses appropriate to a rural area, including those which help diversify the rural economy, while being in keeping with the rural environment, see Policies Economy and Work Policy EW11 and Environment Policy E30.*

The Policy justification text outlines that, “The Borough’s open countryside provides a visually striking and attractive setting for the urban area, and is one of our greatest assets. There are strong pressures for development in the countryside. Strict control of the scale and location of development is needed to protect this asset, including its agricultural, landscape, wildlife, visual and recreational value. Protecting the countryside will also complement our efforts to maintain a compact urban area and encourage urban regeneration and renaissance.”

Whilst the Local Planning Authority agree and accept that in some circumstances local and national policy will support new housing in some rural areas, we do not support this proposal in this particular case. The proposal is not considered to be acceptable when assessed against sections a, b, c, d or e, and is therefore considered to be in direct conflict with this Policy. The proposal is therefore considered to be unacceptable in principle.

The applicant contends that policies GP1 and GP2 seek to impose significantly dated settlement boundaries based on the fact that the Local Plan was adopted in 2006 to cover the period up to 2016 and that they also pre-date NPPF and are based on previous housing needs. The key policy in this case is GP2 which seeks to limit development in rural areas. Paragraph 215 of the NPPF is clear that weight should be given to relevant policies in existing plans according to their degree of consistency with this framework and the closer the policies to the framework, the greater weight that may be given.

Paragraph 110 of the NPPF advises that “In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment”, with paragraph 111 advising that “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land)”. Whilst GP1 may be considered inconsistent with the NPPF and therefore able to carry less weight, this is not the key policy to consider this application by. GP2 seeks to encourage effective use of land by adopting a stance against development within the rural area as well as protecting it from adverse impacts and on this basis, whilst in the process of moving from one plan to another, this policy is considered to retain sufficient weight against which the application can be considered properly against.

Work on preparing the emerging Local Plan has considered both the concept of, and the need to, revise the Borough’s development boundaries. It has also involved assessing sites through a Strategic Housing (and Employment) Land Availability Assessment to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF. Evidence from the Strategic Housing Land Availability Assessment does indicate that development requirements set out in Policy SP2 and

SP3 (of the emerging Local Plan) cannot be met in full on previously-developed sites, or on sites within the urban boundary as defined in the 2006 Burnley Local Plan; and that a number of sites outside of the 2006 urban boundary will be required to meet the housing and employment land. This site was considered unsuitable for residential development principally as it would lead to the coalescence of Worsthorne village with Brownside in Burnley. To this end, the Preferred Options document published in July 2016 proposed a new development boundary for Burnley to take account of future development needs and no change was proposed in this location.

As emerging policy, the revised development boundary and strategic policy can only be given limited weight but they highlight the Council's current thinking, in line with the NPPF, with regard to appropriate development boundaries and the scale of development appropriate to this location. Policy SP4 'Development Strategy' of the emerging plan states as follows,

4) Development in the Open Countryside

The open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.

5) Coalescence

Development proposals should not lead to the coalescence of settlements.

The proposal is considered to be in direct conflict with both elements of the emerging Policy and is therefore unacceptable in principle.

The scheme in principle is clearly contrary to the relevant local plan policies, as outlined earlier, however as noted above we must also consider the scheme against the presumption in favour of sustainable development as well as assessing the harm caused by this proposal. We must then also consider whether there would be any benefits to approving the scheme that would significantly and demonstrably outweigh the harm caused by the proposal.

The site is a 'Greenfield' site and as the Council has a 5 year supply of housing we would be looking at the development of existing 'Brownfield' sites within the Urban Boundary first and foremost. These are the locations that the Local Authority would be looking to steer development due to them being in sustainable locations and the regeneration benefits offered. As this is a Greenfield site in the rural countryside that is not required to meet objectively assessed need, we must also consider whether the proposed development would have significant adverse environmental impacts.

VISUAL/ENVIRONMENTAL IMPACTS OF THE PROPOSAL

With regards to the visual impact of the proposed development, the applicant submitted a Landscape Visual Impact Assessment that considered that the issues of most importance and relevance at outline planning stage including effects on landscape character in the context of the Calder Valley local landscape character area, effects on any existing vegetation and effects on village character in views from Red Lees Road where both the Brownside and Butchers Farm sites are visible (as the two applications were submitted at the same time).

The document acknowledges that there will be local visual effects arising from the development of the Brownside site on views from Brownside Road and to a much lesser extent on more distant views from the footpath network to the north, however as

the application is at outline stage it notes it cannot properly consider this at the moment.

The LVIA highlights that mitigation measures have been incorporated into the proposal in order to “ensure that the development fits harmoniously into its setting, including limiting the extent of the development area, limiting the development height on areas of the site, maintain PROW routes, additional planting within the site and urban design principles of designing the site so the properties face out onto the access and beyond.

The Local Planning Authority has considered the views, considerations and conclusions of the LVIA. Whilst it is accepted that the proposed reduction in developed area from that originally submitted to that now proposed to Members has reduced the wider visual impact of the proposed development, the Council disagree with the view that approval of the proposal will create no visual coalescence between the two settlements in views from the south, and would subsequently have no visual impact on the locality.

Burnley’s surrounding open landscapes are one of the town’s greatest assets. They provide a visually striking setting for the urban area, a recreation resource and green lung in close proximity to the urban area, an important selling point for the growing tourist trade, as well as containing a number of important biological, archaeological and historical features. For these reasons, the existing and emerging Local Plans seek to protect and enhance the rural area and its landscapes.

One of the key characteristics of this locality is the clear visual break between two residential areas as you travel from the dwellings at Brownside through to the village of Worsthorne. The land between the proposed scheme and the settlement of Worsthorne comprises agricultural fields on both sides of the road, ensuring a clear functional separation between the two urban areas with agricultural uses in-between. The feeling of separation is increased by the long ranging views on both sides of the road. The current and emerging Local Plans have ensured that this gap is designated, and therefore protected, as being within the Rural Area; a fact that reinforces the importance of this distinct separation between the urban area of Burnley and village of Worsthorne.

Whilst the amended proposal does to some extent lessen the impact and extent of the incursion into the open countryside, it still does not address our fundamental concerns about the principle of the development of a site within the rural area and the visual impact this will have. The Landscape Architect considers that the proposal would result in only minimal alterations to the landscape pattern and characteristics of the locality which will then result in only a negligible effect on the landscape character of the immediate area around Brownside. We consider that this is not the case and that this change will be significant in the broader local context.

Local Plan Policy E27 advises that all proposals for new development in Rural Areas (and the Green Belt) will be expected to contribute to the protection, enhancement and restoration of the Borough’s distinctive landscape character by:

- a) protecting critical environmental capital and key features in the landscape,
- b) protecting the setting of rural and urban settlements;
- c) protecting, enhancing and restoring archaeological and historical features;

- d) protecting farmsteads, barns, mills and other prominent buildings, and man-made features such as ponds, lodges, and bridges;
- e) protecting and enhancing historic field patterns, including walls and hedgerows;
- f) seeking the use of local materials, or the nearest match, and vernacular styles in all new buildings, walls, and fences, and by resisting urban style lighting, materials and standardised detailing;
- g) maintaining views and avoiding skyline development;
- h) encouraging tree planting, woodland and afforestation of native species when appropriate in the landscape setting;
- i) protecting and restoring native species;
- j) protecting, restoring, enhancing, and creating habitats;
- k) reclaiming derelict land where appropriate; and
- l) by conserving and enhancing river corridors.

The scheme is unable to comply with sections b) and e) by virtue of the fact that it does not seek to protect the setting of the rural or urban settlement boundaries, and nor does it seek to protect the historic field patterns.

The applicant has sought to overcome the above issues and concerns from local residents and the Council by reducing the proposed development in size and also by removing the proposed area of Public Open Space (an offer of a contribution to upgrades elsewhere has been offered) in order to minimise the man-maintained urban sprawl into the countryside, however we consider that our fundamental concerns have not been overcome by these amendments.

Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley and would create an unacceptable coalescence between Burnley and the village of Worsthorne, and the visual harm caused by this would be unacceptable within this locality. This would therefore be in conflict with existing and emerging Local Plan Policies thereby representing unsustainable development.



Viewpoint E from additional “Brownside Road Journey” information submitted

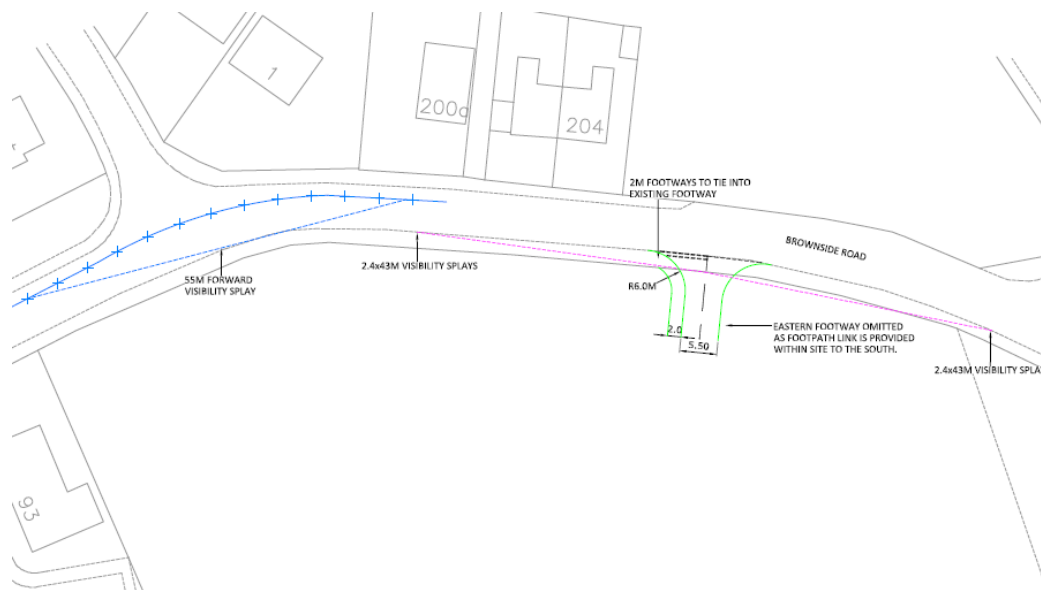
PROPOSED ACCESS / HIGHWAY AND TRAFFIC ISSUES

Paragraph 32 of the NPPF advises that,

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether,

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”



Proposed access into the site

Whilst the development is not considered to be one that would generate a significant level of vehicular movements (considering that the proposal is for up to 39 dwellings), a Transport Assessment was submitted by the applicant. The LCC Highways Officer has assessed this document and the proposed access (as shown above) and can confirm that they raise no objection to the scheme subject to appropriate conditions.

Notwithstanding this support it has been highlighted that there is a need to improve the sustainability credentials of the site, with a specific aim of encouraging other means of travel than via the private car. This is to foster sustainability, as highlighted within NPPF, and to minimise the impact of additional vehicular traffic movements as discussed above. The applicant has agreed in principle to support sustainability through section 106 provisions (as detailed later in this report).

In light of the number of objections raised, LCC have offered a detailed response to relevant sections of the application, with a slightly summarised version of this available earlier in this report. Full copies of the comments are available to view on-line, however the key points to note are as follows,

Transport Assessment (TA) / Statement (TS)

- Traffic flow into and from Worsthorne village and beyond is not likely to be problematic, especially considering the probable minor trip distribution.

- The Brunshaw Road / Brownside Road junction has an elevated 5 year PM peak Ratio Flow to Capacity (RFC) of 0.75 on the westerly Brunshaw Road arm (with included development). The roundabout junction will continue to (just) operate within capacity although the westerly Brunshaw Road arm is predicted to have PM peak RFC of 0.85, which is considered the absolute safe maximum. This is considered acceptable. Any additional development in the Brownside or Worsthorne area, beyond that factored in within the TA, is likely to see the junction hit capacity by 2021.
- Two sections of Brownside Road are throttled to single way working due to the presence of parked vehicles adjacent to the two terraced blocks immediately east of the river Brun Bridge. No alternative parking facility is available for residents. LCC has been unable to identify any additional traffic management measures, beyond those already instigated, which would be of sufficient benefit to merit introduction at this location however it should be noted that vehicles speeds into the area are controlled and low. Although not ideal, the two informal give way systems created by roadside parking discussed do operate safely.
- No contact has been received or complaints made to the County Councils Public Enquiry Message (PEM) system, regarding the operation of Brownside Road, or occurrence of on street parking in the vicinity of the discussed throttles.
- None of the facilities quoted in table 4.1 (of the TA) are within a desirable walking distance and a number are well beyond the 800m desired maximum. Additionally facilities such as the Spar Shop / Tesco or Pharmacy are likely to see some residents wishing to return home directly. As a result these facilities are unlikely to see significant access by foot, given the combined two way journeys will easily exceed 2km distances. The site is not located within particularly attractive walking distance of local facilities and as a result it is not located in a highly sustainable location likely to see significant use of walking as a travel option. Consequently additional efforts to encourage non car mode travel should be made in order to improve the sustainability credentials of the site.

Access

- The access proposal is via a give way controlled road junction onto the existing adopted highway of Brownside Road. There is no concern with regards conflicting vehicle movements.
- The access design and visibility splays comply with the relevant design guidance.
- Vehicle speeds from the traffic count did not raise any obvious concern.

Road Safety

- No injury collisions have been recorded in the last 5 years.
- In regards to the load bearing capacity of the river Brun Bridge, the road has been constructed to cater for all classes of vehicular traffic. The bridge is not restricted to an operational weight limit. There is no concern regarding access to the site by normal construction traffic.
- LCC would seek to minimise the increase of vehicular traffic passing through the area. The applicant will be expected to encourage the use of sustainable transport measures as per guidance provided within NPPF.

Sustainability

- The development site is not located in an area that could be considered highly sustainable. Consequently the developer will be expected to make every effort to improve the sustainability credentials of the site and encourage sustainable travel.

- The site location is served by a single bus service which has recently been reduced in frequency. LCC would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area.
- In order to encourage the use of public transport, the two existing Brownsie Road bus stops should be upgraded to become Disability Discrimination Act (DDA) compliant. The applicant would be expected to upgrade this shelter to a modern unit in order to encourage residents to use the service.

In terms of the sustainability of the site, in terms of its location and accessibility, it is accepted that the site is accessible by public transport, albeit limited to typical working patterns of,

MONDAY TO FRIDAY

- Between 6.59am to 6.29pm (Worsthorne to Burnley Bus Station – No.1 Route TransDev), and
- Between 6.43am to 6.13pm (Burnley Bus Station to Worsthorne - No.1 Route TransDev).

And,

SATURDAYS

- Between 8.29am to 6.29pm (Worsthorne to Burnley Bus Station – No.1 Route TransDev), and
- Between 8.13am to 5.54pm (Burnley Bus Station to Worsthorne - No.1 Route TransDev).

The site is also within adequate walking distance of a number of amenities within Worsthorne itself, however beyond this it is unlikely that you would see significant use of walking as a travel option. That said, the site is not considered to be in an unsustainable location, especially given the above, however efforts to encourage none car modus travel would be required of the developer at a reserved matters stage to improve the sustainability credentials of the site.

The key point to consider in respect of national guidance is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe. Whilst the concerns of local residents are acknowledged, considering the access is acceptable and that the likely increase in vehicular traffic to and from the site will minimal, manageable within the existing highways network and therefore not be unacceptable, there is no material highway reason to refuse this application.

FLOODING / DRAINAGE

As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. The LLFA, UU and the EA have no objection to the proposed development subject to the inclusion of conditions requiring a formal surface water drainage scheme and management plan to be agreed in consultation with them, as well as details surrounding the proposed foul drainage details. Although they are satisfied at this stage that the proposed development could be allowed in principle, further information would be required at reserved matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk. There is no material reason to refuse this application on grounds of flooding or drainage.

ECOLOGICAL IMPACTS

The Council's Ecology consultant has raised no objection to the proposed development of the site in principle, and they have considered the surveys carried out to be appropriate and their findings acceptable. The NPPF requires sustainable developments to achieve a net gain in biodiversity and the proposed indicative landscape plans show proposed tree and hedgerow planting, with measures for habitat enhancement and protection before, during and after development recommended by the surveys submitted with the scheme. These features alongside other habitat enhancements would be welcomed and requested as being included in the final design of the scheme to contribute to the sustainability of the development in line with the NPPF and the Natural Environment and Rural Communities (NERC) Act 2006 were the principle accepted. Bearing this in mind, there are considered to be no material reasons to refuse this application on its ecological impacts.

LAND CONTAMINATION

Policy E34 requires appropriate assessment, investigation and remediation measures of a suitable standard on contaminated sites. The Framework also states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner although decisions should ensure that the site is suitable for its new use.

A preliminary risk assessment has been submitted with the application. The report considers that based on the site history and the existing site conditions, risks from contamination and or ground gas are considered to be low. The report suggests that if approved, further survey should be carried out to determine the actual ground conditions and data to enable a quantitative assessment of potential risks. This will then outline any requirements for remediation and a strategy to implement them so that the proposed site can be made suitable for residential use. This could be dealt with through a suitable planning condition and as such there are considered to be no material reasons to refuse this application on these grounds.

COAL MINING LEGACY

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the requirement for intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. As such, there are no material reasons to refuse this application on these grounds.

AFFORDABLE HOUSING

Local Plan Policy H5 advises that Affordable and Special Needs Housing will be sought where the site is in a rural settlement of 3000 or fewer population where the development is for more than 15 dwellings or of 0.5 or more hectares in site area, and that such developments will be expected to make provision for affordable and special needs housing by providing either:

- a) at least 10% of dwellings for rent, part rent/buy, or some form of subsidised purchase; Or:
- b) at least 10% of dwellings for those with special needs, including the elderly.

The need to be addressed will be assessed in conjunction with the applicant on a site by site basis.

The applicant has committed to the provision of new affordable housing to help address the identified shortfall within the local area to accord with adopted policy H5, and this would be detailed within any subsequent reserved matters application. As such, there are no material reasons to refuse this application on these grounds.

PUBLIC OPEN SPACE (POS)

Policy H7 normally requests POS on site if there are between 10-49 dwellings proposed, however where the POS is impractical or unusable the Council can negotiate a payment for a commuted sum of money for an area close by. In this case, whilst initially an area of POS was proposed as part of the application proposal, alongside the fundamental concerns surrounding the site in principle there were also concerns regarding its visual impact. This was based on it being an open area of landscaped / managed land that would likely to be suburban in feel; a significant contrast to the rural / agricultural feel of the site at present.

Discussions were had with the Head of Greenspaces on this matter, and it was suggested that the developer could offer a contribution towards either/or the development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub, or towards improvements towards Worsthorne Rec. In particular, the Burnley Green Spaces Strategy 2015-2025 (Children & Young People Provision) holds the absence of play provision in Brownside, Red Lees and Rowley residential areas as a key strategic need. The development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub is the preferred option.

The applicant has committed to a contribution and this would be detailed within any subsequent reserved matters application. As such, there are no material reasons to refuse this application on these grounds.

OTHER SECTION 106 CONTRIBUTIONS / PLANNING OBLIGATIONS

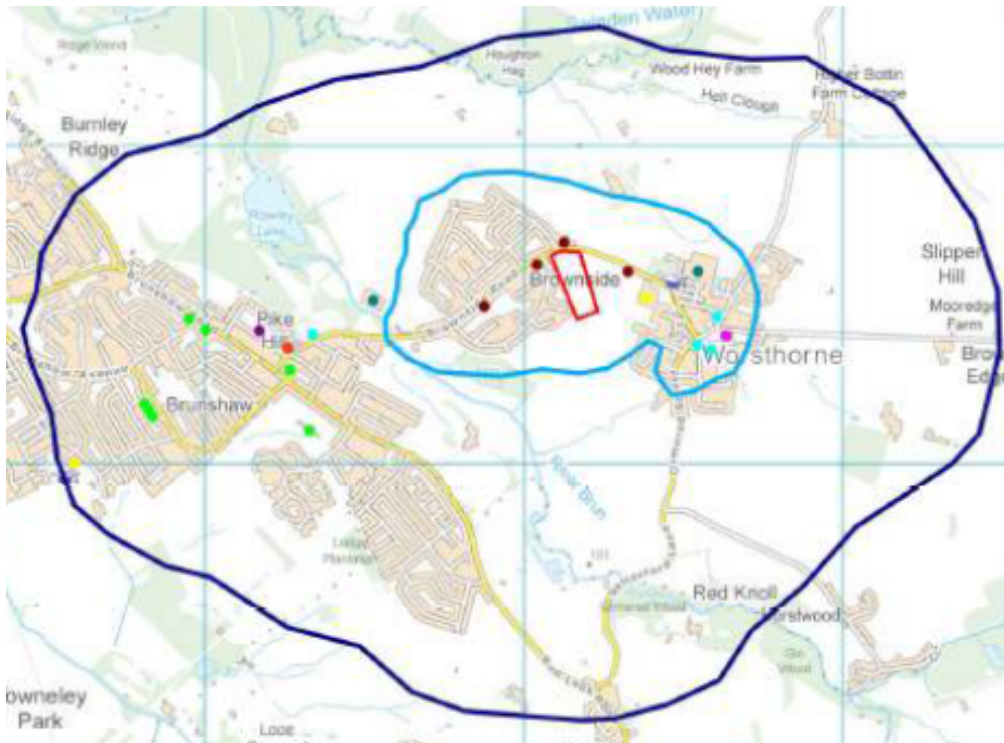
Contribution towards Public Open Space –

A contribution towards the development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub has been discussed with the developer in lieu of on-site provision, and the developer has committed to such provision at reserved matters stage should permission at outline be granted.

School Places –

At present, LCC have noted that they would be seeking a contribution towards the provision of 6 additional secondary school places. They will not be seeking a contribution for primary school places. This assessment represents the current position (as at 06/03/2017). The request would also be reassessed at reserved matters stage once detailed aspects of the proposal (in terms of the number of dwellings and number of bedrooms) are known. The developer has committed to such provision at reserved matters stage should permission at outline be granted.

Improvements to Sustainability credentials –



800m (light blue line) and 2km (dark blue line) pedestrian catchment plan
(including amenities within those distances)

National Planning Policy Framework (NPPF) paragraph 17 emphasises a need to "make the fullest possible use of public transport, walking and cycling" while para 35 emphasises a need to give priority to the creation of safe & secure layouts which minimise conflict between traffic, cyclists and pedestrian in essence actively managing patterns of growth". The development site is not located in an area that could be considered highly sustainable and as such the developer was made aware that they would be expected to make every effort to improve the sustainability credentials of the site and in particular encourage sustainable travel.

A developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area (The level of which will be decided based upon the number of dwellings proposed and will be assessed and clarified as part of a detailed matters application) has been agreed in principle by the developer. This includes the upgrading of the two existing Brownside Road bus stops to become Disability Discrimination Act (DDA) compliant in order to encourage residents to use the service, as well as contributions as part of a Travel Plan for the site to include bus and/or cycle vouchers and cycle storage for each new dwelling.

OTHER MATTERS

Concern has been raised in respect of the impact of the proposal on residential amenity. Given the use of the field is for agriculture and only accessible to the eastern and southern boundaries via a Public Right of Way (the PROW is no longer directly affected by the proposal), and the loss of a view is not a material consideration, it would be difficult to quantify the level of impact on local residents amenity caused by

the development. Impacts on properties immediately adjoining and opposite the site would be dealt with at reserved matters. Users of the PROWs would be impacted to some degree by the development by virtue of the expansion of housing into the rural area, however given the PROW links two residential locations by a route of less than 200m and that the development no longer directly affects the PROW, I do not consider that the level of harm would be so significant that it would warrant a material reason to refuse the proposal. The greater harm is caused by the unacceptable coalescence between Brownside and Worsthorne the development would create, and the subsequent visual harm to the character and amenity of the local area.

The other common concern raised has been in respect of the capacity for school provision as a number of responses have highlighted that the school at Worsthorne is full to its maximum Pupil Admission Number (at present), and there is uncertainty as to where any additional pupils will be educated. Aside from the fact that this is an existing issue and that the likely increase in the number of pupils from this development will not be significant, the following must be considered.

As contained within the 'Admissions Policy' document available on their website, Worsthorne Primary School follows the statutory School Admissions Code of Practice and the statutory Appeals Code of Practice, and admission arrangements are done so in accordance with the Local Authority Guidelines. When the school is oversubscribed on parental preferences, the Policy advises that the Local Authority applies the following priorities in order:

1. Children in public care at the time when preferences are expressed and who are still in public care at the time of the offer of a school place, and those who have been previously looked after, then
2. Children for whom the Local Authority accepts that there are exceptional medical social or welfare reasons which are directly relevant to the school concerned, then
3. Children with older brothers and sisters attending the school when the younger child will start, then
4. Remaining places are allocated according to where a child lives. Those living nearest to the preferred school by a straight line (radial) measure will have priority.

Considering the above, if in the future the school were to be oversubscribed in terms of applications for the new intake at Reception, point 4 will ensure that remaining places are allocated according to where a child lives. Therefore, if new families move into the area in order for their children to attend the school the number of car borne journeys to/from the school would likely to decrease. On this basis, this would not be a sufficient material reason to prevent residential development from coming forward on this site.

PLANNING BALANCE AND CONCLUSION

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Having considered the document 'Housing Land in Burnley 2016', published in October 2016, at present the LPA can demonstrate a 5 year supply of housing. The Local Planning Authority consider that the application should be considered in the context of the presumption in favour of sustainable development with the Policies of the Burnley Local Plan having overriding consideration.

The proposed site is a Greenfield site located wholly within the Rural Area albeit immediately adjacent to the Urban Boundary around Brownside. Policy H2 of the current Local Plan seeks to ensure that Brownfield land is redeveloped for housing before Greenfield development takes place, however for the purposes of this application the key Policy to consider is Policy GP2. Residential development on sites within the Rural Area does not generally accord with Policy GP2 as development on land within the Rural Area is limited as the report discusses earlier. Whilst the Local Planning Authority agree that in some circumstances local and national policy will support new housing in some rural areas, we do not support this proposal in this case.

As emerging policy, the revised development boundary and strategic policy can only be given limited weight but they highlight the Council's current thinking, in line with the NPPF, with regard to appropriate development boundaries and the scale of development appropriate to this location. The proposal is considered to be in direct conflict with both elements of the emerging Policy SP4 and is therefore unacceptable in principle.

Whilst being clearly contrary to the relevant local plan policies, as outlined earlier, we must also consider the scheme against the presumption in favour of sustainable development as well as assessing the harm caused by this proposal. We must then also consider whether there would be any benefits to approving the scheme that would significantly and demonstrably outweigh the harm caused by the proposal. All technical matters associated with the application have been agreed and there are no objections from technical consultees.

With regards to the visual impact of the proposed development, the Council have considered the views, considerations and conclusions of the submitted application, its supporting documents and further additional information. Burnley's surrounding open landscapes are one of the town's greatest assets. One of the key characteristics of this locality is the clear visual break between two residential areas as you travel from the dwellings at Brownside through to the village of Worsthorne. This is an important visual break between the two areas and the current and emerging Local Plans have ensured that this gap is designated, and therefore protected, as being within the Rural

Area. This reinforces the importance of this distinct separation between the urban area of Burnley and village of Worsthorne.



Whilst the amended proposal does to some extent lessen the impact and extent of the incursion into the open countryside, it still does not address our fundamental concerns about the principle of the development of a site within the rural area and the visual impact this will have, and that this change will be significant in the broader local context. The proposal is therefore also in conflict with Local Plan Policy E27 as it does not seek to protect the setting of the rural or urban settlement boundaries, and nor does it seek to protect the historic field patterns. The applicant has sought to overcome the above issues and concerns from local residents and the Council by reducing the proposed development in size and also by removing the proposed area of Public Open Space (with an offer of a contribution to upgrades elsewhere offered) in order to minimise the man-maintained urban sprawl into the countryside, however the fundamental concerns have not been overcome.

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the government's view of what sustainable development in England means in practice for the planning system. There are three dimensions to sustainable development: economic, social and environmental, and these dimensions give rise to the need for the planning system to perform a number of roles. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The applicant outlines a number of social and economic benefits that the delivery of housing at the site will potentially generate, including

- Turnover and temporary employment for construction firms and related trades.
- The proposed development will generate 6.1 person years of temporary construction employment - equivalent to 6 construction workers being employed on a full-time basis for twelve months.
- The new housing will also generate additional demand by increasing household spending in the local area.

- Additional usage of services, such as the public transport network and local schools ensuring viability for these services.
- Receipt of New Homes Bonus.
- The new residential accommodation at Brownside will have a beneficial impact on the annual Council Tax receipts.
- A financial contribution will be provided to be spent on the enhancement, upgrading and general improvements to nearby areas of public open space, benefiting not only to the new residents but also the wider community.
- The scheme will also provide new market and affordable family housing in a suitable and sustainable location which will assist the Borough in addressing its housing shortage and demand.

Whilst these potential benefits do add some weight to the planning balance in favour of the developer, the question is whether the benefits significantly and demonstrably outweigh the harm caused by the proposal. The site is a 'Greenfield' site and as outlined within the report, the visual harm caused by this would be unacceptable within this locality. The scheme is therefore in conflict with existing and emerging Local Plan Policies and approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley thereby creating an unacceptable coalescence between Burnley and the village of Worsthorne.

Therefore, having considered the proposed development as now amended, all the submitted information provided by the developer, the responses from statutory consultees and local residents, the emerging local plan documents and following numerous visits to the site, on balance, the potential benefits provided by the scheme are not considered to significantly and demonstrably outweigh the harm caused by the proposal and as such the application is recommended accordingly.

Recommendation:

That outline planning permission is refused for the following reason.

1. Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley without sufficient justification, creating visual harm and an unacceptable coalescence between the urban boundary of Burnley and the urban boundary of the village of Worsthorne. The development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Approval of this development in principle would therefore be in conflict with Burnley Local Plan Policies GP2 and E27, as well as the NPPF which, among other matters, requires the protection and enhancement of the Borough's distinctive countryside, and the protection of the setting of urban and rural settlements.