

Cliviger with Worsthorne Ward

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 of Red Lees Road, Cliviger

Background:

The application seeks full planning permission for a residential development of 129 two storey dwellings on approximately 5.4ha of land on the easterly urban edge of Burnley. The site is under grass, undulating and used for grazing. It is bound by properties on Richmond Avenue to its north side and by open fields to its other sides which includes farm buildings and Cliviger Laithe Farm to the south west. The site's boundary on Red Lees Road is defined by an historic drystone wall. Beyond the open fields to the west of the site is playing fields and grounds of Towneley Park. Approximately 180m to the south of the south east tip of the application site is Higher Red Lees Farmhouse which is a Grade II listed building.

The site is crossed by three public footpaths, two of which are directly affected by the proposed development. These paths are part of a network of paths to the west, east and south of the site. Public Footpath Nos. 89 and 90 cross from the southern tip of the site and from the south easterly edge of the site and join at a footstile on Red Lees Road (approximately 65m south of the end property at 113 Red Lees Road). Public Footpath No. 88 is also within the application site, passing from east to west along the south side of the site. The applicant has made a separate application for the diversion of Public Footpaths 89 and 90 which is necessary to accommodate the layout of a new development. Public Footpath No. 88 would remain on its designated route. The making of an Order for the diversion of the affected public footpaths was authorised by the Council on the 27th June 2019 and a further report is also being considered at this Committee meeting for minor and technical changes to the Order before consultation on this is commenced.

The proposed scheme provides for a total of 129 two storey dwellings, consisting of a high proportion of detached houses (94no.) and lower proportions of semi-detached (26no.) and houses in a row of three (9no.). Approximately 60% of the proposed houses are 4 bedroom properties and 40% are 3 bedroom properties. The proposed layout provides a single point of vehicular access from Red Lees Road and a ramped access for pedestrians at the position of a current stile within the drystone frontage wall and a further pedestrian access at the northerly end of the site onto Red Lees Road close to the existing end property at 113 Red Lees Road. The layout comprises a modern residential estate layout with a spine road and a series of cul-de-sacs. The layout is designed to have a frontage of houses facing Red Lees Road, set back by an access road/driveways and a green buffer of approximately 5m depth up to the drystone boundary wall which would be retained. The layout provides for greenspace in three main areas, firstly within the main body of the site in a regular shape and sufficient size to provide for a play area; secondly, to the south west corner of the site where a pond or underground surface water tanks as well as a foul pumping station would also be sited; and, thirdly in triangular shape along the southern flank of the

Street view elevation fronting Red Lees Road

(viewed left to right/south to north)



Rev B. Chimneys addec
1, 5, 108, 112, 83, 87.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 - Green infrastructure

HS1 (HS1/8) – Housing allocations (Red Lees Road, Cliviger)

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

HE2 – Designated heritage assets

HE3 – Non-designated heritage assets

HE4 – Scheduled monuments and archaeological assets

NE1 – Biodiversity and ecological networks

NE3 – Landscape character

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

The National Planning Policy Framework (2019)

Site History:

None.

Consultation Responses:

LCC Highways

We would not wish to raise any objections. There are however a number of concerns regarding the access and other plans that have been provided.

It is felt that from the commencement of this development that there has been some opposition from the developer regarding the provision of a right turn lane for the access to this development and other of site highway works including the provision of some additional footways to enhance the pedestrian access facilities.

Whilst it is noted that the applicant has provided a safety audit for the site it is also noted that this is based on a site visit made on a Monday afternoon between 14:10 hrs and 14:35 hrs and that the weather and road conditions were dry and the traffic was fairly light. It is not felt that this is indicative of the generally prevailing traffic conditions.

From the outset of this proposed development site Lancashire County Council has requested that a dedicated right turn lane be provided, this was also requested at the pre-application meeting.

It is known locally that the stretch of road in question whilst having a 30 mph speed limit for much of its length that this is not generally adhered to and it was felt that significant measures would be required to act as a traffic calming measure.

A one day traffic survey was carried out by applicant approximately 30m outside of the 30mph speed limit change which produced an 85th percentile speed of 43 mph north bound and 44 mph southbound. It is not felt vehicles travelling in either direction would be or would have been travelling at 30 mph at the point at which the speed limit changes.

Our points upon which we would base our requirements for a dedicated right turn lane with associated traffic islands are based on the following points:

- To act as a traffic calming feature
- To protect vehicles waiting to turn right into the new development
- To prevent vehicles overtaking in a southbound direction
- To protect left turning vehicles leaving the new site from potential danger of southbound overtaking manoeuvres
- To provide a visual indication of presents of the new site entrance and extension to the urban environment

- To ensure that the site is future proofed, if a number of smaller scale developments come forward they will add to the overall vehicle count whilst resisting the request for additional off site highway costs.

There appears to be a ramp provided in association with the plan numbered 181321010G PROW Diversion it was understood that this ramp, previously requested, was not able to be delivered, an indication of its profile would be required. Assuming that its gradient is reasonable this could then be used as an alternative pedestrian access to the development. Negating the provision of the access at the gable of plot 82. However the footway on the north east side of the Red Lees Road would need to be extended to meet this opening and a suitable pedestrian refuge would need to be provided.

There are still a number of differing opinions regarding the off-road parking availability for the proposed dwellings many of which whilst having sufficient space to allow 2 cars to park still leave no access for pedestrian access. Guidance from Residential Roads and Footpath Design Bulletin 32 states that this width should preferably be no less than 3.2m; narrower driveways may be acceptable where no pedestrian access is required. There are a number of plots where there is no pedestrian access provided.

There are some discrepancies between some of the plans and assumptions made by the developer. This includes the availability of off-street parking for the existing dwellings at 107 to 113 Red Lees Road all have off street parking, this is refuted by one of the local objectors. There is a concern that if all the residents do not have off street parking then they will simply park on the proposed footway and narrowed carriageway. It would appear that little thought has been given to the provision of any additional off-street parking for any of the existing dwellings. It could be achieved by providing an additional access to Red Lees Road at the gable of Plot 82 to accommodate some limited additional off-street parking.

These concerns have been previously expressed to the developer by way of the Pre Application Advice process they include the following points:

- A traffic island will be necessary to provide a safe crossing point and protect right turning traffic into the new estate with additional road width created from the removal or narrowing of the existing grass verges, the running lanes and right turn lanes should be 2 x 3.4m and 3m respectively. There will also be a requirement for some additional road markings.
- Red Lees Road is known to be used by abnormal loads servicing the nearby Wind Farm any street furniture mounted on the traffic island will need to be demountable
- An assessment of the existing street lighting provision will be required to cover the newly formed conflict zone and the re-siting of the lit speed limit signs.
- The footway opposite Hill Crest Avenue should be extended in a northerly direction from the existing outbound bus stop to a suitable crossing point away from the junction.
- A footway from the same bus stop shall be provided southerly direction to a new traffic island.

- The proposed new footway in front of Nos 107-113 Red Lees Road and the new footway opposite shall not narrow the carriageway to less than 7.0m, some localised carriageway widening will be required.

In addition to these point a 30m.p.h. Vehicle activated sign is expected to be provided to reinforce the extended 30mph speed limit.

Should you wish to support the application we would wish for the following conditions to be added to your decision notice.

1. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road. Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

2. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

3. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority. Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

4. For the full period of construction facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. There should also be provision to sweep the surrounding highway network by mechanical means if needed. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users. 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.

LCC Schools Planning Team

Calculate that the development will generate a primary school pupil yield of 38 places and a secondary school pupil yield of 16 secondary school places. The pupil projections over a five year period together with capacity in schools indicate that a contribution should be sought for the full pupil yield for both primary and secondary school places. This is calculated at £609,920.52 for primary places and £386,962.56 for secondary places.

Lead Local Flood Authority (LLFA)

No objection subject to the inclusion of a condition to require details of the design of scheme of drainage, based on sustainable drainage principles to be agreed prior to the commencement of development and to be implemented prior to the occupation of any dwellings.

United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. In principle the proposals are acceptable; however, the LLFA may wish to comment further on the proposed approach and whether the surface water hierarchy in National Planning Practice Guidance has been fully investigated. We are disappointed to see the use of underground attenuation systems rather than sustainable drainage systems. Conditions are recommended to ensure that no surface water connects with the public sewer in accordance with the submitted Flood Risk Assessment; to require no development to be commenced until a sustainable surface water drainage scheme and a foul water drainage scheme have been approved; and to require a sustainable drainage management and maintenance plan for the lifetime of the development.

LCC Archaeology

The application is accompanied by a suite of documents including an archaeological desk-based and walkover assessment report, a geophysical survey report, a Heritage Statement and a Written Scheme of Investigation for a programme of trial trenching, all prepared by Wardell Armstrong Archaeology. The works undertaken and reports provided appear to have been done to the appropriate standards.

A number of heritage assets have been identified in or close to the proposed development site which will be impacted, and the potential for as-yet unidentified buried remains has also been established. Of particular note are the curved features and potential soil cuts identified in the geophysical survey, which could relate to the prehistoric activity discussed in the desk-based assessment.

Also of note is the larger size of the boundary wall to the northwest side of the proposed development area, which is highlighted in the Heritage Statement. This boundary is noted there as possibly representing the medieval park pale, described there as a large ditch or banked boundary with a wooden fence. Such deer park pales were commonly formed by a ditch, with a bank formed from the spoil being built up outside the ditch, topped by a hedge, wall or fence; they were generally equipped with a number of lower sections, termed 'deer leaps' or 'salters' so arranged that deer from outside the park could get in, but once inside could not get

out. Such park pales sometimes survive intact in the landscape, but more commonly their original features have been lost but their line may well still be in use and can be traced. As such it would seem important for this boundary to be inspected in some detail and included in the scheme of trial trenching set out in the supplied Written Scheme of Investigation. This could be achieved by a small alteration to the location and orientation of the three trenches proposed along the boundary by (i) placing them at an angle to the boundary rather than parallel to it; and (ii) moving them as close to the extant boundary as is practicable.

With the above amendment the Written Scheme of Investigation (WSI) would appear to be an appropriate programme of initial investigation [this has now been amended and accepted by LCC]. A condition is recommended to require an archaeological investigation in accordance with the amended WSI of any planning consent granted to the application and any subsequent applications.

Condition: Prior to the commencement of the development hereby approved the archaeological field investigations detailed in the submitted and approved Written Scheme of Investigation (WSI) for an Archaeological Evaluation shall be carried out in accordance with the methodology set out in the WSI. The aim of the investigation is to establish the presence or absence of archaeological remains and their nature, date, extent and significance. A report on the work undertaken, the results of that work and the conclusions drawn from them shall be prepared and submitted to the Council. If archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation submitted to and agreed with the local planning authority and implemented before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the development.

Greater Manchester Ecology Unit (GMEU)

The development is just under 2km from the South Pennines Moors SPA and SSSI and triggers the need to consult Natural England. The Habitat Regulation Assessment (HRA) carried out as part of the Local Plan process ruled out significant adverse effects on the SPA resulting from noise, light and vibration as well as increased recreation pressure if a visitor management plan was produced. Functionally, the site was also considered unsuitable and too disturbed (public footpaths). Further surveys for golden plover were however recommended and agreed by Natural England prior to any development. As such, GMEU recommended that a new HRA be required [this has now been carried out and completed].

No evidence of protected species was identified or suspected on the site (from the ecological report submitted) and there are no reasons to doubt these conclusions. It

has been noted that there may be bat foraging/commuting routes for bats along field boundaries. Recommend a condition to require a lighting plan that demonstrates no negative impacts to any features of value to bats (and other wildlife).

The site has been assessed as low risk for ground nesting birds owing to the level of disturbance. Additional bird surveys have also now been carried out. There is little in the way of nesting habitat such as trees and scrub on the site, though the consultants note that the drystone walls will also provide bird nesting opportunities and recommend clearance outside of the bird nesting season. All British birds nests and eggs (with certain exceptions) are protected. A condition is recommended restrict clearance works to outside the nesting season unless a detailed bird survey carried out immediately before the works shows that there are no active bird nests present.

Additional bird surveys occurred through the Spring migration period and early part of the breeding season. No evidence of any ground nesting birds and no foraging by qualifying species for the South Pennine Moors SPA were found to be present on the development site and whilst no explicit mention is made for adjacent fields, the consultant have confirmed verbally that their vantage point gave them views of the field to the north of Red Lees Rd and no qualifying species recorded flying over.

Whilst it would have been better if surveys had carried on further in to the breeding season and explicitly covered the adjacent fields, the lack of any evidence of ground nesting birds or foraging by qualifying species such as golden plover, combined with previous surveys late in the season last year and assessments made that the site was of low suitability indicates that the risk is very low.

In addition qualifying species such as golden plover are believed to forage closer to the nest once the young have hatched primarily on the moors and given the scale of the development, the theoretical large area of available alternative habitat for foraging and the relative low number of actual breeding pairs in the Burnley section of the SPA, combines further for us to conclude that there is no significant impact on ground nesting birds or foraging by qualifying species for the South Pennine Moors SPA.

We therefore believe it would be unreasonable to recommend additional surveys at this time.

To cover any residual risk and changes in circumstances to the fields potential for ground nesting birds if development is delayed and potential changes in golden plover foraging habits (as I have received conflicting advice on whether golden plover forage on the same sites each year or vary their foraging sites). I recommend an informative along the following lines is applied to any permission.

“Whilst the risk of qualifying species for the South Pennine Moors SPA utilising the site and adjacent land is low, should species such as golden plover be recorded on the site or adjacent land during construction work should cease and advice sort from a suitably qualified ecological consultant “.

And a condition along the following lines:-

“If development is delayed beyond 31st March 2020 updated bird surveys for ground nesting birds and foraging by qualifying species for the South Pennines SPA will be carried out for the site and adjacent accessible land and will be supplied to and agreed in writing by the LPA.”

Section 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimizing impacts on and providing net gains for biodiversity. Whilst accept that the habitats to be lost are generally of low ecological value, am concerned that the scale of the habitat loss has not been fully taken into account and adequate land set aside for habitat mitigation. In this instance, given the generally low habitat value of what is to be lost, if mitigation is maximised within gardens, through nest boxing strategies, on-street planting etc, details could be conditioned as mitigation. [A condition is recommended to require details of habitat mitigation across the areas of proposed public open space and gardens].

Burnley Conservation Forum

The site is a large, approximately 5ha field, within the 2.5km buffer zone of the South Pennine Moors Special Protection Area (SPA) which classes as “functionally connected land” which is vitally needed by some of the SPA qualifying bird species to forage for food during their breeding season. The loss of any fields within the SPA buffer zone which are in a suitable condition for foraging for food by germane qualifying bird species would have an adverse effect on the integrity of the South Pennine SPA by way of increasing the vulnerability of these bird species. The Council must carry out an ‘Appropriate Assessment’ and as part of this, a Habitats Regulation Assessment (HRA) which is subject to consultation with Natural England and other appropriate consultees, to ascertain whether the proposal will result in any adverse impact on the SPA. The Local Plan HRA was incomplete and inadequate as it concerned only one of the SPA’s qualifying bird species, Golden Plover, and was undertaken on 21/8/2017, far too late for the April to June breeding season for these 13 upland breeding birds. This was acknowledged in the Planning Inspectorate’s report which refers to a requirement for further surveys and assessments at the planning application stage.

The Ecological Appraisal accompanying this application (by Ascerta) is based solely on a single ‘walkover’ survey undertaken on the 7th August 2018, far too late for the April to June breeding season. Comprehensive bird surveys are needed and incorporated into a HRA, considering not only Golden Plover but also three other field foraging wading birds - Lapwing, Curlew, Redshank and Twite. The Ascerta Appraisal refers to surveys for only Golden Plover, commencing in February which is outside the breeding season; it is also important that night-time surveys are also undertaken. It is a concern to the Forum that Common Sorrel which is an important food resource for breeding Twite, which we found distributed throughout the application field, was not included in the ‘walkover’ survey list of plant species. Before the application is determined, a more comprehensive Phase 1 Habitat Survey needs to be undertaken by the applicant.

The Forum’s most recent site assessment and vegetation survey in May 2019 that that the small and narrow part of the application field to the north-west of an electrified fence was subject to low intensity grazing by a small number of cattle whilst the majority of the field to the south-east of the electrified fence, had not been

recently grazed and comprised a varied spring sward of young short growth with dryer areas interspersed with more marshy areas and including a wide range of wildflower, sedge and grass species in a good quality semi-natural state which was in a suitable condition for foraging in the April to June period by four of the qualifying SPA bird species (Golden Plover, Lapwing, Curlew and Redshank) and suitable in the June to July period for Twite.

In summary, the field is in a suitable condition for foraging for food in the breeding season by five of the qualifying SPA bird species. The application leaves very little space for on-site habitat mitigation and would be a significant unacceptable net loss of biodiversity habitat. The 'precautionary principle' applies to the adverse effect this would have on the integrity of the South Pennines SPA, by way of the total loss of this large foraging field. The Forum formally object to this development proposal on these grounds.

Following a further bird survey (carried out by Ascerta on behalf of the applicant) carried out in June this year, the Forum have made the following points:-

- Concerns in respect of its content, stating that their use of the 'LERN' database and a 2016 Lancashire Bird Report is incorrect, as there are sightings by the writer/Forum of Golden Plover within two localities of the breeding sector of the SPA. The application site is close to where there have been these sightings and to other sites breeding sites. Studies have shown that female Golden Plovers travel on average up to 7.4km and up to 10.7km to forage for food. There are also other Golden Plover breeding localities close to the application site in areas that are not observable from public footpaths and are kept confidential in order to protect them from disturbance. The Ascerta report gives the impression that Golden Plovers are not currently present at all in the east Lancashire sector of the South Pennines SPA. They are present and breed in localities close to the application site, as do other SPA breeding bird species and it is important that the Ascerta report is corrected.
- The 6 survey visits were undertaken during the late February to late April period. The SPA wading bird species, including Golden Plover, are nesting during the period from late March/early April to late June/early July. The first three surveys were undertaken too early and there were no visits after the 29 April (none in May and June), rendering the survey inadequate and misleading. The surveys were also carried out outside the optimal hours and in some cases on dates too close together to obtain more useful and contrasting data.
- Conclude that the Ascerta June 2019 breeding bird survey contains inappropriate and misleading data and information and therefore inadequately informs the Habitats Regulations Assessment (HRA) process.

Natural England

This proposal is approximately 1.9km from the South Pennine Moors Site of Special Scientific Interest (SSSI), South Pennine Moors Special Area of Conservation (SAC), and South Pennine Moors Phase 2 Special Protection Area (SPA).

In considering the European site interest, Natural England advises that Burnley Borough Council, as a competent authority under the provisions of the Habitats

Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Therefore it is requested that one is produced.

We recommend that a comprehensive desktop study is undertaken to provide an evidence base for your HRA. We would expect to see a robust data search with information from records centre, local bird groups and the wildlife trust and appropriate survey effort as appropriate for the site and surrounding fields. The desk study should set out the data clearly, stating whether the records cover winter, and spring and autumn passage. If there is an absence of records, it must be explained whether this is due to an absence of birds, or an absence of recording of this area. The study should also assess the suitability of the site for SPA Birds. This study will inform the need for further survey work of the area.

Our concerns regarding the potential impacts upon the South Pennine Moors SSSI coincide with our concerns regarding the potential impacts upon the European designated site.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

The Council has commissioned a Habitats Regulation Assessment in accordance with the regulatory requirements that has been completed and a copy sent to Natural England for their further comments which will be reported to the Committee in late correspondence before the meeting.

Campaign to Protect Rural England (CPRE)

Object to the proposal. It was recommended following the Local Plan examination that a proper planning exercise be undertaken to ensure that the benefits of the development outweigh economic, social and environmental harms.

The design of the scheme must therefore be given due consideration. The mix of housing types should reflect what is evidenced as needed locally. Proper attention to the detail of the scheme must be given in taking a decision with regards to the density, style and materials to reflect local distinctiveness. Importantly, adequate affordable housing contributions and community infrastructure should be sought.

I am aware that locally the development of the site is opposed by residents and the Parish Council and local opinion must be given weight. Trust in the planning system

would be eroded if 'pattern book houses' are merely 'copied and pasted' into the site, without thorough understanding of local concerns. For example, I am aware that the site is accessible from Public Rights of Way and we strongly recommend these are woven into the development along with cycle infrastructure. It is so important to encourage sustainable travel modes so the development is properly knitted into the existing built environment. Highway safety concerns must be addressed to remove the risk of future accidents when accessing from the development onto the highway, which currently has a 50 mph speed limit. The climate change consequence of promoting rural development ought to be weighed in to this decision. Promoting road based residential schemes will exacerbate the problems associated with climate change from increased greenhouse gases, along with more local problems of noise, loss of tranquility and air pollution. We strongly urge for electric charging points to enable people to move to electric cars to combat these problems.

Burnley Civic Trust

Object for the following reasons:-

1. The whole development is uninspiring and looks just the same as any development in any part of the country.
2. Insufficient provision for public open space.
3. There is no infrastructure - sewage, water and other services; no doctors/dentists and schools are completely full.
4. Red Lees Road is already heavily used as access to the town centre with constant streams of traffic. This will lead to over 350 new cars which will worsen this situation on Red Lees Road and Brunshaw Road and make it difficult for pedestrians to cross safely.
5. Object to the diversion of the public rights of way across the site. These are used extensively by the public and nearby residents.
6. The site is a Special Protection Area (SPA) of the South Pennines, used by moorland birds such as the curlew for foraging and feeding. Full ecological survey is required when birds are hatched and feeding/foraging.
7. There are sufficient areas in Burnley that are suitable for building without extending beyond what was the gateway from the urban area and damaging the rural area of the town by becoming an urban sprawl.

Cliviger Parish Council

Strongly object; were disappointed that the land was put into the Local Plan in 2017, particularly in light of strong opposition. It is prime land which still has livestock on it and grass for silage. Their objections are summarised as below:-

- Too many houses; inadequate thought into the design
- Lack of open space
- Devastating visual affects on the listed buildings of Towneley and Cliviger Laithe.
- Burnley has an excess of building land; lack of need for this development
- Affordable housing will be placed at a different part of the town
- Impact on local infrastructure with more than 400 vehicles expected to use the development; the development may attract commuters which will put more pressure on local infrastructure and have damaging effects in terms of the use

of fuel and air pollution. Bottleneck of traffic at Pike Hill where there will be a clash with traffic from Worsthorne

- The site has special significance in terms of wild and bird life. The diversion of the rights of way will be detrimental to the landscape, health and well-being of users and devastating to wild and bird life
- Utilities in Cliviger are already overstretched.
- Lack of sustainable elements
- Impact on the area's sewage system
- Local primary and secondary schools in this area are full. If schools in the town are used, then this would add to the transport impacts and also question how this cost would be met
- Object to the diversion of footpaths 89 and 90 which does not benefit anyone; they are in an area of special landscape for wild and bird life; are well used by local people and link up with walks to the historic Towneley Hall; and, could be interlaced into the development with a robust cycle infrastructure.

Environmental Health

No objections, subject to the inclusion of conditions to require a Construction Method Statement, to restrict construction hours and to require the implementation of the measures contained within the noise impact assessment (relating to glazing and ventilation specifications).

British Horse Society

The 200+ horse riders in the area use the grass verge when riding along this stretch of road. This is the only route from Towneley Park and Rowley Park to access one of the few bridleways in the area at Foxstones Lane. The added traffic and possible loss of verge is a serious safety concern. Request that the grass verge is not disturbed without alternative safety measures put in place for horses and cyclists. Also request a safe off-road link (multi-user path) be created within the development (i.e a separate path).

Publicity

Ward Councillor response (Councillor Andrew Newhouse)

A summary of the points raised is provided below:-

- 129 houses on this site is excessive - a figure of 40 mixed properties integrated into the landscape and of superior design would be more acceptable
- An unimaginative layout of cramped housing of no architectural merit; this is a greenfield site and deserves to be treated with proper appreciation.
- Census data shows a marked decrease in owner occupation and an increase in private rented accommodation. This would suggest there is no need for a development of such size or in such a place within the Borough.
- Burnley has is experiencing a decline in numbers and that this is not the type of housing required by those within the Borough in such numbers.
- No benefits of offering affordable housing to families with ties to the area.
- The development is likely to attract out-commuters and create dormitory settlements which add no value to the local community.

- The development extends the urban boundary unnecessarily
- The proposed development is sited on the hillside above a significant listed Heritage Asset and will constitute a substantial intrusion on the landscape.
- The development will cause the removal /relocation of 3 well used footpaths leading to and from a major visitor attraction in Burnley, Towneley Hall, and possibly break the link between the urban and rural Rights of Way network.
- The design does resemble the committed aims of the Local Plan policy SP5. Simulated design looks cheap, unimaginative, cramped, both in floor area and layout and appears to be taken from a text book
- Expect inbuilt sustainable elements covering energy production (photovoltaic/ground source/wind), as well as a financial supplement to enhance and extend the urban greenway for horse, cycle and walker into the wider national rights of way network to mitigate the loss of environmental and visual loss of landscape.
- Schools in Burnley, especially the ones situated close to the proposed development, are already operating at full capacity at both primary and secondary level.
- Whilst United Utilities are statutorily obliged to connect a development to the public infrastructure it is a fact that the utilities in the Parish of Cliviger are already over capacitated. A further 129 houses offer an unacceptable addition to an overburdened system.
- The development does not have the required open areas requisite for the 129 houses.
- The proposal is a ribbon development and increases the negative factors of light pollution traffic congestion and air quality of the urban area into the open landscape without any positive mitigation.

Neighbour responses

The Council has received 76 letters from 52 addresses, principally from residents on Richmond Avenue, Red Lees Road, Hill Crest Avenue, neighbouring farms and the surrounding area. One letter was signed by 10 occupiers of Richmond Avenue. A summary of the points of objection is provided below:-

- Object to the amount of additional traffic (an extra 200-258 cars) on a road that is already dangerous with speeding traffic
- Extra pressure on roads will lead to accidents; traffic speeds down the hill; junction is on double bend
- Impact on vulnerable road users, namely, horse riders and cyclists
- Request provision for off-road for horse riders and cyclists
- Impact from construction traffic
- Request speed limit is reduced to 30mph and to 40mph beyond the residential area
- Request a solid line in the road to prevent overtaking on the bend on the approach to Salterford Lane
- Concerned that traffic islands on the road would result in traffic bunching
- Concern that it will increase the use of Mount Lane which is not designed as a main road
- The junction of Red Lees Road and Dyneley avenue is already difficult to pull out of with the current flow of traffic
- The surrounding streets would become a rat-run
- Request that the design of the scheme encourages people to use the area on

foot and on bicycles

- A path should be provided to Towneley Park
 - Properties at 107 and 109 Red Lees Road have no off-street parking and provision should be made for this
 - There is a 17m length on Red Lees Road between the site and the bus stop with no footway
 - The entire stretch fronting properties 107-113 Red Lees Road would not meet current design standards
 - The route to Worsthorne primary school over 350m has no footpath at all and numerous blind corners
 - Concern over safety from an increase in the use of track to Cliviger Laithe which is used by farm machinery and vehicles
 - Current bus service would not be able to cope with the extra passengers
-
- Adverse visual impact on the landscape and character of the local area
 - Will destroy the openness between Burnley and Cliviger and the views down the Cliviger Gorge, making Cliviger a suburb
 - Should not be giving up beautiful countryside when there is so much brownfield opportunity
 - The open aspect when approaching the town will be lost
 - The land is used for grazing sheep/cows and is good land for this purpose
 - There is no need or demand for new houses and an excessive number are proposed. There is a decline in population and owner occupation
 - Will create dormitory settlements
 - Open access road in the layout suggests that future development will be applied for
 - The development increases the negative factors of light pollution, traffic congestion and air quality of the urban area into the open landscape without any positive mitigation
 - Insufficient trees, screen planting and open spaces
 - Request extensive tree planting to screen the new homes from Red Lees Road
 - Unimaginative layout of cramped housing, unattractive and of no architectural merit
 - The development looks almost the same as various developments in the town
 - The design does not resemble the committed aims of Policy SP5
 - The simulated design looks cheap, both in floor area and layout with no knowledge of the area, landscape or architectural history
 - Expect in-built sustainable elements for energy production (photovoltaic/ground source/wind)
 - Need homes to support retirement living, should be a proportion of bungalows on the site
 - There is no benefit to the local area if the affordable housing provided by the development is in another part of the town. It makes a sacrifice of local landscape and does not offer affordable housing to families with ties to the area
 - There are no starter homes
-
- Impact on the setting of listed buildings. The development is on a hillside above a significant heritage asset, Towneley Hall (Grade I listed) and adjacent to

cottages over 450 years old at Cliviger Laith Farm (Grade II).

- There are potential remains of a Roman/medieval road through the site
- Concern over the condition of the very old drystone wall and request that it is strengthened or fenced off to avoid damage to a piece of rural history

- Impact on the health and mental well-being of neighbours
- The area is occupied by retired people who have chosen to live here for the peace and quiet. The development is family orientated, will lead to increased noise and will have a detrimental impact on peoples' retirement.
- The size and scale of the development is excessive in close proximity to neighbours
- Will cause overlooking and affect the privacy of existing residents
- Concern that site levels would need to be increased due to the affect of past mining activity on foundations which would increase overlooking
- Loss of direct sunlight
- Request bungalows to back onto Richmond Avenue instead of houses
- Concern that new residents may plant trees in rear gardens that would block light
- Concern over the maintenance of the wall between the new houses and Richmond Avenue

- The primary and secondary schools in the area are full and have no capacity
- The utilities – water, gas and electricity in Cliviger are already over capacitated
- The water pressure in Cliviger is already very low
- No capacity at doctors/dentists
- The development will put more strain on services
- There is no police presence in this area
- Concern over the risk of flooding
- The stormwater attenuation tanks are insufficient in size to cope with the rainfall and surplus will discharge to the River Calder with a catastrophic impact
- Storm water will flow down the hill and flood land and properties at Cliviger Laithe
- There is a very high water table in the area, houses have nearly experienced flooding
- There are culverts present which will contribute to potential flood risk
- There are two streams in the field that run down into a ravine and are visible in winter
- Sewage in the area is poor and at capacity. Any further development would impact on the existing houses
- The proposed pumping station would link to sewers at Richmond Avenue where the pipework is already at capacity and blockages do occur. It is aged and the whole system needs replacing.
- Will lead to pollution of the river
- Concern over possible smells that can occur, particularly when the pumping station is not emptied daily. Request a condition to require mitigation measures against smells
- The field contains septic tanks for houses on Red Lees Road
- The site is affected by mineshafts

- There are badgers, deer, grouse, stoats, geese, rabbits, hares, ducks, toads, frogs, great crested newts and curlews, heron, eagles, cranes, woodpeckers, blackbirds, robins, tit, wren, thrush, tawny and barn owls and wildflowers seen on the site
 - The site is on the flight path to the Pennine Moors Special Protection Area and species depend on the large hunt area for survival
 - The ponds in the fields nearby have rare species and have not been checked
 - Ineffective and poorly timed bird survey has been undertaken that should be conducted over a year
 - The loss of birds and mammals will be significant
 - There should be areas set aside and planted with trees, large grassland verges for insects, mice and voles and food/shelter for barn owls and birds. Hedgehog holes should be fitted in garden fences
 - The development provides insufficient habitat
 - Need to maintain greenspaces and provide wildlife corridors
-
- Object to the proposed closure or diversion of public rights of way nos. 89 and 90.
 - The public footpaths are used regularly by people for exercise and pleasure and encourage a healthy lifestyle
 - The footpaths also provide an area for grasses, insects including pollinators, birds and other species in decline, including barn owls and hedgehogs
 - Public footpaths should retain their open and natural feel and be a pleasure to use
 - Should not move footpaths that have been in existence a long time – they are part of the environmental heritage value of the landscape
 - The footpaths lead to and from a major visitor attraction in Burnley – Towneley Hall and are used as a circular route for the elderly and a circuit to Hurstwood
 - It will break the link between the urban and rural rights of way network
 - Walking through a housing estate on roads and pavements is of no comparison.

Planning and Environmental Considerations:

Principle of proposal

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1

identifies those sites that have been chosen through the local plan process to meet this requirement. Of the 32 sites listed under Policy HS1, the site allocation at Red Lees Road (HS1/8) with an area of 5.0ha is one of the larger allocations. The allocation is displayed on the Policies Map below:-

Extract from the Policies Map of Burnley's Local Plan



The site allocation covers the whole of the current application site and also includes approximately 0.4ha of additional land at the southerly end of the site where it is proposed to use the land for drainage and a foul water pumping station. This small piece of land would support the development of the housing allocation whilst would be retained as a green area and as such would not conflict with Policy SP4 which sets out the development strategy and seeks to restrict development in the open countryside. The star at the north tip of the site allocation identifies the site as a Key Gateway as a transition point between the urban and rural area. To the north east of the site is an area identified as an ecological network.

Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site specific requirements [listed in HS1/8] together with the requirements of other relevant policies elsewhere in the Plan.

Policy HS1/8 states that the site is acceptable for around 125 dwellings. The proposal for 129 dwellings can be reasonably regarded as around this figure and as such, the proposal is acceptable in principle subject to the remaining site specific requirements and consideration of other plan policies.

Site Specific requirements in Policy HS1/8

The following list applies:-

- 1) A mix of dwelling types, including a minimum of 40% 4+ bedroomed detached and 30% 3+ bedroomed detached or semi-detached houses will be expected;
- 2) Protected Species have been recorded on the site. An ecological survey (including a breeding bird survey and survey of any South Pennines SPA qualifying species present) will be required to accompany any planning application which identifies and addresses these issues in accordance with the recommendation of the Council's Protected Species Survey and Policy NE1;
- 3) Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site should be in accordance with Policy NE3;
- 4) Vehicular access should be from a single point onto Red Lees Road; and
The presence of reported prehistoric finds and earthworks within close proximity of the site would suggest the site has significant potential for buried remains of local-regional significance to exist. Suitable provision will need to be made for archaeological assessment and evaluation of the site; and any further investigation or recording works that may be necessary as a consequence of development consistent with Policy HE4.

The above requirements and other material considerations relating to plan policy requirements, including the issues raised by the response from neighbours, are considered below.

Design and Layout of the development

The NPPF also states that good design is a key aspect of sustainable development and that plans should set out a clear vision and expectations. Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. It also requires a carefully designed gentle transition from countryside to town at the key gateway position of the site and the use of a palette of materials which are appropriate to the local context in all respects.

The application site is bound on its north side by traditional stone cottages which display features of local vernacular architecture that provides a distinctive character to the local area. Part of the site's north easterly boundary adjoins the rear gardens of more modern bungalow properties. The amount of development, in terms of the density of development (approximately 26 dwellings per hectare) reflects the edge of urban location and also complies with Policy HS3 which states that developments should seek to achieve 25 dwellings per hectare. Notwithstanding the presence of bungalows close to the site, the scale of two storey development that is proposed reflects the general scale of development in the local area and would be suitable for the site. The proposal provides for the range of three and four bedroom detached and semi-detached houses required by Policy HS1/8. Some objections from residents have requested bungalows be built on the site but there is no site specific requirement for this and Policy HS3 which refers to a requirement for 20% bungalows refers to development across the borough in order to provide a good range of quality and

choice within the wider area. There is therefore no absolute requirement for the developer to erect bungalows on this site.

The proposed layout has been designed to create a transition from the rural into the urban townscape in a number of ways. These include, setting the frontage of houses back from Red Lees Road, allowing for a narrow swathe of greenspace with tree planting; providing a green buffer on the southerly approach to the site with planting; using good quality reconstituted stone in general forms and detailing that reflect local building styles; and tree, hedge and shrub planting along internal roads which along with open space would provide a spacious and landscaped development. The addition of chimneys to some of the frontage properties as well as minor changes to one of the frontage house types were carried out to improve the site's gateway appearance.

The site has been designed with the principal area of open space at a central position with house plots orientated with overlooking fronts to provide a good level of natural surveillance. The amount of open space being provided is adequate and complies with the open space requirements in Policy HS4. The layout provides a coherent design theme that reflects local materials, is respectful of the general form and character of building styles and provides a variety of house designs within the street scene. The applicant has made some adjustments to the layout and parking of some plots to ensure that parking provision relates well to each individual property. The design and appearance of the scheme would provide a satisfactory appearance to the development which would satisfy Policy SP5.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has adapted the Ashbury house type to make this compliant. These changes now mean that 10 of the properties will meet the Part M4(2) standards whilst on average all house types will be 88% compliant with the Part M4(2) requirement. Whereas a 20% provision would equate to 26 dwellings, it is recognised that the applicant has made significant steps to achieve this and that the scheme as a whole is substantially compliant and will therefore provide a benefit to occupiers.

Improvements have also been made to the development by an increase in electric car charging units such that each property will have a charger.

In terms of the energy efficiency of new dwellings, the applicant states that the proposals can achieve a reduction of 10.21% in energy compared to building regulations compliance across the site.

The layout and design of the scheme has taken into account the site specific requirements in Policy HS1/8 and the criteria within Policies SP5, HS3 and HS4.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows.

The rear elevations of proposed houses would back onto the rear boundary of existing bungalows at Richmond Avenue with a general separation distance between the principal rear elevations of between 22 and 25m. The gable elevation of 113 Red Lees Road which contains some glazing would face the blank side wall of plot 82 that fronts Red Lees Road. The separation distance in this case is approximately 14-15m which would be sufficient to protect the immediate outlook from this property. A pedestrian path would also straddle the boundary to this property which would increase activity from passers by but is unlikely to cause significant disturbance or impact on privacy. The separation distances between the existing and proposed development comply with Policy HS4 and would adequately safeguard the outlook, privacy and daylight/sunlight of existing and new residents.

Concerns have been raised by a neighbour in respect of odours from a connection to the foul sewer at the end of Richmond Avenue. These can occur if foul water is not pumped on a daily basis from the pumping station which can occur at the early stages of development before occupancy rates on the site become more substantial. The applicant has agreed to mitigation measures to prevent any odour issues and this can be suitably conditioned.

Concerns are also raised from neighbouring properties that there will be an increase in general noise and disturbance within this tranquil area. The specific requirements of Policy HS1/8 in terms of 3 and 4 bedroom houses are conducive to family housing which will increase levels of activity but would not be expected to lead to unacceptable noise levels.

Traffic noise may affect some properties on the site and the Council's Environmental Health Officer recommends a condition to require the implementation of noise attenuation measures (such as window/ventilation). With this provision, the proposal would provide a satisfactory level of amenity for new occupiers.

Accessibility and Impact on traffic

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport.

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays.

Part of the process for the selection of sites for new housing has appraised the sustainability of the location for development, taking into account access to public transport, schools, services etc. Whilst 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. A Transport Assessment and Travel Plan have been submitted with this application. The former has examined the impact of additional vehicular movements on the existing highway network. LCC Highways has reviewed the assessment and are satisfied that the additional traffic movements can be absorbed into the highway network subject to some off-site works to Red Lees Road to provide for a right turn into the site, footways to connect with bus stops and new traffic islands and to provide a footway outside nos 107-113 Red Lees Road. The applicant has supplied a plan showing the main elements of these off-site works which also include reducing the

speed limit across the full site frontage from 50mph to 30mph with new gateway signs at the southerly end of the site's frontage. The comments from LCC Highways indicate that the applicant considered the right turn facility to be unnecessary for a development of this size and would lead to additional works within the highway to carry out localised widening that would not otherwise be required. LCC Highways challenge the outcome of a safety audit on the basis that the road experiences higher speeds of traffic. It is reasonable to mitigate against higher speeds of traffic that occur as vehicles leave the main built-up area. This situation will to some extent continue as the development which is set back from the main road and is completely open to the other side, will provide an open setting that contrasts with the main urban area. The applicant has accepted the position that LCC has outlined and has agreed to this provision. The details of the off-site works have not been finalised or agreed and a pre-commencement condition is recommended to achieve this.

LCC Highways suggest that off-road parking should be provided within the scheme for up to two properties on Red Lees Road that do not have dedicated off-street parking. The reason for this suggestion is that the introduction of a footway on this same side of the road which is necessary to provide a continuous path from the site to the existing bus stop will lead to some narrowing of the road. However, the narrowing can be controlled by the specification for the new footway and some widening to the opposite side of the road in order to retain a width of carriageway that is sufficient for parked cars. LCC Highways are not looking to make a Traffic Regulation Order to prevent cars parking outside the properties on Red Lees Road and as such there is no reason to suggest that this will not continue. As such, it would be unreasonable to require the developer to lose a plot from the development to provide off-road parking for existing occupiers.

The proposed access would provide adequate visibility. Internal improvements to the estate roads, paths and parking have also been achieved. Adequate off-street parking is provided for all properties (2 spaces for 3 bed houses and 3 spaces for 4 bed houses). The site will provide a ramped access suitable for pedestrians, pushchairs etc onto Red Lees Road at the position of an existing stile and also a separate pedestrian access to the north of the site. The estate roads will be designed for slow moving traffic that is conducive to cyclists. Requests have been made for a separate route for horse riders but this is not possible within the limits of the highway or the nature of the site which slopes markedly down from the boundary drystone wall. The applicant has no control over surrounding fields to provide a footpath link to Towneley Hall.

In conclusion, there is capacity within the road network to cater for the additional traffic that will be generated by 129 dwellings subject to off-site works that can be subject to a condition. Adequate connectivity would be provided between the development and its surroundings and the proposed layout would provide a safe and satisfactory environment.

Impact on ecological interests

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. It explains that development proposals which are likely to have a significant effect on a European site – Special Area of Conservation (SAC) and Special Protection Area (SPA) should be subject to an

Appropriate Assessment and that development that is considered to adversely affect the integrity of a European site will not be permitted.

The site is within 2.5km of the South Pennines Special Protection Area (SPA) which is a nationally important site. A level of assessment as already been carried out as part of the local plan process but a further Habitat Regulation Assessment is necessary to take account of the details of the scheme. This has now been carried out on behalf of the Council and forwarded to Natural England and the Burnley Conservation Forum. The Assessment concludes that there is no evidence that the application site is used as feeding ground for any of the protected species, including the Golden Plover, that are species that occupy the SPA. There are some precautionary measures that are required consisting of visitor packs to new occupiers to provide information for visitors to the SPA which is recommended as a condition.

The proposal will also lead to the loss of a large field which is potential habitat for wildlife. The ecology report submitted with the application has identified no protected species that would be directly affected by the development. Some objections have asserted that bird surveys were carried out at the wrong time of year. The comments from GMEU advise that sufficient surveys were carried out and that the field is generally of poor biodiversity status. Conditions are however recommended to ensure that no nesting birds are harmed. The NPPF encourages developments to provide a net gain in biodiversity. Mitigation should be sought through sensitive and appropriate planting and the use of nesting boxes within open areas and gardens. A condition is recommended to achieve this. Any further comments from Natural England will be reported at the meeting.

Impact on education provision

The education authority has calculated a need for an additional 38 primary school places (£609,920.52) and 16 secondary school places (£386,962.56). The applicant agrees to a contribution, although the amount of contribution must take account of other contributions that are necessary for the development. [Following negotiation with the applicant, it is agreed that the applicant will contribute a sum of £475,923 for education. This amount would make a significant contribution to child places in local schools in the area and in this instance is considered to be acceptable. This will be secured by means of a section 106 Agreement.

Affordable Housing

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement but there are some circumstances where an off-site contribution may be appropriate. In this instance, the applicant has demonstrated that the delivery of a scheme of 3 and 4 bedroom which is designed to provide a high quality level of housing to meet a demand for larger family housing, would be compromised by a proportion of on-site affordable housing. In view of this, an off-site contribution would be an appropriate exception. A figure of £644,077 has been requested and agreed with the applicant which takes into account the viability assessment that was carried out for the local plan on individual sites. This would be used for providing good quality affordable housing in suitable areas close to amenities and employment in the urban area. This requirement will be subject to a s106 Agreement.

Other issues

The site is some distance from the nearest listed building at Higher Red Lees Farmhouse and its setting would not be significantly affected by the development. A condition is recommended to protect any potential archaeological interest on the site.

The site is in flood zone 1 where there is the lowest risk of flooding. The site will be attenuated to greenfield rates and therefore would not increase the risk of flooding on site or elsewhere. United Utilities and the LLFA have no objections subject to conditions which are recommended.

Ground condition and contamination assessments have been carried out and do not indicate that the site is unsuitable for development.

Conclusion

The proposal seeks to develop a site that is allocated for housing purposes. A suitable scheme has come forward that complies with the site specific requirements of the local plan and plan policies. Issues relating to the impact of the development on the ecology, on traffic, residential amenities, footpaths and ground conditions have been assessed and can be adequately addressed by conditions and a legal agreement to provide for an education contribution and a sum towards affordable housing provision in Burnley. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding.

Recommendation: Minded to Approve subject to the applicant entering into a section 106 Agreement relating to education provision and off-site affordable housing

[Conditions to follow in Late Correspondence]

JF
13th August 2019