



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th January, 2020 at 6.30 pm

SUPPLEMENTARY AGENDA

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| 8) <i>Additional Correspondence</i> | 3 - 20 |
| 9) <i>APP/2019/0155 - Land West of Red Lees Road, Burnley (Highways and Transport Report submitted by residents)</i> | 21 - 52 |

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DEVELOPMENT CONTROL COMMITTEE

Thursday 9th January 2020

Late Correspondence/Verbal Reports

AGENDA ITEM 6a

Pages 11-60

APP/2019/0155 – Residential development for the erection 125 dwellings including means of access, areas of public open space and all associated works. The proposal affects Public Footpath Nos. 88, 89 and 90 and involves the diversion of Public Footpath Nos. 89 and 90 at land west of Red Lees Road, Burnley

Consultations

Campaign to Protect Rural England (CPRE)

A further letter has been received which states that the CPRE has considered the revisions and remains opposed to the application due to unresolved concerns and a negative planning balance. The CPRE state that the developer contributions are not adequate in relation to the following policy areas:-

- Highway safety [the CPRE refer to a previous objection from LCC on highway safety issues but do not take account of the fact that the applicant agreed to off-site works which include a right turn facility which removed that objection. The CPRE do not provide any reason why they would object on highway safety reasons].
- School places [the CPRE assume that a lower contribution would be paid for school places than has been agreed with the applicant and as such this objection is not now valid]
- Affordable Housing Contribution [the CPRE refer to the five homes at 80% of sale price as inadequate and refer to a minimum of 10% affordable housing in the National Planning Policy Framework. The CPRE has not taken account of an agreed additional off-site contribution of £396,355 which together with the on-site provision amount to a 10% provision of affordable housing. This would provide a range of tenures of on-site and off-site affordable housing].
- Biodiversity [the CPRE refer to the previous objection from Natural England – however, this was removed following the submission of a Habitats Regulation Assessment. The CPRE also state that Government guidance for new developments is of a Biodiversity Gain of at least 10% whereas, the NPPF (which is a material planning consideration) states ‘opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’. There is no current requirement in the NPPF or elsewhere for a net gain. The development would however provide mitigation for the loss of grassland by new

meadow planting in open space, extensive tree planting and bird nesting boxes which can be secured by a suitable planning condition].

- Footpath network – [the CPRE state that the development should make a positive contribution to the network of Public Rights of Way, rather than harm walking or cycling routes and that active travel should be supported. The Public Rights of Way would, however, be diverted in a way that would not significantly increase their length and with regard to their amenity value. In addition, the applicant has agreed to re-dedicate Public Footpath no. 88 on the south side of the site to a Public Bridleway which would be a potential benefit to horseriders and cyclists].

Highway and Transport Report to Support the Objections by Local Residents Group

A report, as titled above, was submitted to the Council on the 6th January 2019. The report has been prepared by Mr JC Carruthers who is a qualified highway and transport consultant. The report is available to view in its entirety through the planning application search facility on the Council's web site and is also attached on the agenda web page alongside this Late Correspondence. The 'Conclusions and Recommendation' of the report (pages 19-20) are copied below. Officer comments are in brackets at the end of each paragraph.

6. Conclusions and Recommendation

6.1 This Highway and Transport Report has been prepared to support the objections of the local residents group in the Red Lees Road area of Cliviger towards a proposed residential development for 125 dwellings off Red Lees Road.

6.2 The proposed development site is described as 'a prominent greenfield site in the open countryside' in the Burnley Local Plan and is one of only 11 wholly greenfield sites in the Local Plan. The proposed development site would provide less than 6% of the housing allocation in the Local Plan for the 12 year period up to 2032 and there are a higher number of brownfield sites available that would be more suitable for development. [This point is not relevant, as the Local Plan does not require or expect brownfield sites to be delivered before greenfield sites].

6.3 The site was identified for development in 2012 – 2014 and the report shows that the site does not comply with the latest development and transport guidance or the revised National Planning Policy Framework (NPPF, 2019), because it would not be sustainable in transport terms. The greatest majority of trips that would be generated by the proposed development would be private car trips, with associated transport emissions and this would undermine the objectives of the Climate Emergency that was declared in Burnley in May, 2019. It is for these reasons that the planning application for 125 dwellings should not be approved at this time. [The site has been found to be sustainable through a rigorous testing process of the Local Plan. Its location on the edge of an urban

area makes it accessible to existing services and amenities and is well connected to footpath and cycle routes and is served by public transport. The Air Quality Assessment submitted with the application shows that there would be no significant impact on air quality].

6.4 The report shows that there are a low number of services (including schools), and amenities within a convenient walking, or cycling, distance of the site and this would result in a high level of car dependency for future residents. The Transport Assessment that has been submitted with the planning application significantly over estimates the number of trips that would be made by sustainable transport (walking, cycling and public transport), and does not take account of the hilly topography of the area or the prevailing low rates of active travel by residents in Burnley.[The site is on the edge of the urban area and similarly accessible to services and schools (within 2km) and is designed to be accessible by transport modes other than the car].

6.5 There is limited opportunity for trips to be made by public transport with only a single bus service operating along Red Lees Road with a, typical, hourly service on weekdays.[a bus service operates with bus stops close to the site for travel in both directions to Burnley Town Centre and to Todmorden/Halifax, at regular intervals of an hour from early morning till late at night. This is likely to encourage the use of public transport from this site].

6.6 The traffic that would be generated by the proposed development (700 car trips per day based on the information that has been submitted in the Transport Assessment), would have unacceptable impacts on traffic congestion, highway safety and air quality on the wider highway network including along Brunshaw Road into Burnley town centre and Mount Lane in Walk Mill. [this equates to less than one trip per minute towards Burnley in the am peak period which is not substantial and could not be regarded as having a severe impact which is the test that the NPPF states should be applied].

6.7 The proposed site layout would result in new highway safety risks on Red Lees Road, at the proposed site access, because of the high traffic speeds along Red Lees Road and also the lack of provision for cyclists through the new junction. The proposed 30mph speed limit extension and associated traffic sign and road markings are unlikely to reduce the existing high traffic speeds and this has been highlighted by the Highway Authority (Lancashire County Council). [LCC as the local highway authority affirm that the applicant has agreed to the off-site highway works that would enable a suitable junction to be designed – the details of which would be subject to a s278 Agreement and a condition of any planning permission].

6.8 The proposed development would also result in an increased risk of pedestrian vehicle collisions on the private access road that serves Cliviger Laithe because there would be more pedestrians using this narrow lane to access the public footpath that links to Towneley Hall. The access road has no footway or street lighting and sharp bends. [this is a private access with very low traffic numbers and a low risk to pedestrians].

6.9 Overall, the proposed development site would not be sustainable in transport terms, because of a high level of car dependency, and would have unacceptable impacts on the highway network. It is considered that the proposed development does not comply with the NPPF or the latest transport guidance that has been issued by the Chartered Institution of Highways and Transportation (CIHT), - 'Better Planning, Better Transport, Better Places'. The proposed development would also undermine the objectives of the Climate Emergency declaration in Burnley by increasing traffic related air pollution, including CO2. It is, therefore, recommended that the planning application should be refused. [There is no evidence for these conclusions and it has not been shown that there would be a severe impact on the highway network. The declaration of a Climate Emergency does not change the policy position or indicate that this allocated site should be assessed in a new manner. The policy position is the adopted local plan. Policy NE5 'Environmental Protection' states that the Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality. The applicant's Air Quality Assessment demonstrates that the development will not significantly affect air quality and it is accepted that the proposal complies with this policy. The conclusions of the report do not provide any substantive reasons to demonstrate that the application would be contrary to the adopted local plan or would give rise to unacceptable harm to any other interests that would outweigh the local plan].

LCC Highways (LCC) response

The response below is made to each of the highway/traffic objections raised in the report by JC Carruthers (the numbers relate to the paragraph numbers of the report).

5.4. The high levels of daily traffic generation has not be quantified, there are no known areas of traffic congestion, which will be exacerbated by the increased traffic with-in the area. It is thought that the photograph has been taken near the junction of Salterford Lane, which is beyond the entrance to the site and not on an expected walking route to a bus stop. Buses run on average hourly with a slightly higher frequency at the am and pm peak.

5.5 Traffic generation quoted by developer as nearly 700 cars per 12 hrs which equates to an average 0.97 cars per min, existing am peak flow across the site entrance gives 54%-46% am split towards Burnley. Expected am peak is 65 car departing therefore $65 \times 54\% = 35.1$ additional cars per hour heading towards Burnley which is not regarded a severe cumulative impact as prescribed which would be the sole reason for refusal on highways grounds.

5.6 Burnley Springfield is not the closest primary school to the site others such as Worsthorne Primary School, Burnley Brunshaw Primary School are closer being 1.5 miles or 1.1miles away. Unity Collage is the closest High School 1.5 to 1.6 miles slightly longer route in urban area not across Towneley Park

5.7 There is no existing cycle Infrastructure on Red Lees Road. The final design of the associated highway works has not yet been agreed any scheme will be subject to a

Safety Audit as part of the design process for the Section 278 agreement. The agricultural access opposite has very infrequent use.

5.9 The proposed achievable visibility splays are based on the existing 85 percentile speeds of 44 mph which is below the currently posted 50 mph speed limit. It is expected that the gateway and speed limit alteration should further reduce the 85 percentile speeds, thus making the road safer.

5.10 The PROW network in the area is of a rural nature and not considered to be a network for daily commutes but for leisure routes.

5.11 Cycling options by potential residents are considered according to their ability, sales of E-bikes are increasing by 8% year on year, and 6% of cyclist own an E-bike with a further 14% considering a purchase. As the market becomes more competitive and larger prices are likely to fall, increasing the potential for cycling to become a viable commuting option.

5.14 Whilst it is expected that the footway is not as wide as it could be it is only for a short distance, currently there is no footway, again this will be subject to a safety audit.

5.18 Details of Section 38 to be agreed however footway access opposite Plots 78 & 87 to be ramped

5.20 Further development not part of this application, we can only comment on what is presented

5.21 Limited vehicular movements on Cliviger Laithe, not expected to be heavily used by residents. The Laithe is effectively rural footpath not a route to school.

5.22 Greycliffe Lane not suggested by Google maps as route to Manchester. Runs to Long Causeway. Mount Lane is steep and has a tight turn at the bottom with Park Road and is a bus route. Actual route choice will be determined by personal experiences of delays or congestion.

Response by Transport Consultant on behalf of applicant

Introduction

This note will formally respond to comments made in two third-party representations to the above planning application. These were both submitted to the local planning authority and were as follows:

- Campaign to Protect Rural England (CPRE) dated 31st December 2019
- Mr J C Carruthers (JCC) on behalf of Local Residents Group dated 5th January 2020.

It must first be noted that these two representations have been submitted long after the planning application consultation period has ended and over 4 months since the

application was originally considered by the Development Control Committee of Burnley Borough Council (BBC) on 21st August 2019. No material amendments have been made to the planning since that time would justify these late submissions. Moreover, any changes that have been made to the proposals would reduce any potential impacts as a result of the development. These have included the reduction of the number of units from 129 to 125 units and the resolution of all outstanding highways issues which required additional elements to the highway improvement scheme on Red Lees Road to satisfy Lancashire County Council (LCC), the local highway authority.

It must also be noted that the key test in national policy for all planning applications is the March 2019, and most recent, version of the National Planning Policy Framework (NPPF). Paragraph 108 of this document is explicit in stating that:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

This note will go through each element of the two representations below and consider each point in turn with a formal response to all issues raised.

CPRE Representation

There are only two highways and transport issues raised within the CPRE representation. These are articulated on Page 4 of the document. The first is as follows:

‘Previously there was a Lancashire County Council objection on highway safety issues. This is clearly an important consideration. The Council should not allow a development scheme that leads to a poor highway safety outcome in the future. This issue must be resolved’.

A detailed and extensive level of pre and post application discussions were undertaken with LCC. This has culminated in a full agreement on all highways and transport matters. This is summarised on Page 20 and, in more detail, on Page 47 of the Committee Report.

The opening line of the LCC response within the Committee Report is as follows: ‘We would not wish to raise any objections.’

However, there were ‘concerns’ raised by LCC regarding the original application submission and these are stated in the subsequent paragraphs of that section of the Committee Report. These do, though relate to issues which have all now been resolved to LCC’s satisfaction. These include the Site Access junction arrangement which now includes a right turning lane, despite the applicant being of the view that this was not required or technically justified, and the off-site improvements on Red Lees Road which have also been enhanced following extensive discussions with LCC. Unfortunately, this position has not been included within the Committee Report.

In summary, not only did LCC not object to the original planning application, the applicant has worked extensively to resolve other 'non objectionable' concerns that LCC had with the application.

The second point raised in the CPRE representation related to the 'footpath network', as follows:

'The development should make a positive contribution to the network of Public Rights of Way., rather than harm walking or cycling routes. The Burnley Civic Trust has raised relevant concerns. CPRE Lancashire believes that active travel should be supported and not made more difficult in the future. The designed layout ought to knit the new development with the existing to promote better reliance on sustainable travel'.

The public right of way or public footpath network offer a potential alternative route to local services and amenities for pedestrians during daylight and generally clement weather. The acceptability of the sustainability of the site for pedestrians does not rely on the public rights of way network. The accessibility of the site within the TA has been based solely on the existing adopted footway network in the vicinity of the site.

The LCC consultation response (on Page 47 of the Committee Report) confirms that:

'Although the site is not in the urban area, it benefits from a bus service and nearby bus stops and is in a reasonably accessible location'.

As such, both of CPRE's concerns have been resolved.

Mr J C Carruthers (JCC) Representation

The JCC representation comprises a report with appendices that considers a number of issues relating to the transport and highways elements of the proposed development.

The pertinent points are covered within sections 2, 3, 4 and 5 of the report and responses to each one is included in the following paragraphs.

Paragraph 2.4 – this section refers to the sustainability of the site. LCC have, as detailed earlier, confirmed that the site is 'reasonably accessible'. The assessment of the sustainable credentials of the site is included and confirmed in Section 5 of the TA. The local shops, post office, pubs, school and chemist are all within 2 kilometres of the centre of the site. In addition, the local bus service runs every hour between Burnley and Halifax town centres between around 6.30am and runs well into the evenings as well as during Saturdays and Sundays. This is a reasonable level of service that directly serves the site.

Paragraph 3.2 – this section suggests that BBC should review this site as an allocation for residential development. The Local Plan has allocated BBC's preferred housing development sites and has done so with the benefit of a sound evidence base which will have included a number of factors including those relating to highways and transport elements. There is absolutely no evidence whatsoever that this site should not be

allocated, or whether any other site has any better highways and transport credentials that should allow any alternative site allocated over this one.

Paragraph 4.4.- this section of the representation refers to the BBC's 'climate change' policy and suggests that the site has 'very poor accessibility'. LCC has already confirmed in the Committee Report that the site is 'reasonably accessible'. The response to the point earlier confirms that the site is indeed accessible by a range of non-car travel modes. It would therefore not, in our view, 'undermine' the Council's 'climate change' policy.

Paragraph 4.5 – the representation then states that sites that have a high dependency on car dependency 'must be prevented'. This is not explicit in current national or local planning policy. Notwithstanding this, the TA has already demonstrated that the site is accessible and there are opportunities to travel to and from this site by sustainable modes of travel. This is clearly endorsed by LCC as they have not objected to the proposals and concluded that the site is 'reasonably accessible'.

Paragraph 4.8 – this section refers to the air quality issue. Whilst this is not an issue that Croft have been directly involved with, the Council's Environmental Health Officer will have been consulted and has not objected to the proposals.

Paragraph 5.2 – the paragraphs in Section 5 all refer to specific elements of the Transport Assessment submitted in support of the planning application. Paragraph 5.2 of this section states that the TA 'does not fully consider the potential adverse environmental and health impacts of the proposed development location'. In transport terms the scope of the TA was prepared in line with current local and national guidance and was agreed with LCC. The content of the TA was also discussed at length with LCC and agreed with them, which is confirmed within the Committee Report.

Paragraph 5.4 – this section refers to 'narrow footways' along Red Lees Lane close to the site and includes a photograph of a particular section. It is unclear where the photograph has been taken from but at that location the footway seems to be around 1.2 metres wide and has a wide verge adjacent to it. This footway width would allow a wheelchair user to travel along it as well as an adult and child walking side by side, based on footway widths contained within Manual for Streets. If a pedestrian were walking in the opposite direction along this section, they could simply step onto the verge for a couple of seconds to allow the user travelling in the other direction to pass. This is neither a safety issue nor an issue that is atypical in locations all over the country. Furthermore, a new 2 metre wide footway is being provided by the applicant along the site frontage and substantial improvements to the footway provision to the north of the site around 107 to 113 Red Lees Road and the junction with Hill Crest Avenue are being provided by the applicant to encourage pedestrian travel in the area not only for new residents but also for those currently living or visiting the area. This section also refers to the 'low frequency and limited number' of buses along Red Lees Road. This has already been covered within this note in the response to the points raised in Paragraph 2.4 of the JCC representation.

Paragraph 5.5 – this section refers to the fact that the proposals could generate around 700 two way vehicular movements during the 12 hour period between 7am and 7pm. This is not a particularly high number of vehicles for a residential development of this size. To put this into context, this proposal would generate around an additional 80 two-way vehicular movements during the busiest hours of the day which are likely to be between 8am and 9am and from 5pm to 6pm. This equates to just over one additional two-way vehicular movement during even the busiest periods of the day. This will have an imperceptible impact on the operation of the local highway network.

Furthermore, LCC have stated on Page 47 of the Committee Report that they are:

‘satisfied that the additional traffic movements can be absorbed into the highway network’.

This is based on the provision of a package of off-site improvement works on Red Lees Road which have been agreed with LCC.

Paragraph 5.6 – this section refers to pedestrian access to the local primary schools. The nearest primary school to the site is Worsthorne Primary School which is less than two kilometres from the site and therefore less than a 25 minute walk. This is well within the DfE guidance document maximum walking distance of 3.2 kilometres, referred to in Section 5 of the TA.

Paragraph 5.7 – this paragraph refers to the lack of cycle lanes on Red Lees Road at the Site Access junction and the issue of the existing agricultural access on the opposite side of Red Lees Road to the Site Access. Taking the first point, there are no existing cycle lanes on Red Lees Road. The road is at least 6.5 metres wide along the site frontage and beyond through the Hill Crest Avenue junction and is much wider towards the southern end of the site frontage. This is more than sufficient to allow a cyclist to travel along the road and two cars to pass safely. It is also understood that there have been no personal injury accidents that have involved cyclists in the past 5 years within the vicinity of the site. Furthermore, the width of Red Lees Road is being improved as part of the Site Access proposals and as such there will be more space for any agricultural vehicle to safely manoeuvre into or out of the field access on the northern side of Red Lees Road. Any additional conflict with the development generated traffic would be imperceptible.

Paragraphs 5.8 and 5.9 – this section of the representation refers to the speed of vehicles travelling along Red Lees Road. As previously detailed, LCC are satisfied with the principle of the Site Access and have agreed the ‘general arrangement’ plan submitted as part of the planning application. Furthermore, this arrangement is currently being progressed through the detailed design Section 278 process with LCC which further confirms their acceptance of the proposals. The elements of the agreed scheme will reduce vehicular speeds and ensure that this section of Red Lees Road will be safe for all road users. In addition, there have been no personal injury accidents along site

frontage in 5 years and only 2 at the junctions within 750 metres either side of the junction.

Paragraph 5.10 – this section refers to access to and along the public rights of way (PROW) in the area. This issue has been covered earlier in this note within Croft's response to the CPRE representation.

Paragraph 5.11 – this paragraph suggests that the TA 'does not take account of the hilly topography'. There is no evidence for that whatsoever. The topography of the area exists at present and people deal with it accordingly and there is no evidence that pedestrians in the area would be discouraged from walking. In our experience, residents are used to the topography in their area and deal with it. Ultimately, the NPPF requires applicants to provide opportunities for sustainable travel which is exactly what the applicant has provided in this case.

Paragraph 5.12 – this section refers to the Sport for England 'Active Lives' survey and research. The survey does indeed confirm that between 25% and 29.9% of Burnley residents do not undertake a continuous walk of more than 10 minutes each month. However, if one actually views the survey, and more particularly the map of England, then it is clear that Burnley is probably around average in terms of the various local authority areas 'activity' levels across the country. Of the five categories of 'activeness', Burnley sits in the middle band. Notwithstanding this, the Travel Plan that has been offered by the applicant will seek to encourage more personal travel planning to provide additional opportunities and encourage walking and cycling to and from the site. Furthermore, these statistics would be the same for any potential residential allocation across Burnley not just this application site so on that basis all of Burnley would 'suffer' from those statistics.

Paragraph 5.14 – this section of the representation refers to the footway outside numbers 107 to 113 Red Lees Road. As can be seen from the application plans and in particular the proposed offsite improvements plan (Drawing Number 2777-D001 Rev A) there is a substantial improvement to the footway and general pedestrian infrastructure in the vicinity of 107 to 113 Red Lees Road. This includes the provision of a substantially widened 1.5 metre wide footway on the southern side of Red Lees Road and a new section of 2 metre wide footway on the northern side to assist pedestrians crossing of Red Lees Road. This is a substantial improvement to the existing infrastructure and will benefit existing as well as future pedestrians.

Paragraph 5.18 – this paragraph refers to the internal layout of the site. At this stage, the internal layout would not be subject to a detailed design. The applicant is satisfied that the internal layout can be designed to accord with currently local guidance and comply with all mobility standards. This is also clearly the view of both Burnley Borough and Lancashire County Councils. There is also no evidence to the contrary submitted with the JCC representation.

Paragraph 5.20 – this section of the representation refers to the potential access to additional land adjacent to the application site. This does not form part of this application and if any such additional land were to be considered for development then it would be required to proceed through the normal planning process. This is not something that requires any consideration for this particular application.

Paragraph 5.21 – this section refers to the potential for pedestrians to use the existing private road and PROW at Cliviger Laithe. This route does not form part of any desire line to any of the local services or amenities and even if pedestrians did use this route there would be no safety issue as the road has good visibility and is extremely lightly trafficked.

Paragraph 5.22 – the final point within the JCC representation refers to the potential traffic impact of the proposals within the Walk Mill area located to the south of the site. It is acknowledged that there are some potential constraints to traffic flow within this area and as such this should realistically serve as a traffic calming measure through this area. The most appropriate route to the M65 along Burnley Road is therefore likely to be the route chosen by the vast majority of drivers travelling to and from the site. This issue was also considered acceptable by LCC as part of their consultation of the planning application.

As such, all of the JCC issues have been responded to within this section of the note.

No change to recommendation.

AGENDA ITEM 6e

The following update content should be read in conjunction with the published Committee Report.

FUL/2019/0478: Erection of mixed use development comprising cinema, 7no. Food and beverage units (Class A3), 2no. retail/leisure units (Class A1 or A3) with associated service yard with access from Curzon Street serving units 1-6, customer car park and service access from Royle Road serving units 8-10 together with associated public realm and landscaping

At: Land At Curzon Street And Pioneer Place Car Park, Curzon Street, Burnley

Highway Update:

Further to section of the main report entitled Highways, Accessibility and Impact on traffic, the Council have received an updated response from Lancashire County Council Highways on the 31st December 2019. The response identifies there is no objection in principle to the development however, there are still some outstanding technical matters, but these are capable of being controlled or mitigated through the recommended planning conditions. LCC Highways response is as follows;

With respect to the proposed application we would not wish to raise an objection. There are a number of concerns which have not been fully addressed by the submission, however it is expected that these can be dealt with by way of a number of conditions or addressed by way a of a Section 278 agreement.

There is a concern regarding the reduction of the on-street parking particularly on Curzon Street and Bankhouse Street where the existing provision is being reduced. A review of the on-street parking in the area is required and hoped that additional spaces to offset the proposed reduction can be found. The current Traffic Regulation Orders will need to be temporarily amended in order to allow some of the existing bays to be suspended, this can be done as part of the expected Section 278 agreement.

It is noted that the gas records have been provided, and that these show that an existing gas main that currently runs along Bankhouse Street. It is not generally accepted that Utility Company's Infrastructure can remain in land that is not adopted, unless an easement is agreed with the utility company. It could be expected that other Utility Company infrastructure will be present along Bankhouse Street, conformation of this will be required, as a formal agreement will be required to alter the adoption status of the section of Bankhouse Street.

There is a concern regarding Note 2 of Section A: Property Register would indicate that the Adopted Highway with-in the red edged plan are not included with in the title. A legal opinion regarding the ownership of this will be required.

Whilst it is noted that there is a proposal to use the existing car park entrance from Royale Road to service Units 1 & 2 suitable arrangements will be required to prevent this access being used inadvertently as a second access to the car park. It is anticipated that this could be a pedestrian access to the site with access the links to the bus stops on St James's Street. A method of suitably maintaining the access for pedestrians and service vehicles should be explored .

There have been a number of conditions proposed by the developers transport consultant, whilst these are generally acceptable there are not expected to be any structures that will require adoption.

Should you wish to support the application, we would look for the following conditions and Notes to be included within the application.

1. That prior to the commencement of any development a review shall be undertaken of the existing on street parking and loading on the following streets Curzon Street, Bankhouse Street, Standish Street Bankfield and Parker Street to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. Reasons: In the interest of highway safety and compliance with current highway legislation.

2. Submission of general arrangement drawings and a scheme for the phasing of the S278 works to be submitted prior to commencement. These proposals should include the provision of taxi parking proposals on Bankhouse Street, the identification of highway boundaries and land to be offered up for adoption and identification of any existing structures that may require adoption.

3. A Delivery and Servicing Management Plan shall be provided for the units this shall restrict to avoid conflict with existing businesses.

4. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reasons; To prevent stones and mud being carried onto the public highway to the detriment of road safety.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site

Notes:

1. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further

information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".

2. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lmsstreetworks@lancashire.gov.uk or on 01772 533433
3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
5. The Highway Development Control Section recommends the local planning authority attaches conditions requiring an agreement between the applicant and the local highway authority to outline the areas of land that will remain as part of the adopted highway. Additionally, details of the Private Management and Maintenance of the remaining areas will need to be confirmed. To ensure that the areas serving the development are completed and thereafter maintained to an acceptable standard in the interest of public safety; to ensure a satisfactory appearance to the infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the open space.

Applicants Response:

1. On-street parking concern is addressed by the proposed condition, however there is a large multi-storey car park adjacent to the site with capacity to take-up any additional demand at peak times, and into the evening if opening hours are altered;
2. Gas records and utility easements etc. Not a planning issue;
3. I am a bit confused by the note on the title plan regarding the non-inclusion of adopted highway land and indeed to LCC's reference to it. We do not need to stop up Bankhouse St if that is what the concern is related to. There aren't any other adopted highways running through the site are there and therefore no need for a legal opinion is required. It is obvious that if you apply to stop up land to which you don't own the title, you are creating a ransom for yourself.
4. Servicing access for units 1 and 2. The statement "a method for suitably maintaining the access for pedestrians and service vehicles should be explored this can be covered off by the condition requiring s278 GA's to be produced prior to commencement as the one relating to this area can show drop-down bollards for example;
5. The statement that "there are not expected to be any structures that will require adoption" may not be quite correct if we do need to offer up some land on the Bankhouse St and Curzon St frontages for adoption to allow for the widening of the footways. LCC may need to review any structures supporting the additional adopted highway at this stage, but again this can be covered via the s278 condition.

Officer response:

In view of the responses received from LCC Highways and the applicant, officers are satisfied that the proposed conditions to address the outstanding highways matters are acceptable and not fundamental to the acceptability of the scheme. Subject to the applicant providing the additional details required by the

recommend conditions, the proposal would not have a severe impact on the local highway network and therefore comply Local Plan Policies IC1 and IC3 and the NPPF.

Change in Recommended Conditions

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant providing an acceptable Coal Mining Risk assessment and following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information (including addendums) and the following approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. Prior to the construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

a) the parking of vehicles of site operatives and visitors

b) loading and unloading of plant and materials

c) storage of plant and materials used in constructing the development

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

e) wheel washing facilities

f) measures to control the emission of dust and dirt during construction

g) a scheme for recycling/disposing of waste resulting from demolition and construction works

h) measures to protect the amenity of surrounding occupiers during piling operations

i) routing of delivery vehicles to/from the site.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

5. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

6. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any buildings being brought into use. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

8. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.

9. In the event that any previously unidentified or unexpected contamination is found at any time during the development process, development shall cease and this shall be reported in writing immediately to the Local Planning Authority. A full risk assessment, including investigations as necessary, shall be carried out and submitted with a Remediation Scheme and be approved in writing by the Local

Planning Authority before development re-commences. The development shall thereafter be carried out in accordance with an approved Remediation Scheme and once completed, a Validation Report shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any buildings.

Reason: To ensure that any unexpected contaminants are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

10. No development shall take place until a scheme for appropriate surface water monitoring has been established to ensure water quality in the River Brun is not exposed to contamination from the application site during development. In the event that any contamination is found at any time during the development process, development shall cease and this shall be reported in writing immediately to the Local Planning Authority. A full risk assessment, including investigations as necessary, shall be carried out and submitted with a Remediation Scheme and be approved in writing by the Local Planning Authority before development re-commences. The development shall thereafter be carried out in accordance with an approved Remediation Scheme and once completed, a Validation Report shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any dwellings.

Reason: To ensure that any unexpected contaminants are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

11. That prior to the commencement of any development a review shall be undertaken of the existing on street parking and loading on the following streets Curzon Street, Bankhouse Street, Standish Street Bankfield and Parker Street to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reasons: In the interest of highway safety and compliance with current highway legislation.

12. Submission of general arrangement drawings and a scheme for the phasing of the S278 works to be submitted prior to commencement. These proposals should include the provision of taxi parking proposals on Bankhouse Street, the identification of highway boundaries and land to be offered up for adoption and identification of any existing structures that may require adoption.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before the development is brought into use .

13. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.

14. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reasons; To prevent stones and mud being carried onto the public highway to the detriment of road safety.

Town and Country Planning Act 1990 (As Amended)

Burnley Borough Council

Planning Application Reference : APP/2019/0155

Residential development for the erection of 125 dwellings including means of access, areas of public open space and all associated works.

Land to the west of Red Lees Road, Cliviger near Burnley

**Highway & Transport Report to Support the Objections by
the Local Residents Group**

**Prepared by Mr J C Carruthers BSc.,MSc.,CEng.,MICE.,MCIHT
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5th January 2020

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1. Introduction

- 1.1 This report has been prepared on behalf of a local residents group in the Red Lees Road area of Cliviger, near Burnley, to review the highway and transport impacts of the proposed development that has been submitted with Burnley Borough Council planning application APP/2019/0155. The report supports the objections of the local residents in relation to the proposed location of the development and the adverse highway and transport impacts that would arise.
- 1.2 The planning application seeks full planning permission for the erection of 125 no. dwellings together with the proposed vehicular access from Red Lees Road.
- 1.3 The report has been prepared by Mr J Carruthers who is a highway and transport consultant with over 34 years of relevant professional experience in the public and private sectors. During the preparation of the report the following investigations have been undertaken :
- an examination of the planning application submission including the Transport Assessment and the Framework Travel Plan and the Air Quality Assessment,
 - an examination of the consultation response to the planning application by Lancashire County Council (Highways),
 - an examination of the consultation response to the planning application by the Campaign to Protect Rural England (CPRE Lancashire), who object to the proposed development on policy grounds,
 - an examination of the consultation response from Cliviger Parish Council who strongly oppose the planning application,
 - consideration of the concerns by Burnley Civic Trust towards the proposed development,
 - an examination of the existing highway network and the transport infrastructure and services at different times of the day and week,
 - a meeting with the local residents group who are concerned about the adverse impacts that would arise from the proposed development on the operation, and safety, of the highway network, including the potential impact on air quality, and,

- consideration of the proposal in relation to national and local highway and transport policies including the Revised National Planning Policy Framework (NPPF, 2019 – Ref. 1), and the Burnley Local Plan (2012-2032 – Ref. 2).
- 1.4 The report describes the investigations that have been undertaken and identifies the unacceptable highway and transport impacts that would arise from the proposed development.

2. Site Location

2.1 The proposed residential development site is a large, greenfield, site with an area of 5.5 hectares. The site is in agricultural use, for grazing, by a tenant farmer and submissions have been made to the council about the significant adverse impact that the proposed development would have on the tenant farmer's business as a result of the loss of the site for grazing. The Burnley Local Plan refers to the site as follows :

This is a prominent greenfield site in the open countryside.

Burnley Local Plan reference to Site Allocation HS1/8 – Red Lees Road, Cliviger

2.2 The description of the site in the Local Plan is considered to be accurate and this does not agree with the site information in the developer's Transport Assessment (TA), that states that the predominant land use in the vicinity of the site is residential with areas of open space (paragraph 2.2.3 of the TA).

2.3 The site is located in Cliviger, outside the settlement boundary, on a sloping hillside and the topography of the surrounding area has, generally, steep road gradients between the site and Burnley town centre and other settlements. The site is crossed by 2 public rights of way (ProW), that are in regular use for recreational walking and the enjoyment of the open countryside by a high number of local residents and other visitors to the area. The high value of the site within the open countryside is referred to in the letter by CPRE Lancashire who object to the proposed development, as shown in Appendix 1.

2.4 There is a single bus service that operates along Red Lees Road with a typical low (hourly), weekday frequency. There are a low number of services and amenities within a convenient walking distance of the site and the topography of the area means that longer walking, or cycling, trips would not be practical for the greatest majority of people.

3. Principle of the Proposed Development

- 3.1 The site is allocated in the Burnley Local Plan 2018 under Policy HS1 : Housing Allocations. The site reference is HS1/8 which shows that it is one of only 11 wholly greenfield sites out of the 32 site allocations. The Local Plan states that the site is acceptable for around 125 dwellings out of a total allocation of 2,118 for the period up to 2032 i.e. less than 6% of the council's housing requirement in the next 12 years.
- 3.2 The fact that this site is one of the low number of greenfield sites in the Local Plan and that it is coming forward for development at such an early stage in the Plan period, and with the objections that have been raised by CPRE and others, means that the council should urgently review whether the site should be developed at this time. There are a higher number of brownfield sites available in the Local Plan (which would provide over 60% of the 12 year housing requirement), and there have been major policy changes in relation the location of new housing, transport and climate change since the site was identified in 2012 – 2014. The significant policy changes and guidance that have been issued since the Red Lees Road site was identified for development in 2012-2014 are described in the next section of the report and should cause the site to be prevented for development at this time.

4. Development, Transport and Climate Change Policy Changes since the Site was Identified for Development in the Local Plan

- 4.1 As described in Sections 2 and 3, the proposed development site at Red Lees Road is one of a low number of greenfield sites in the Burnley Local Plan that would contribute less than 6% of the council's housing requirement in the next 12 years. The site is also a prominent greenfield site in the open countryside, as stated in the Local Plan, and should have the lowest priority for development in the Local Plan, especially given the objections from CPRE Lancashire and others about the impact that the development would have on the countryside.
- 4.2 The suitability of the site for development must also be urgently reviewed in the light of the Climate Change Emergency that has been declared in the UK and recent transport, development and health guidance that has been issued since the site was identified for development in 2012 – 2014.

Climate Emergency Declaration in Burnley

- 4.3 On the 10th July, 2019 Burnley Council declared a Climate Emergency in response to the Climate and Environmental Emergency that was declared in the European Union and the U K Government declaring a Climate Change Emergency on the 1st May, 2019. These emergencies have been declared following new scientific research that shows that the world may have already crossed a series of climate tipping points. As part of the declaration in Burnley, the council has committed to achieve carbon neutrality as quickly as possible. The declaration also states that urban areas are easier to de-carbonise than rural areas for example because of their capacity for mass transit. The proposed development site is not in the urban area and would undermine the Climate Emergency objective to de-carbonise the borough, as described later in the report.

- 4.4 The proposed residential development at Red Lees Road would undermine the objectives of the council in relation to the climate change emergency because it would have very poor accessibility by sustainable transport and it would result in a disproportionately high level of transport emissions compared with a development site in an area that has good access to a wide range of shops, services and public transport. The Climate Emergency in Burnley is a significant declaration and should cause the Local Plan proposals that would have an adverse impact on environmental conditions to be suspended, or cancelled.

Recent Transport and Development Guidance

- 4.5 Developments that would result in a high level of car dependency and which have limited potential for trips to be made by sustainable transport, such as the Red Lees Road site, must be prevented to reduce the adverse impacts of private car transport on air pollution, health and the environment. This is highlighted in the November, 2019 Technical Journal by the Chartered Institution of Highways and Transportation (CIHT), which states the following (Appendix 2) :
- Current approaches to developing housing estates must change in order to deliver sustainable communities.
 - Over the last 10 years planning of new housing has focussed largely on delivering as many homes as possible. This has led to scattered and unfocussed developments that fail to take into account transport requirements.
 - If the location for new housing is wrong then basically everything else will fail (in transport terms).
- 4.6 The CIHT have also issued a new publication (in August, 2019), that refers to the need for new developments to have better integration with sustainable transport ('Better Planning, Better Transport, Better Places – Ref. 3). This is considered later in the report and shows that the proposed development site is not compliant with this new guidance.

- 4.7 New developments, such as the proposed development at Red Lees Road, will generate a high number, and proportion, of private car trips and these will have negative and cumulative impacts on air pollution, health and the environment. The proposed development would increase the number of car trips in the Burnley area including at existing congested locations in the town centre with associated poor air quality. This will exacerbate existing environmental and traffic-related air pollution problems and make it more difficult for the council to improve environmental and health conditions in the town centre and at other congested locations in the future.

Traffic-related air pollution and health

- 4.8 In February, 2019, the National Institute for Health and Care Excellence (NICE), published a Quality Standard that covers road traffic related air pollution and its impact on health (Ref. 4). Statement 2 of the standard requires local planning authorities to assess proposals to mitigate road traffic related air pollution in planning applications for major developments. The standard states that the proposals to mitigate road traffic related air pollution must be evidence based. The potential adverse health impacts that would arise from additional traffic from the proposed development at the locations referred to above has not been fully considered, or mitigated, in the planning application.

5. Adverse Highway and Transport Impacts of the Proposed Development

Transport Assessment

- 5.1 The Transport Assessment (TA), that has been submitted with the planning application states that the proposals are fully compliant with national and local planning and transport policies. However, it is considered that the TA significantly overestimates the potential for sustainable transport to replace private car trips at the proposed development and that it is not compatible with the objectives of the Climate Emergency declaration in Burnley or the latest guidance on improving integration between new developments and sustainable transport.
- 5.2 The TA was prepared in March, 2019 and this was before the Climate Emergency was declared in Burnley (in May, 2019), and does not fully consider the potential adverse environmental and health impacts of the proposed development location. The TA also pre-dates the guidance that has been published by the Chartered Institution of Highways and Transport in relation to improving the integration between Transport and Planning ('Better Planning, Better Transport, Better Places', August, 2019 – Ref. 3). This new guidance highlights the need for better integration between new developments and sustainable transport (walking, cycling and public transport). The guidance was prepared in collaboration with the Transport Planning Society (TPS), and the Royal Town Planning Institute (RTPI).

Car parking and traffic still dominate housing developments. Sustainable access to local services is poor. The way we currently plan new developments and the associated transport is often too heavily car dependent, damaging our health, harming our towns, and contributing to climate change.

Chartered Institution of Highways and Transportation Guidance,
'Better Planning, Better Transport, Better Places', August, 2019

- 5.3 The proposed development at Red Lees Road is an example of a Local Plan site allocation, and layout, that does not comply with the latest national planning and transport advice and undermines the objectives of the declared Climate Emergency.
- 5.4 The existing pedestrian and cycle infrastructure in the area is of a poor standard and the high levels of daily traffic generation will increase traffic congestion, particularly along the Brunshaw Road corridor, exacerbating poor air quality, and discouraging active travel for future residents and visitors. The low frequency and limited number of direct destinations that are available using the existing bus service on Red Lees Road means that the potential number of trips by public transport will also be low.



Example of an existing narrow footway on Red Lees Road near the site (unsuitable for a pram or wheelchair to pass a pedestrian)

- 5.5 Based on the predicted traffic generation rates in the developer's TA the number of vehicle trips that would be generated by the proposed development would be almost 700 between 7 a.m. – 7 p.m. on a weekday (5.4 trips per house). This is a high number of vehicle trips and the majority would travel along Red Lees Road and the Brunshaw Road corridor towards Burnley town centre, as shown in the TA. No cumulative traffic or environmental impact has been carried out for these vehicle trips along this congested transport corridor.
- 5.6 The primary school that has been identified for the proposed development by Lancashire County Council is at Burnley Springfield on Oxford Road. It would not be safe, or convenient, for primary school children to walk, or cycle, to, and from, this primary school because of the long walking distance (2 miles), and busy roads to cross in the area (as shown in Appendix 3). The walking distance would take 44 minutes for an adult, as shown in Appendix 3, and longer for an adult with a child each way to school. If children use the most direct route via Towneley Park they would have to cross the busy A671 Todmorden Road and there are a high number of vehicles that travel through Towneley Park at school travel times as a short cut to, and from, the town centre and to drop-off, or collect, children at the Unity College . To access the school by public transport (bus), would require a bus journey into Burnley and another bus to Oxford Road which would not be practical for the greatest majority of parents.
- 5.7 The proposed site access junction does not include any cycle lanes along Red Lees Road and this would have a negative impact on this designated cycle route with the introduction of a new junction and traffic islands that will result in cyclists being 'squeezed' as vehicles pass them. The proposed layout does not take account of the agricultural access on the east side of the road and this will introduce a new highway safety risk as large agricultural vehicles turn within the new junction layout.
- 5.8 The proposed extension of the 30 mph speed limit along Red Lees Road with a traffic actuated speed sign and road markings is unlikely to result in a high level of compliance of the new speed limit. This is accepted by Lancashire County Council Highways in their consultation response to the planning application, as follows :

The proposed visibility splays assume that the posted speed limit (proposed 30 mph speed limit), is adhered to, it is not believed that this is the case at this location.

Lancashire County Council Highways Consultation

- 5.9 The developer undertook traffic speed surveys on Red Lees Road that show that the existing traffic speeds are in excess of 40 mph along the site frontage (85th percentile), and the proposed visibility splays at the site access junction have, therefore, been designed for a 40 mph design speed. The 30 mph speed limit extension and the other measures proposed are unlikely to result in a significant reduction in the traffic speeds on this section of Red Lees Road. These vehicle speeds will increase the risk, and severity, of collisions along Red Lees Road at the site access, including for cyclists.
- 5.10 The TA assumes that the existing public footpath network in the area will be suitable for walking trips to, and from, schools and other key destinations for residents such as shops and employment sites. The existing public footpath network in the area is not suitable for functional walking trips because it is, typically, steep, muddy and with gates that would prevent access for a pram or wheelchair. These footpaths are also unlit and, potentially, insecure for children and other users who would have to use them. The upgrading of these footpaths, with surfacing and lighting, would not be acceptable because it would have an adverse impact on the countryside. This is a further example of the poor location of the proposed housing development.



The public footpath network in the area is not suitable for walking trips to, and from, school etc. because of muddy conditions and being insecure

- 5.11 The TA does not take account of the hilly topography of the area that will limit the number of trips that will be undertaken by active transport (walking and cycling). The TA assumes that children under 8 years of age would be able to walk 3.2 kilometres to school (via the public footpath network described above), or 4.8 kilometres for children over 8. These are considered to be unrealistic distances for the greatest majority of school children to walk and this will prevent primary and secondary aged school children being within a convenient walking distance of school. The TA refers to walking and cycling trips of up to 2 kilometres and 5 kilometres (respectively), as being 'leisurely'. This would not be the case because of the steep gradients that exist on the public footpaths and roads in the area and this shows that the locational characteristics of the site have not been properly assessed in relation to sustainable transport and the site is not well located for access by sustainable transport. The cycle journey planner from Burnley town centre to the site is shown in Appendix 4. The route is shown as hostile for cycling and with a very steep uphill gradient.

- 5.12 The national 2018 Active Lives Survey (Ref. 5), confirms that almost 30% of residents in Burnley do not undertake a continuous walk of more than 10 minutes each month and only 7.3% of residents undertake a cycle trip each month. The cycling rate for Burnley is the 5th lowest in England and confirms that the area has a very low rate of cycling. These statistics show that the Burnley area has low levels of active travel and the levels of active travel will be particularly low at the proposed development site which is not well located for walking and cycling trips. Whilst a Framework Travel Plan has been prepared for the proposed development the potential shift to sustainable transport will be limited by the locational characteristics of the site.
- 5.13 The TA shows that the long distance cycle route 68 is located near the site. The route is within the carriageway of Red Lees Road with no specific provision for cyclists in terms of cycle lanes or other infrastructure. The potential for cycling trips to be made to, and from, the proposed development will be low, as described above. The section of Red Lees Road near the site would be particularly unsuitable for child cyclists because of the traffic speeds referred to above and the lack of any cycle infrastructure.
- 5.14 The footway on the west side of Red Lees Road, in front of numbers 107 – 113 Red Lees Road will be narrow and sub-standard and this will create a risk for pedestrians who are walking to, and from, the Burnley-bound bus stop and other walking destinations to the north of the site. The sub-standard footway will create a barrier to the safe movement of pedestrians to, and from, the proposed development and especially those with prams, using wheelchairs or with a mobility impairment.
- 5.15 Therefore, the proposed development will result in a low number of trips being made by sustainable transport (walking, cycling and public transport), and will have a high level of car dependency. This will undermine the objectives of the Burnley Local Plan and the National Planning Policy Framework to promote sustainable transport.

- 5.16 **Policy IC1 of the Burnley Local Plan** states the following in relation to the requirements for safe and convenient access at new developments :

Development schemes should ensure convenient and inclusive accessibility to all sections of the community to, from and within developments

- 5.17 The proposed development scheme cannot be considered to have convenient and inclusive accessibility for all sections of the community. The proposed development is located on a steeply sloping site with access via existing roads with long, steep, gradients. The condition of the existing footways that serve the site are poor in both directions along Red Lees Road with narrow widths.
- 5.18 The detailed design of the proposed internal highway layout and footways has not been included with the planning application so it is not possible to establish the gradients and whether they would comply with the recommendations for inclusive mobility. The planning application seeks detailed permission for access so this information should have been submitted.
- 5.19 Therefore, the proposed development would not have convenient and inclusive accessibility to all sections of the community and this would make access to bus services and local services difficult for persons with a mobility impairment or other disability.
- 5.20 The proposed site layout plan that has been submitted with the planning application shows the provision of a future access to the adjacent land to the west of the proposed development and this is likely to be for future residential development. This would increase the number of dwellings in an unsustainable transport location and increase the adverse highway and transport impacts that are referred to above.
- 5.21 The proposed development would result in an increase in the number of pedestrians who use the private access road and public right of way (PRoW), that serves the properties at Cliviger Laithe. This road is narrow and has sharp bends with poor inter-visibility between pedestrians and drivers. This would increase the risk of pedestrian-vehicle collisions on this minor lane.



Existing narrow lane to Cliviger Laithe which is also a public right of way and which would not be suitable for additional walking trips because of potential pedestrian-vehicle collisions

- 5.22 The proposed development would result in an increase in traffic volumes on the minor road network to the south of the site in Walk Mill which is the most direct, and quickest, driving route to the Manchester area via Rawtenstall and the M66 motorway. The roads that would be adversely affected included Greencliffe Lane and Mount Lane where existing parking causes traffic obstructions and problems including for the bus service.



The proposed development would result in an increase in traffic flows along minor roads such as Mount Lane and this would increase the risk of collisions and increase traffic flow problems on these roads

- 5.23 Overall, the adverse highway and transport impacts that are described above are considered to be unacceptable and result from the proposed development site being in a poor location for access by sustainable transport and with poor highway and transport infrastructure in the area.

6. Conclusions and Recommendation

- 6.1 This Highway and Transport Report has been prepared to support the objections of the local residents group in the Red Lees Road area of Cliviger towards a proposed residential development for 125 dwellings off Red Lees Road.
- 6.2 The proposed development site is described as ‘a prominent greenfield site in the open countryside’ in the Burnley Local Plan and is one of only 11 wholly greenfield sites in the Local Plan. The proposed development site would provide less than 6% of the housing allocation in the Local Plan for the 12 year period up to 2032 and there are a higher number of brownfield sites available that would be more suitable for development.
- 6.3 The site was identified for development in 2012 – 2014 and the report shows that the site does not comply with the latest development and transport guidance or the revised National Planning Policy Framework (NPPF, 2019), because it would not be sustainable in transport terms. The greatest majority of trips that would be generated by the proposed development would be private car trips, with associated transport emissions. and this would undermine the objectives of the Climate Emergency that was declared in Burnley in May, 2019. It is for these reasons that the planning application for 125 dwellings should not be approved at this time.
- 6.4 The report shows that there are a low number of services (including schools), and amenities within a convenient walking, or cycling, distance of the site and this would result in a high level of car dependency for future residents. The Transport Assessment that has been submitted with the planning application significantly over-estimates the number of trips that would be made by sustainable transport (walking, cycling and public transport), and does not take account of the hilly topography of the area or the prevailing low rates of active travel by residents in Burnley.
- 6.5 There is limited opportunity for trips to be made by public transport with only a single bus service operating along Red Lees Road with a, typical, hourly service on weekdays.

- 6.6 The traffic that would be generated by the proposed development (700 car trips per day based on the information that has been submitted in the Transport Assessment), would have unacceptable impacts on traffic congestion, highway safety and air quality on the wider highway network including along Brunshaw Road into Burnley town centre and Mount Lane in Walk Mill.
- 6.7 The proposed site layout would result in new highway safety risks on Red Lees Road, at the proposed site access, because of the high traffic speeds along Red Lees Road and also the lack of provision for cyclists through the new junction. The proposed 30 mph speed limit extension and associated traffic sign and road markings are unlikely to reduce the existing high traffic speeds and this has been highlighted by the Highway Authority (Lancashire County Council).
- 6.8 The proposed development would also result in an increased risk of pedestrian-vehicle collisions on the private access road that serves Cliviger Laithe because there would be more pedestrians using this narrow lane to access the public footpath that links to Towneley Hall. The access road has no footway or street lighting and sharp bends.
- 6.9 Overall, the proposed development site would not be sustainable in transport terms, because of a high level of car dependency, and would have unacceptable impacts on the highway network. It is considered that the proposed development does not comply with the NPPF or the latest transport guidance that has been issued by the Chartered Institution of Highways and Transportation (CIHT), - 'Better Planning, Better Transport, Better Places'. The proposed development would also undermine the objectives of the Climate Emergency declaration in Burnley by increasing traffic-related air pollution, including CO₂. It is, therefore, recommended that the planning application should be refused.

References :

1. Revised National Planning Policy Framework (NPPF)
Ministry of Housing Communities and Local Government
February, 2019
ISBN : 978-1-5286-1033-9
2. Burnley Local Plan 2018 – 2032
Burnley Borough Council
July, 2018
3. Better Planning, Better Transport, Better Places
Chartered Institution of Highways and Transportation
August, 2019
ISBN : 978-0-902933-61-3
4. Air pollution : outdoor air quality and health
National Institute for Health and Care Excellence (NICE)
Quality standard QS181
February, 2019
5. 2018 Active Lives Survey
Sport England
2018

Appendix 1

**Objection to the Planning Application by the CPRE
(Campaign to Protect Rural England), Lancashire**



The countryside charity
Lancashire, Liverpool City Region
and Greater Manchester

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Patron
Her Majesty the Queen
President
Emma Bridgewater
Chair
Debra McConnell

31st December 2019

Dear Janet,

Planning Application: 2019/0155 - Residential development for the erection 129 dwellings including means of access, areas of public open space and all associated works. The proposal affects Public Footpath Nos. 88, 89 and 90 and involves the diversion of Public Footpath Nos. 89 and 90 | Land To The West Red Lees Road Burnley Lancashire

I am writing on behalf of CPRE Lancashire with an **objection** to the abovementioned application. I briefly articulate our policy position, and refer to concerns raised by local people, who have been in contact with us for help. We ask the Development Committee to refuse this application on genuine planning grounds.

CPRE Lancashire

The Campaign to Protect Rural England Lancashire (CPRE Lancashire) was established almost 90 years ago, and since then it has sought to ensure for a beautiful and thriving countryside that enriches all our lives.

The Countryside sustains us in every way. Its beautiful landscapes provide the food we eat and a haven for the nature and wildlife we love. It is where many of us feel most alive. But it is under threat – from pollution, litter, irresponsible development and a host of other pressures. The countryside doesn't stand still. It is always adapting and evolving. If it is going to thrive, it needs our help now. Change in our countryside is necessary, but for it to be positive it must meet the needs of both rural and urban communities. We want a thriving countryside for everyone to enjoy – today and for generations to come. We're CPRE, and we stand up for positive progress.

Once a site is allocated for a land use in a Local Plan, accept the principle of development. However, we are committed to good town and country planning principles grounded in sustainable development principles. Like Government we are supportive of plan-led development, and seek adherence to Local Plan policies. Developers ought to consider the Local Plan for the site they seek to develop and present a scheme that is of high quality design, achieves a biodiversity net gain and delivers adequate infrastructure. There are opportunities when new development comes forward to ensure good urban design to enhance existing built and natural forms and enhance local character. We urge Government and local planning authorities to prevent development that is contrary to national and local planning policies, where they result in poor design, and or unsustainable development for future generations. It is with this in mind that I write to you.

Development Committee 9th January 2020

The application is to be decided at a meeting on the 9th January 2020. The Council adopted Burnley's Local Plan On the 31st July 2018, meaning the policies are up to date and should be afforded full weight. The site is allocated for housing, and all of the planning policies within the Local Plan apply. In August 2019 the application was considered to be sub-standard in the context of the Local Plan policies and a decision deferred until the applicant had made minor amendments. CPRE Lancashire has considered the revisions, and remains opposed due to unresolved concerns and a negative planning balance.

Infrastructure and Planning Contributions

The Council has a responsibility to ensure all the Local Plan policies are complied with, in particular:

Policy IC4- Infrastructure and Planning Contributions – point 5) Contributions will be negotiated on a site-by-site basis and will only be sought where these are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Concerning development contributions, the National Planning Policy Framework states:

***Paragraph 34.** Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.*

***Paragraph 57.** Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to*

demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Developers are required to deliver housing types and tenures specified in Local Development Plans. The legal judgment in case of [2018] EWHC 991 (Admin) established that land value must be informed by policy, and consequently, it is not acceptable for the Council to grant permission for an application that is deficient in developer contribution. If it did it would wrongly expose the Council to future costs to overcome shortcomings of the application. Such a wrong decision is contrary to the principle of plan-led sustainable development, and it would set a worrying precedent. In CPRE Lancashire's view, the developer contributions are not adequate in relation to the following policy areas:

- **Highway Safety** – Previously there was a Lancashire County Council objection on highway safety issues. This is clearly an important consideration. The Council should not allow a development scheme that leads to a poor highway safety outcome in the future. This issue must be resolved.
- **School Places** - the School Development Team in a letter dated 29 August 2019 identified a shortfall with less than half of sum required to mitigate the impact of the development on local school places. Children are expected to be transported at a long distance, which is in the context of the Local Plan policies unsustainable,
- **Affordable Housing Contribution** – Five starter homes at 80% of sale price (therefore not affordable in perpetuity) for 125 dwellings is inadequate. The Council ought to be seeking a contribution in line with the Local Plan policies. The National Planning Policy Framework sets out a minimum of 10%. The Council ought not to under-perform on this important issue, as rural housing shortages need to be addressed. Key workers and families need truly affordable homes, not just to buy, but also to rent.
- **Biodiversity** - Natural England objected due to adverse impact of the proposed development upon the local biodiversity. The Government guidance for new development is of a Biodiversity Net Gain of at least 10%. The Council must ensure that local biodiversity is protected and enhanced by the development. It cannot be granted permission if it falls short.
- **Footpath network** the development should make a positive contribution to the network of Public Rights of Way., rather than harm walking or cycling routes. The Burnley Civic Trust has raised relevant concerns. CPRE Lancashire believes that active travel should be supported and not made more difficult in the future. The designed layout ought to knit the new development with the existing to promote better reliance on sustainable travel.

There is a public expectation for the Development Committee to operate in a professional manner, and for its decisions to be undertaken in an accountable and reasonable manner. In so doing, the Committee is required by the planning

system to show consistency in the interpretation of Local Plan policy. We therefore recommend refusal of this application due to the Local Plan policies not being fully addressed, resulting in a negative planning balance.

I apologise for the late submission of these comments, this was as a result of our team's capacity over the holidays.

Yours sincerely



Jackie Copley MRTPI MA BA(Hons) PgCERT

Planning Manager

Appendix 2

**Extract from the Chartered Institution of Highways & Transportation
(CIHT) Journal, November 2019**



Momentum builds in push to create sustainable developments

↑ Greater focus on sustainable modes of transport is urged in the planning of new housing THINGLASS - SHUTTERSTOCK

Calls to better integrate public and active transport into new residential sites are growing in volume, while car centric places continue to be delivered across the UK.

Current approaches to developing housing estates must change in order to deliver sustainable communities, planning specialists are urging.

Several aspects of today's system lead local authorities, developers and planning professionals – usually unintentionally – towards decisions that prioritise the private car over walking, cycling and public transport.

At a time when the Government wants to see 300,000 homes a year delivered by the mid 2020s, efforts to better integrate planning and transport are critical, says CIHT's Sustainable Transport Panel chair Lynda Addison.

"Over the last 10 years the planning of new housing has focused largely on delivering as many homes as possible," she says, which has led to scattered



"If you get the wrong location for housing then everything else will basically fail."

Lynda Addison

↓ Many sites favour cars over public transport

and unfocused developments that fail to take into account transport requirements.

Peter Brett Associates' director of community development and infrastructure Keith Mitchell adds: "There have been so many communities built over the years that exclude public transport. Active modes, he says, are also "seriously and serially" under planned for.

Why this issue persists and how it can be addressed is grappled with in several recent documents, including CIHT's 'Better Planning, Better Transport, Better Places' guidance, the Royal Town Planning Institute's A Smarter Approach to Infrastructure Planning' research and the work of Transport for New Homes.

A fundamental problem, emphasises Surrey County Council's transport development planning manager Mike Green, comes in establishing the location of new housing.

"We are still making decisions at the local plan stage for the wrong reasons," he says, noting that high demand for housing often means easy to deliver sites such as those close to highway interchanges are developed.

These are usually poorly served by public transport and it is not

considered economically viable to provide accessibility for non-car modes. "I would like to see more planning at a regional or sub-regional level to ensure holistic decisions are taken to get housing in the right place."

Lynda Addison says: "If you get the wrong location then everything else will basically fail," adding that it is much easier to build on a network that already exists or can be extended. "If you put new places in the right location and design them effectively you can minimise a lot of additional hard infrastructure requirements."

Keith Mitchell agrees that location is key, and partly blames the loss of regional spatial strategies for a lack of a coherent vision about where housing sites should go, which leaves local authorities "working in vacuums".

He adds: "Underpinning all of this should be a change in mindset about where we prioritise investment to build new communities."

Keith explains that the way the planning system and transport assessments currently work often leaves developers with a requirement to deliver expensive highway upgrades, where the money could have been spent on active travel, community facilities or affordable homes. >

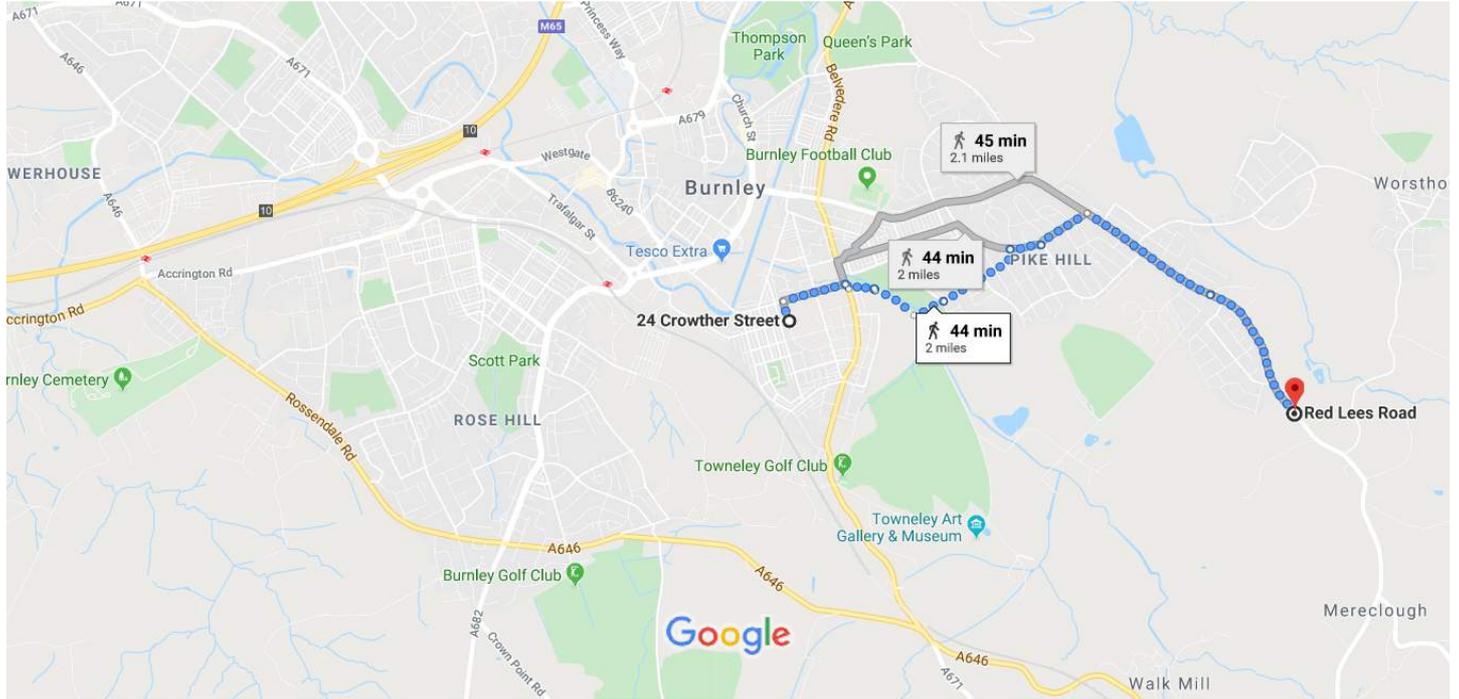


Appendix 3

Walking Routes to the Designated Primary School



24 Crowther St, Burnley BB11 3ND to Red Lees Rd, Burnley BB10 4RD Walk 2.0 miles, 44 min



Map data ©2020 500 m

 via 68/Red Lees Rd 44 min
2.0 miles

 via Brunshaw Rd and 68/Red Lees Rd 44 min
2.0 miles

 via Brunshaw Rd 45 min
2.1 miles

↑ 272 ft · ↓ 30 ft

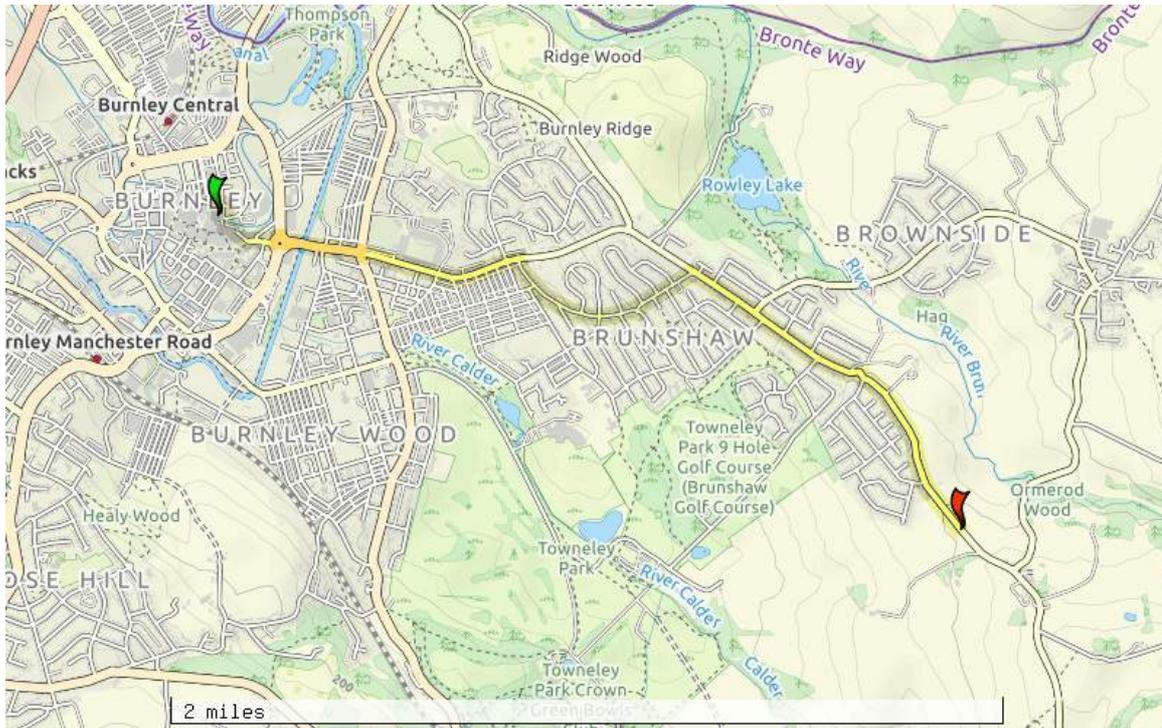


Appendix 4

Cycle Journey from Burnley Town Centre to Site

Balanced route Alley from Roundabout to Red Lees Road

Journey no.
#67,040,568



If you decide to follow the suggested journey below please take extra care on unfamiliar sections; proceed at your own risk (route quality cannot be guaranteed).

Journey time: **22 minutes**, at a desired speed of 20 km/h.

Distance: **2¼ miles**

Calories: **131 kcal**

CO₂ avoided: **0.69 kg**

Quietness: **Hostile**

Route has very busy sections

Traffic lights: **2**

Dismounted: **1% distance, 2% time**

Elevation profile:

