

Town and Country Planning Act 1990

Erection of 130no. dwellings with associated access roads, open space and landscaping and vehicular access from Standen Hall Drive following the demolition of No. 64 Standen Hall Drive. Proposal affects Public Footpath Nos. 174 and 224, Briercliffe.

Land To The North Of Higher Saxifield Street Burnley

Background:

The application seeks full planning permission for a residential development of 130 dwellings on approximately 5.1ha of overgrown pasture land to the north east of Standen Hall Drive, approximately 3.8km to the north-east of Burnley Town Centre and approximately 400m north-west of facilities and services on Burnley Road at Harle Syke.

The application site is irregular in shape and is surrounded on its southern, eastern and western boundaries by residential development, consisting mainly of cul-de-sac developments built in the 1980's onwards and to its south-easterly side by the ends of terraced streets that form part of the historic Harle Syke village. Whilst only part of the eastern side of the site is developed to date, development is expected to start on a further development at May Tree Close which would complete the built-up edge on this side. The latter development falls within the administrative boundaries of the borough of Pendle. The open agricultural land and Nelson Golf Course lying to the north of the site are also within the borough of Pendle.

The application site is undulating and has a slight fall in a southerly direction. It has an open nature and connects the suburban growth areas off Briercliffe Road to the open countryside by Public Footpath No. 174 (Briercliffe) that passes along a driven track. Public Footpath No. 224 (Briercliffe) also passes along the inside of the northern boundary of the site (also the parish boundary) that is marked by a hedgerow from where there are views of Harle Syke to the south-east and the River Don Valley to the south.

Public footpath No. 174



Site entrance



The site has heritage significance as part of a historic farmstead, known as Higher Saxifield, which was established through the formal enclosure of medieval common

land in the early 1600s. The associated farmhouse, located on the east side of the site entrance, is a grade II listed building dating from the early 1800s. There are numerous trees and groups of trees within the site, mainly close to boundaries. The Burnley (Higher Saxifield Farm) Tree Preservation Order 1991 protects 4no. trees at Higher Saxifield, one of which is close to the site boundary (none located within the application site).

The proposal involves demolishing the corner detached house at no. 64 Standen Hall Drive to form a new vehicular access to serve the proposed development.

No 64 Standen Hall Drive

Existing access



Proposed Site Layout



The proposal consists of a development of 130no. houses, consisting of 6no. two bedroom, 59no. three bedroom, 61no. four bedroom and 4no. five bedroom houses. There would be 71 detached houses (55%), 51 semi-detached houses (40%) and 8 in rows of four houses (6%). The majority of the houses would be two storey and a small proportion (17%) would be 2.5 storey, having attic bedrooms. The applicant proposes to provide 10% of the total number of dwellings (13 houses) as Affordable Houses.

Proposed public open space is proposed in four main areas, running north-south, dividing the development between its east and west sides, and linked to a swathe of open space along the route of the Public Footpath No. 224 that runs along the north edge of the site. Two further smaller areas of public open are proposed in the north western corner of the site and to the south-east of the site (on the north side of Cuerdale Street). The areas of public open space total 0.85ha.

The larger body of the public open space would be landscaped to form an open recreational area with footways through the open space to connect with public footpaths. Beyond the main body of open space, passing northwards, a length of culvert (approximately 60m long) would be re-opened to form a swale which would be seeded with wildflower meadow. The belt of open space either side of the public footpath along the site's northern boundary would also be planted as a wildflower meadow. The smaller area of public open space to the north west corner of the site would provide a link from Public Footpath no. 174 to the public footpath that bounds the north edge of development at Grassington Drive, providing an open entrance for walkers into the development. The existing Public Footpath no. 174 would follow the footway along the proposed estate road which would involve some slight changes to its definitive route. The minor changes would require a Public Footpath Diversion Order which would be subject to a separate application in the future. The proposed small area of public open space to south eastern portion of the site would sit adjacent to an existing open area (outside the application site) and would be planted and form a pedestrian link through from the development to the end of Cuerdale Street.

The layout provides a spine road with frontage properties in blocks and some cul-de-sacs with access from the south western side of the site and pedestrian connections to public footpaths to the north of the site and pedestrian/cycle links to the south eastern side of the site at Saxifield Street, Camp Street and Cuerdale Street.

The proposal consists of 15 different house types with a generally consistent theme and style of conventional housing with a distinct character from the use of gabled roofs and formal frontages with emphasis to entrance doors and windows and variety with some projecting frontages, bay windows and features such as chimneys. Each property has in-curtilage parking with front and private gardens. The individual house types are designed to allow the formal frontage to turn corners to avoid blank frontages, to provide focal points and provide surveillance over public areas. Low garden walls and hedges are used at the fronts and a strong pattern of tree planting along the spine road as well as cul-de-sac roads. The houses would be constructed using both Marshalls Cromwell reconstituted stone and two varieties of facing brick with some use of 'K' render within some of these. Roof materials would be a flat concrete tile. This would provide a variety of house designs within the street scene.

Forty one (32%) of the dwellings would be constructed to comply with the optional part M4(2) Building Regulations which would provide adaptable homes. Electric charging points for cars would be provided at all detached properties (71 houses). Photovoltaic (PV) solar panels would be provided to at least 5% of the dwellings with this being focussed on the proposed affordable dwellings as a means of also helping to tackle fuel poverty. In addition, the applicant in association with two renewable energy companies will offer solar voltaic roof panels and an air source heat pump to purchasers at a reduced capital cost and aims to provide these renewables to 20% of the dwellings.

Street views within development and facing open countryside to the north



1 STREETSCENE A.A.
1:250



2 STREETSCENE B.A.
1:250



3 STREETSCENE C.C.
1:250



4 EXISTING SECTION D-D



5 PROPOSED SECTION D-D



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 (HS1/9) – Housing allocations (Higher Saxifield)
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:

12/78/0061 – Outline application for residential development on part of Higher Saxifield Farm - Refused April 1978. Reasons were on the basis that the land was identified as 'White Land' and its development would conflict with operative Development Plan, it would be contrary to the Structure Plan and there was no indication given to the means of access.

12/91/0022 – Construction of 59 detached houses and bungalows and associated highways and sewers on a western portion of the current site – Refused March 1991 on grounds that consideration of the principle of residential development would be premature (following the hearing at the Local Plan Review Public Inquiry); that the site lies within the Area of Special Landscape and would be contrary to the Burnley District Local Plan; that it involved the demolition of a listed building; that the visual appearance of the development would be unsympathetic to the surrounding area and that insufficient public open space would be provided; that a proposed public footpath would not adequately safeguard the security of residents and visitors; that six semi-mature trees would be affected; and, that there were no details of off-site highway improvement works.

12/97/0625 – Erection of 85 four bedroom houses. Withdrawn.

12/98/0129 – Erection of 94 four bedroomed detached houses, land off Standen Hall Drive. Refused May 1998 on grounds that it would be contrary to the Burnley District Local Plan which sought to restrict development outside the urban boundary and would be harmful to the strategy of maintaining a compact urban area to preserve the identity of the Borough and conserve attractive countryside; would be contrary to the Lancashire Structure Plan and be harmful to the distinctive landscape and habitat features; and, would be contrary to the Lancashire Structure Plan which establishes the number of houses to be provided during the lifetime of the Plan and premature ahead of the pending Second Review of the Local Plan. An appeal was dealt with by way of a Public Inquiry and was dismissed in December 1998.

APP/99/0056 – Erection of 2no. bungalows with garages (small piece of land to the north of Saxifield Street) – Refused April 1999 on grounds that the site is outside the Urban Boundary where it would be contrary to the Lancashire Structure Plan and the Burnley District Plan and would be harmful to the character of the rural environment; and, would result in the loss of allotments in an area where many houses do not have private gardens which would be harmful to the amenity of residents and contrary to the Burnley District Local Plan.

Consultation Responses:

LCC Highways

I am familiar with this site having had previous discussions with developers regarding the development potential of this area of land and possible access scenarios. The proposal currently presented has put forward a previously unconsidered single access option. I have viewed the submitted plans and visited the site on a number of occasions and conducted correspondence with the applicant's traffic consultant to derive a development layout that would prove acceptable in highway terms.

Summary

The development has been subject to on-going discussions with the applicant's representatives and on the basis of the amendments agreed during this process the County Council would offer no objection to the proposed development subject to a number of Conditions being attached to any planning permission that may be granted

Transport Assessment

The methodology used within the Transport Assessment to assess the impact of the development on the surrounding highway network is acceptable. The vehicular traffic generation from the site has been checked using the industry standard TRICS database is acceptable and representative.

Highway Capacity

The applicant has carried out an evaluation of the impact of the proposed development on the local highway network taking into account a number of junctions where an effect on junction capacity was anticipated. These junctions Higher Reedley Road / Marsden Road crossroads, Hillingdon Road/Standen Hall Drive 'T' junction and Briercliffe Road/ Standen Hall Drive mini roundabout. Using junction modelling software the above junctions were modelled to determine the potential impacts. Looking at the results of the modelling for each junction there is no suggestion that any of them will suffer any adverse impact to a degree that would be considered "severe" in respect of NPPF. It is to be expected that that a development of this size will increase traffic on the local network at a level that will be perceptible to local residents but as the modelling results demonstrate this would not be to a degree that would warrant an objection to the proposals on highway grounds.

Access

As mentioned briefly previously, the means of access to the site has undergone a number of changes from early concept proposals. A purpose built access will be constructed, requiring the demolition of No. 64 Standen Hall Drive. The layout of the access is acceptable in principle and will be further scrutinised during the detailed design phase. The works will be undertaken under the auspices of a s278 legal agreement with the County Council There are no other vehicular access points into

the site. In terms of pedestrian connectivity, there are a number of pedestrian access points shown to the north of the site linking in with the existing public right of way network. An issue which requires clarification is the option for pedestrian links to the south east of the site. Para 3.16 of the submitted Planning Statement refers to

" A new pedestrian/cycle path is also proposed from the south east of the site to provide a direct route to Harle Syke District Centre to the south"

Whilst this would be an enhancement of the connectivity to the site the route and details are further details would be required re its route, construction etc.

Parking

Para 6.40 of the Planning Statement indicates that the parking provision levels adopted for development are compliant with Appendix 9 of the Local Plan. However the expectation would need to be that the spaces provided are accessible and fit for purpose with an overriding requirement that the provided driveways should be of sufficient length to accommodate parked vehicles without encroaching over any adjacent footway / carriageway. Generally this requires a preferred length of length 6m per space or at least a minimum of 5.5m. The applicant has been made aware of these considerations and has expressed a willingness to use roller shutter doors for the garages where driveway space is at a premium.

Another consideration is the need for residents and visitors to access their properties and there should be a manoeuvring area provided in these circumstances to allow unobstructed wheelchair / pushchair access. Following initial concerns in this respect the applicant has amended the layout of a number of the properties to maintain a clear area of 1200mm in front of the properties.

Mitigation Measures

Due to the constraints of the site it is important that construction management is put in place to preserve the highway's safety and efficiency, a construction management plan would therefore be sought prior to construction commencing on site. This is included in the suggested planning conditions below. The construction of the site access will require the applicant to enter into a s278 agreement, in addition the upgrading of the 2 nearest bus stops will also be sought to bring the facilities up to an acceptable accessibility standard. The 2 bus stops identified are on Briercliffe Road opposite Briercliffe Day Nursery and at the junction of Moor View Close. The latter will require an upgrade of the existing bus shelter.

Subject to the issues raised above being resolved in a satisfactory manner I would raise no objection to the proposal on highway grounds but would request that should your council be minded to approve this application the following conditions shall be attached to any permission that may be granted

Conditions

1 The new estate road/access between the site and Standen Hall Drive shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative

2 The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access. Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

3 No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: 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.

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

5 No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 3 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works

6 Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out. Reason: To promote and provide access to sustainable transport options.

7 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:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routing to / from the site
- Contact details for the site manager.

LCC Schools Planning Team

An assessment by LCC has generated the following requirements:

Summary and Final Calculations

The latest information available at this time was based upon the 2019 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 35 primary and 15 secondary school places.

Calculated at the current rates, this would result in a claim of:

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £16,050.54 per place

$£16,050.54 \times 35 \text{ places} = £561,768.90$

Secondary places: $(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £24,185.16 per place

$£24,185.16 \times 15 \text{ places} = £362,777.40$

This assessment represents the current position on 10/07/2019. LCC reserve the right to reassess the education requirements taking into account the latest information available. A specific infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided at the point at which the application is considered for decision.

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at Holy Trinity RC Primary School. This is the closest primary school to the development that has space to accommodate an expansion.

It has also been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Burnley Unity College. This is the closest secondary school to the development that has space to accommodate an expansion.

Whilst the County Council have confirmed its intention to deliver projects at Holy Trinity RC Primary School and Burnley Unity College it should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

Should the primary and/or secondary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local primary and secondary school places are provided to address the impact of the development at no cost to the owner.

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. Conditions are recommended to require a surface water drainage scheme to be submitted, to require foul and surface water to be drained on separate systems, and to require a sustainable drainage management and maintenance plan for the lifetime of the development.

LCC Archaeology

The application is accompanied by a Heritage Impact Assessment prepared by Wardell Armstrong Archaeology.

A number of heritage assets have been identified in or close to the proposed development site which will be impacted, although the majority of cases identified the impacts are considered minor or negligible.

There is an identified area where there may be buried features relating to the site of Higher Saxifield Farm, which appears from the documentary evidence to have been established in the early 17th Century, probably as part of the formal enclosure of the open common lands associated with the settlement of Burnley and its surrounding farming hamlets (at the time of enclosure Burnley was a small market town c. 3 km to the south west of the site). There is also the potential for as-yet unidentified buried remains and the LIDAR survey of the site, which is able to distinguish minor variations in ground levels, shows a number of small features which appear to be more square or rectangular than would be expected from natural features although at this stage it is not possible to determine the cause of these slight features.

I would recommend therefore that some intrusive fieldwork is needed on the site to identify the nature, extent, survival and date of the features identified. It is always preferred that investigations of such features take place at an early stage in development in order to minimise the risk of delays. I also feel that it is unlikely that the any archaeological features or deposits on the site would be of such significance as to require preservation in situ. As such I would advise some limited evaluation trenches, targeted on the areas where there may be archaeological features or remains but it is possible to make the undertaking of the trial trenching and any mitigation works a condition of any planning consent granted to the application.

I would therefore recommend that the following condition be placed on any planning permission granted:

Condition: Prior to the commencement of the development hereby approved the a scheme of archaeological trial trenching to investigate the possible early site of Lower Saxifield and the anomalous features identified in the Lidar survey accompanying the Heritage Impact Assessment be carried out. 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 application site comprises a large area of previous agricultural grazing land, now disused and succeeding to rough grassland and scrub. The previous use means that the grassland is semi-improved and relatively species-poor. Part of the western part of the site appears to have been out of agricultural production for some years and is at a later successional stage. The site is not (yet) of substantive ecological importance but it does support features of local ecological importance. The large extent of the grassland will also likely support foraging habitat for birds, bats, invertebrates and small mammals.

The Ecology survey which has been undertaken to inform the application has been carried out by suitably qualified ecologists and is to appropriate and proportionate standards. I note that previous ecology surveys have also been carried out on the site.

Effect on protected species

I would accept that –

- No signs of Badgers were recorded on the site
- The site, including the property at 64 Standen Hall Drive, has low-negligible potential to support roosting bats. Bats are likely to forage over parts of the site but given the open nature of the site it cannot be described as having high value as a bat feeding resource. Having said that there are some features of higher value for bats, including the hedgerow boundary and the scrub vegetation.
- No signs of water Voles were recorded from the site

- Great crested newts will not be affected by the development

Loss of habitats

The main impact of the development proposal will be the loss of relatively large areas of open grassland. Discounting garden spaces (because of the uncertainty about future use and management of private gardens) I would estimate from the landscape masterplan that about 20% of the site will be retained and managed as greenspace. On the plus side the hedgerow at the northern boundary is shown as being retained and some of the scrub vegetation in the south eastern part of the site is being retained, new trees are to be planted and parts of the retained or recreated grassland is to be seeded with a wildflower mix to enhance species diversity. But in my view the areas of species-rich grassland are too small to adequately compensate for the loss of large areas of grassland and probably too small and fragmented to be sustainable, and the greenspace will be too disturbed to function as useful habitat for many species.

I would therefore **recommend** that a greater area of species-rich grassland is required to be provided as compensation for the lost grassland. For provision on-site the location of units 127 – 130 would seem to be a reasonable location for new grassland creation. Trees lost here can be compensated by new tree planting elsewhere on the site.

Other considerations

No vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981.

Further Comments

Following further improvements to the open areas within the scheme and the submission of a management plan, GMEU have provided the following further comments:-

Thank you for consulting the Ecology Unit on the amended Landscape Plans and Landscape Management Plan submitted to inform the above planning application, that is –

- Landscape Management Plan prepared by 'tpm' landscapes and dated October 2019 (report reference 3311 501 Rev B)
- Landscape Layout Plan ref. 3311 dwg 101 Rev B

I would now be prepared to accept that the blocks of wildflower planting now proposed will provide sufficient, sustainable areas of species-rich grassland which when taken into consideration with the holistic landscape and habitat creation and management plans would in my view provide sufficient compensation for the areas of grassland to be lost to the development. I would raise no further ecological objections to the scheme.

Burnley Conservation Forum

The plot of land comprises open fields which were formerly used for agriculture but have been left unused for some time and reverted to a mosaic of natural and semi-

natural grassland habitats which have formed into a valuable wildlife area, in particular for breeding butterflies, especially supporting thriving colonies of Meadow Browns and Ringlets, as their caterpillars feed on the wide range of grass species present. This semi-natural and natural mosaic of mature grassland have formed into a sanctuary for a wide range insects and invertebrates not found in the adjacent landscape which comprises agricultural fields, intensely farmed for sheep and for cattle grazing and silage production, and a large golfcourse. Consequently this plot of land functions as an important 'stepping stone' habitat resource in the Harle Syke area of Burnley.

Lancashire County Council undertook a 'LERN' database assessment of all Local Plan proposed development sites in the Burnley area and produced a report in June 2015, and, in respect of this plot of land, stated that species had been recorded with European and NERC Act section 41 protection along with Lancs Biodiversity Action Plan (BAP) List and key species and that a bat roost had been recorded within 400m of the site. Consider that the Higher Saxifield plot of land comprises a valuable mosaic of natural and semi-natural grassland habitats important for wildlife and the Forum formally object to the development proposal on these grounds.

The Forum has commented further on the ecology measures that are contained within the proposed Habitat Compensation Plan and Landscape Management Plan. The Forum maintain their objection, stating that the habitat compensation proposals are inadequate and inappropriate. In respect of the proposed Hedgehog Highways, The Forum state that hedgehogs are extremely rare in the vicinity of the proposal and they will serve no useful purpose. In respect of swift boxes, the Forum state there are no known existing colonies of breeding swifts and it is unlikely that they would be attracted to use nest boxes on modern properties. The Forum also state that the hard wearing grass mix to be used on the recreational areas of public open space will not provide habitat of value to wildlife and finally, that the flowering meadow mix areas are relatively small areas in comparison to the area of land to be developed for housing and the use of a non-native grass species would not constitute a sustainable wildflower meadow habitat.

Environmental Health (Contaminated Land)

No objection subject to a condition to require that if any previously unidentified or unexpected contamination is found during the development process that a risk assessment and remediation scheme is prepared and submitted to the Council.

Designing Out Crime Officer

Make general recommendations concerning security issues, including security during the construction phase.

Briercliffe Parish Council

Object to the development for the following reasons:-

1. The application will represent over development of the Higher Saxifield site. (See also point 7 below).
2. There will be an increase in traffic which will affect existing neighbours in the enjoyment of their properties. It has been noted that the traffic survey dates from November, 2013 and must be out of date by now. As things are at 2 cars per house,

there would be an additional 260 cars on roads, near the development and in Briercliffe. In addition there will be a large increase in traffic movements at the time of building (if the application is allowed) and this will continue after any houses are built. Many of the roads in the area are not capable of supporting many more, or any more, vehicles.

3. There is concern about the effect of the application on other public rights of way including the footpaths of the area. It is understood that two public footpaths would be affected and the enjoyment of the countryside will be diminished for walkers if they are closed or rerouted.

4. As no additional public facilities are being proposed as part of this application, a strain will be put on school places, play and green spaces in the area. This is particularly significant with the former, as one of the local primary schools is about to be enlarged but only increasing the numbers by 15 pupils per year.

5. This development is likely, because of its location, to break the skyline giving a ragged appearance to the development when seen from a distance. This point was a major reason why the application was REFUSED when it was first submitted.

6. The hill top location of the application site is a valuable natural resource for birds, plants and animals. Though many birds may not nest there, the location is good for foraging. Similarly, the area has a potentially rich flora and fauna. There would be considerable loss of habitat and bees, deer, bats, frogs and toads have been listed as losing out if the development goes ahead. Plant life would also be adversely affected.

7. Wider and actual access to the site is insufficient for a development of such a locally large development. It has to be born in mind that several local sites have been, or are in the process of being developed. These include, the former Primrose Mill site in Harle Syke, which is now developed, and the Royal Court site which is in the process of being developed. A development close to the application site is adjacent to Briercliffe Social Club and is partly developed and will be completed soon. In addition, there has been an application for the Walshaw Mill site, for a large number of houses, which has yet to come to the Development Control Committee. Added together, these also support the first point in this list of objections.

8. There is concern for the existing allotments which are located near to the site to which the application applies. Allotments are an increasingly popular facility not only locally but also nationally. It would seem perverse to reduce the number of sustainable allotments further.

The Coal Authority

No objections.

Blackburn with Darwen and East Lancashire Clinical Commissioning Groups (CCG)

Neither object to or support the planning application.

The CCG is concerned about the additional pressure that approximately 305 patient registrations (based on an average 2.35 occupancy rate) will place upon GP Practices in Burnley East and in particular, the Briercliffe Medical Practice which is within close proximity to the proposed development. Over the last 12 months this practice has undergone a complete change in terms of both its management and GP Practitioners which now requires a period of stability. However, should this development be approved then the CCG feel strongly that a section 106 agreement should be secured with the developer in order to contribute towards the capital costs relating to NHS

services, that would enable the health infrastructure to be improved, as a direct response to easing the additional pressure on general practice that these additional patient registrations will place on the Briercliffe area [the CCG has since stated that they are currently considering a policy in respect of requesting contributions but do not have one to date and as such are not seeking a contribution at the current time].

Burnley East Primary Care Network

Objects.

We are concerned about the impact this development will have on Primary Care Services in Burnley East. Practices are already working at or beyond full capacity and have recently absorbed patients from the practice at Daneshouse which has closed. Briercliffe Surgery which is the closest to the proposed development is currently under a temporary caretaker contract and the future of the practice beyond April 2020 has yet to be determined by East CCG. A sudden influx of several hundred new patients to our current collective list sizes represents a significant threat to our ability to provide quality medical care to the local population.

An objection has also been received from the organisation that currently holds the contract for Briercliffe Surgery which objects to the application stating that they have significant concerns about the capacity of the surgery to accommodate a considerable influx of additional patients and refers to difficult conditions for local primary care colleagues and the use of locum staff.

Publicity

Ward Councillor response (Councillor Anne Kelly)

Object. A summary of the points raised is provided below:-

- Access along Standen Hall Drive for up to 200 vehicles a day is totally unacceptable.
- A similar application was refused because of traffic issues.
- It is an estate road with vehicles parked on both sides and not suitable for more traffic.
- The roundabout at the junction with Standen Hall Drive and Briercliffe Road is congested in the morning and evening and around school times.
- Queuing traffic down Standen Hall Drive creates exhaust fumes.
- Nearby schools are full to capacity and places are offered to young children the other side of town.
- Serious flooding issues where a stream goes underground from the play area then resurfaces lower down.
- The residents of Rockwood Close have their garden flooded regularly, and the plans show that more surface water would be sent down that route.
- Flooding on Standen Hall Drive, Cuerden Street;
- Over-development. The estate is big enough and is beginning to bond as a community.

Ward Councillor response (Councillor Margaret Lishman)

Object. A summary of the points raised is provided below:-

- Standen Hall Drive is a narrow road with parked cars at various times of the day.
- Likely number of cars from the development would cause significant

problems for all road users.

- Bus services locally are reduced with the Harle Syke bus not running after mid-evening.
- Roads are quite hilly and not gritted.
- Roundabout at Briercliffe Road is crowded and inadequate for the traffic it currently deals with at school and work travel times.
- Concern about drainage arrangements. Houses bordering this land flood and an increase in properties would increase this problem.
- Behind Rockwood Close, the culvert under houses becomes clogged in heavy rain and floods the back yards, gardens and path around neighbouring properties.
- The designation for development in the Local Plan was strongly contested by residents with the support of local councilors.
- The infrastructure of schools and medical general practice are under pressure and there is a planned extension of 100 places at Briercliffe School to cope with the current demand.

Neighbour Responses

The Council has received 100 letters objecting to the development from residents at Standen Hall Drive, Grassington Avenue, Oaken Bank, Rockwood Close, Ellerbeck Close, Malham Road, Cuerdale Street, Oakwood Close, Saxifield Street, Delamere Road, Lothersdale Close, Gorple Street, Camp Street, Burnsall Close and Clockhouse Avenue.

A summary of the points of objection is provided below:-

- Object to the amount of additional traffic on narrow residential roads which are congested and heavily parked on both sides (photos of parked cars on Standen Hall Drive have been supplied);
- Will affect road safety and lead to road traffic collisions;
- At least a further 130-260 cars using the access route in essentially a cul-de-sac;
- Junctions are already over capacity and cannot cope with any additional traffic at peak times/school pick-up and drop-off times;
- In adverse weather (snow/ice) the traffic flow will be slower and more dangerous – roads are not gritted;
- An increase in traffic pollution and impact on air quality, dust and the health and young people;
- Footpath access to the terraced streets to the south of the site would lead to cars parking in these streets;
- Driveways on Standen Hall Drive are not big enough for multiple vehicles which results in the need for on-street parking;
- Blind bend on Standen Hall Drive due to parked cars;
- Speeding traffic on local roads and Standen Hall Drive;
- Impact from construction traffic and affect on noise and disturbance and quality of life of residents;
- Bus services locally are reduced with the Harle Syke bus not running after mid-evening;
- Transport Assessment and traffic surveys are inadequate;
- Loss of fields and footpaths used by walkers, dog walkers, children and families;

- Loss of distinctive landscape;
- Too many houses – 130 houses is 8% higher than the Local Plan policy;
- Will increase the flooding problems that already occur at the culvert at Oaken Bank/Rockwood Close;
- Local infrastructure – doctors and schools/nurseries cannot cope with a development of this size;
- Pressured police and fire authorities;
- Loss of wildlife, including bats, badgers, foxes, hedgehogs, deer, owls, kestrels, butterflies, ground nesting birds, ducks, herons, hares, weasels, sparrow hawk, moles, dragon fly, newts, birds of prey, voles, field mice, crickets, bees;
- Runs contrary to combatting climate change;
- Loss of trees;
- Impact on the setting of the historic listed building at Higher Saxifield;
- Concern about construction traffic entering the site close to listed building;
- Houses are not needed – due to the amount of properties standing empty in Burnley;
- There are brownfield sites that could be developed instead;
- Impact on privacy from overlooking houses and loss of sunlight from tow storey houses;
- Removes access to rear of existing house;
- Loss of play areas, increase in litter and dog fouling.

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 Higher Saxifield (HS1/9) with an area of 5.17ha 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 current application site and also includes the existing property at 64 Standen Hall Drive.

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 HS1/9] together with the requirements of other relevant policies elsewhere in the Plan. The principle of developing the site for residential purposes has already therefore been established through the local plan process, taking into account the economic, social and environmental objectives of sustainable development.

Policy HS1/9 states that the site is acceptable for around 120 dwellings. The proposal for 130 dwellings is 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.

Additional and Site Specific Policy Requirements and Design Principles:

- 1) A mix of dwelling types including a minimum of 55% 3+ bedroomed detached and semidetached houses will be expected;
- 2) The existing access from Standen Hall Drive is not considered suitable to serve the development and a new vehicular access will be required;
- 3) Contributions may be sought towards highway improvements in the locality in accordance with Policy IC4;
- 4) Protected Species have been recorded on the site which also includes Priority Habitat (neutral grassland). An ecological survey will be required to accompany any planning application which identifies and addresses these issues in accordance with Policy NE1;

- 5) Appropriate landscaping and boundary treatment should include screening to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3; and
- 6) A desk based archaeological assessment will be required to support any planning application to indicate the potential for archaeology to be present on site. Depending on the result there may be a requirement for further archaeological investigation work in accordance 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.

The application site is bound on all but its north side by late 20th Century and later development of houses and bungalows, constructed in a mix of stone, brick and reconstituted stone materials. Higher Saxifield Farmhouse, including the attached cottage and converted barn are located on the east side of the proposed site entrance and are Grade II listed. A small development of houses lies to the east side of the listed farmhouse and is accessed from a driveway at the north side of Higher Saxifield Farmhouse. Distinctive stone terraces are located at Cuerdale Street, Camp Street and part of Saxifield Street to the south-east of the site. The south-east corner of the application site is approximately 70m from the Harle Syke Conservation Area.

Partial street view – showing treatment to corners, boundary frontages, variety of materials, stone window surrounds and chimneys



The majority of the dwellings are two storey in scale which is the dominant scale of surrounding housing. A lesser proportion of 2.5 storey houses which utilise roofspace with dormer windows (22no.) are positioned within the main body of the site and used to provide landmarks and more visual interest to provide a legible layout.

The gross density of the development amounts to 30 dwellings per hectare which is consistent with its suburban surroundings and reflects the edge of urban location. This level of density complies with Policy HS3 which states that developments should seek to achieve a minimum of 25 dwellings per hectare. The housing mix that is proposed which provides a high proportion of 3 and 4 bedroom housing would also comply with the site characteristic requirements of Policy HS1/9 which expects a minimum of 55% 3+ bedroomed detached and semi-detached houses. The mix of dwelling types would offer a range of houses that are suitable at this location.

The site has been designed with the principal area of open space central to the site, providing a continuous corridor of open space to link to the agricultural land beyond which would be made more attractive by tree planting and the opening up of a stretch of culvert. Careful consideration has been given to the site's northern boundary and the appearance of the site on the edge of the countryside. The drystone wall and hedgerow that mark the parish boundary would be retained and the public footpath that runs parallel with the boundary, surrounded by a swathe of greenspace which would be planted as a meadow. The layout of the development has been amended to provide a full frontage of properties facing the open space and the countryside. All other areas of open space have been laid out with overlooking frontages to maximise natural surveillance. Policy HS4 requires 0.3 ha of open space per 50 dwellings which amounts in this case to 0.78ha. The total areas of open space that are provided in this instance is 0.85ha which exceeds this level and also creates an attractive layout for new occupiers and its surroundings. This also demonstrates that an overall figure of 130 dwellings can be adequately accommodated on the site, whilst complying with the policy expectations for open space. All new areas of public open space would be managed by a private management company which can be secured by a planning condition.

The applicant has agreed to provide for childrens play provision which could be provided either on or off site. Given that there are nearby play areas to the site at Standen Hall Drive and Kibble Bank that could be improved for the benefit of new occupiers of the development and existing residents, the head of Greenspaces and Amenities is seeking a contribution of £40,000 to be used to improve these existing play areas. The applicant has agreed to make this contribution which can be secured through a section 106 Agreement.

A tree survey has been submitted with the application which indicates that there would be some loss of individual trees and groups of trees, including goat willows, cypress, ash and silver birch. The majority of these are close to the southern side of the site and are Category C trees which are rated as having low amenity. Higher value trees rated as Category B, including goat willow and ash would be retained within an area of open space. To compensate against these losses and to provide green streets and a verdant environment, there is a high level of new tree planting proposed.

Proposed Landscape Scheme



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 provided a total of 41 dwellings compliant with this higher standard which equates to 33% of the development. The proposal therefore complies with this requirement of Policy HS4.

In terms of the energy efficiency, the applicant has submitted a Sustainability Report that sets out how the development has addressed the energy requirements of Policy SP5. It has applied a focus to reducing the energy usage of the dwellings over their lifetime by using materials and fabric design to maximise energy efficiency. This would exceed the current energy efficiency requirements of the building regulations by a further 13%. The report states that they will aim at the detailed design stage to reduce daily water usage from 125 to 110 litres/person/day. House types have been designed to maximise natural light. The report affirms that the focus of the design has been on fabric improvement that save energy rather than renewables, due to the technology being relatively cost prohibitive. However, the applicant has also pursued opportunities for renewable energy on the site. The proposal consists of providing photovoltaic (PV) solar panels to at least 5% of the dwellings which would be concentrated on the affordable dwellings to assist with the impact of fuel poverty. In addition, the report states that the applicant is working with two renewable energy companies to provide optional air source heat pump and solar voltaic roof panels at a reduced capital cost with the intention of offering these at the early sales stage so they can be incorporated during the build process and thereby reduce installation costs. The applicant aims to provide these renewables to 20% of the dwellings.

The report also identifies other measures that will be undertaken, including sourcing local materials and adopting a waste policy to use a minimum of 10% of the total value of materials from recycled and reused sources.

The proposal would therefore secure significant energy efficiency proposals and these demonstrate compliance with Policy SP5. A condition is recommended to ensure that the development is carried out in accordance with the submitted report.

To conclude, the layout and design of the scheme would provide an attractive living environment and has taken into account the site specific requirements in Policy HS1/8 and complies with 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. These standards would be maintained between the interface of existing neighbouring properties and proposed houses and within the development itself.

The proposal would adequately safeguard existing residential amenities and provide satisfactory amenity for new occupiers of the development which would comply with Policy SP5.

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.

Policy IC3 requires two off-street parking spaces for two and three bedroom dwellings and three off-street parking spaces for four or more bedroom dwellings. Electric car charging points are required at detached properties on developments over ten dwellings.

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. The principle of the sustainability of the site's location is established therefore in the selection of the site as a housing allocation. The site is within walking distance of bus services and within walking distance of amenities and facilities. A Transport Assessment (TA) and Travel Plan have been submitted with this application. The former has examined the impact of additional vehicular movements on the existing highway network.

Junction of Standen Hall Drive and Briercliffe Road



Briercliffe Road has a speed limit of 30mph whereas along Standen Hall Drive the limit is 20mph which reflects the residential nature of the streets. From traffic data that has been derived from traffic surveys across the day, the assessment finds that there is capacity at approaches to the site from Briercliffe Road and Hillingdon Road. Standen Hall Drive narrows but still provides for two way movement. Many of the residents' objections refer to issues of traffic and congestion with parked cars on Standen Hall Drive.

Standen Hall Drive



The neighbouring properties have driveways but notably, there is still some degree of on-street parking. These are however on relatively short stretches and intervisibility between drivers allows for cars to pass freely. Neighbour objections refer to the narrowing of the road due to on-street parking, difficulties during snow conditions and queuing traffic at the junction of Standen Hall Drive and Briercliffe Road.

The TA acknowledges that the area has typical traffic flow associated with an urban area, that is with distinct AM and PM flow periods. The issues relating to congestion at school drop-off and pick-up times are typical of such an area and would not result in a 'severe impact'. Notably, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the additional traffic from a development of 130 dwellings would noticeably increase the number of cars on Standen Hall Drive and the local roads, there is no evidence that the impact of this increase would be 'severe'. The TA indicates that there is capacity at both Briercliffe Road and Hillingdon Road to cater for the development. LCC Highways has observed the route for traffic from the site and is satisfied that the existing residential roads and junctions are capable of the extra traffic that would be generated by the development.

Adverse conditions in snow conditions affects many streets due to the local terrain and is not a reason to prevent further traffic on such roads.

The proposed new junction at the site entrance with Standen Hall Drive has been designed to provide adequate visibility and a safe entrance for vehicles and pedestrians. The development also provides good permeability with the surrounding area to ensure the site is well connected.

The applicant has increased the level of coverage electric car charging units such that each detached property would have a charger which would comply with Policy IC3.

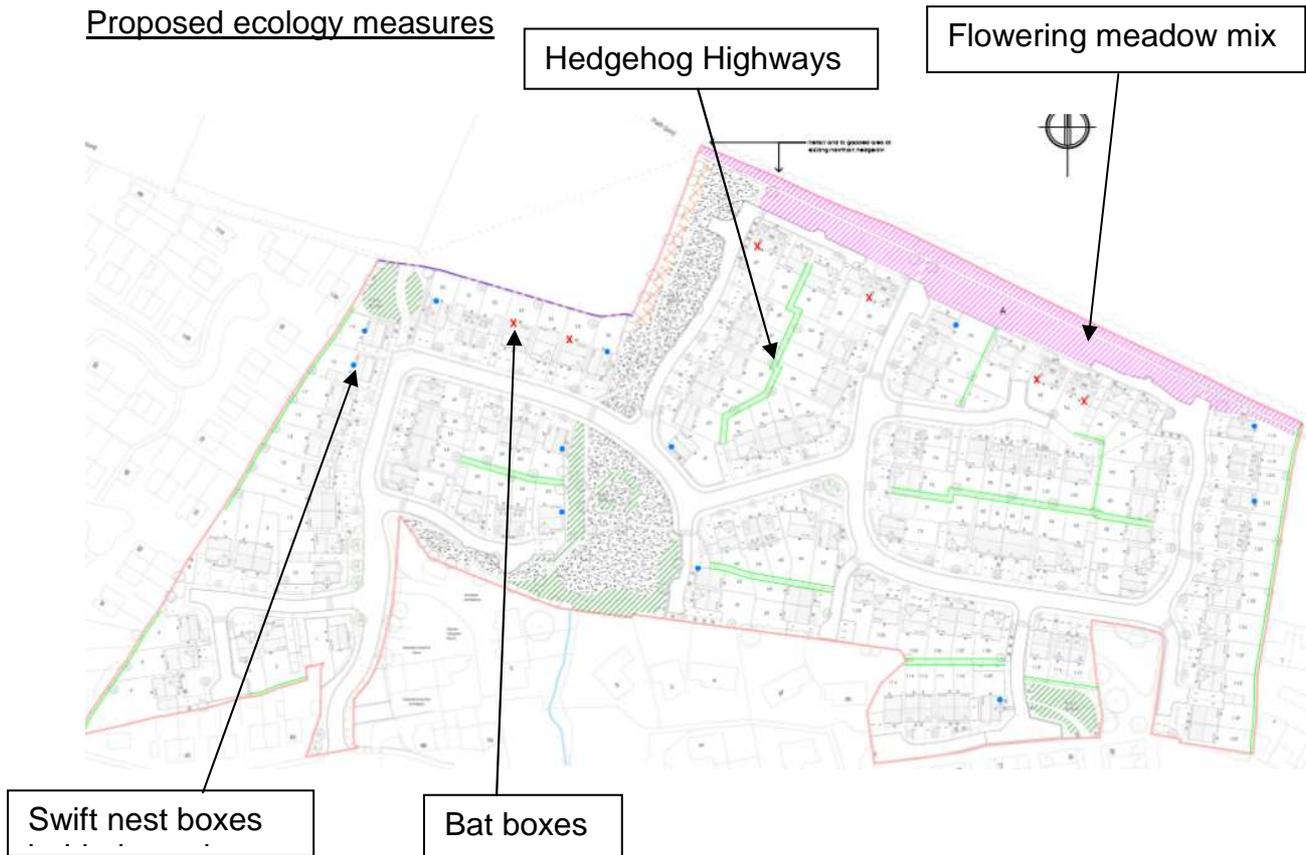
The Framework Travel Plan submitted by the applicant identifies measures that will be carried out to encourage residents to travel sustainably. This includes providing residents with a travel pack which includes walking and cycling maps, public transport information, provide details of a car share scheme, offer free local cycle training and discounts for the purchase of new bikes. LCC Highways recommend a condition to require details of a Travel Plan and its implementation. This is a recognised means of assisting to promote sustainable travel and reduce reliance on the car and as such, would assist in managing traffic generated by the development.

Issues raised initially by LCC Highways relating to the internal layout have been dealt with and the street layout and parking provision are satisfactory and comply with the requirements of Policies IC1 and IC3. LCC Highways is satisfied with the amended layout and proposal subject to various conditions listed in their response, including off-site works to improve two local bus stops. Subject to these provisions, the proposal would not have a severe impact on the local highway network and complies with Policies IC1 and IC3.

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. The site consists of overgrown grassland that has some identified habitat value but is unlikely to support any protected species. Following initial comments from GMEU, the applicant has been asked to enhance the habitat value of the areas of open space within the development. Following discussions with GMEU, a new landscape plan and management plan have been submitted which provides for meadow planting, suitable tree planting and hedgehog runs and bird and bat boxes.

Proposed ecology measures



The flowering meadow mix would consist of 20% flowers and 80% ornamental grasses and a Management Plan sets out how it would be maintained to ensure its continued benefit for wildlife purposes. In addition, the existing hawthorn hedge along the site's northern boundary would be retained and gap areas infilled. The existing drystone wall on the westerly section of the north boundary would be retained and also provide habitat. In addition, the opened section of culvert towards the north side of the site would provide habitat to promote biodiversity.

GMEU has assessed the revised proposals and affirm that the improvements that have been made would provide adequate compensation for the removal of the existing grassland. The Burnley Conservation Forum maintain their objection to the proposal and consider the mitigation measures to be inappropriate and inadequate for the size of the site. However, these measures would provide tangible mitigation, as agreed by GMEU, and would be a significant and long term enhancement, particularly considering that this is agricultural land that whilst recently laying dormant, could be re-used for grazing at any time which would remove most of its current value as habitat.

The proposal would not lead to any significant risk to protected species and a condition as recommended by GMEU should be imposed to prevent any site clearance during the bird nesting season. A condition is also recommended to ensure the implementation and management of the habitat compensation measures. With these provisions, the proposal complies with Policy NE1.

Impact on education provision

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The policy states that

contributions will be negotiated on a site-by-site basis and will only be sought where they 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.

The education authority has an adopted policy and methodology for assessing the impact of new housing development on education provision. It has calculated a need for an additional 35 primary school places (£561,768.90) and 15 secondary school places (£362,777.40). The need for the school places arises directly from the number of new houses and bedroom numbers that would be built on the site. A request for a contribution on this basis would satisfy the foregoing criteria. The applicant has been asked for their agreement to make the contribution totalling £924,546.30 and has agreed to do so and has submitted a draft s106 Agreement which is necessary to secure this.

Lancashire County Council state that the contributions would be used to provide additional pupil places at Holy Trinity RC Primary School at Halifax Road, Brierfield which is 1.2 miles from the site and at Burnley Unity College which is 2.7 miles from the site. This would cater for an increased need for pupil places arising from the development within acceptable distances from the site (these being within two miles in respect of a primary school and within 3 miles in respect of a secondary school). It should be noted, however, that following the implementation of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, Local Planning Authorities are no longer limited to collecting no more than five developer obligations per school infrastructure project. The removal of the pooling limit means that any number of developer contributions can be used to fund school extensions or new school projects. The s106 Agreement can therefore secure the education contribution within the local area which provides greater flexibility and time for Lancashire County Council to be able to identify and agree improvements with schools. The contributions would therefore be used at the aforementioned schools or other schools within the local area (at acceptable distances from the site). The applicant in agreeing to pay the full contribution provides the means for Lancashire County Council to cater for the increased need for school places as a result of the development. The proposal in this respect would comply with Policy IC4.

Affordable Housing

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement which is the case here. The applicant has provided a plan showing 13no. affordable homes across the site (10%). The units would be shared equity (intermediate housing). This affordable housing product is currently under-represented in the borough and also within the local area and as such would be an appropriate tenure in accordance with which would comply with Policy HS2. The contribution to affordable housing would be a key benefit of the proposal. This would be secured through a s106 Agreement.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation and that all levels of harm should be avoided.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and taken of the following:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF states that great weight should be given to the asset's conservation. Substantial harm should not be allowed but where a development will lead to less than substantial harm to the significance of a designated heritage asset then this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The positioning of the access road draws the development away from the listed farmhouse. Given that the context of the farmhouse has already been substantially altered by surrounding development and the domestication of the curtilage, the impact on its setting would be limited and less than substantial.

Higher Saxifield Farmhouse (farmhouse, cottage and converted barn) – Grade II listed



The special interest of the listed building would not be significantly affected and any limited harm to its setting from further surrounding the building with new development, would be outweighed by bringing forward a key housing allocation in the adopted Local Plan.

An archaeological recording/investigation condition is necessary to deal with any archaeological interests there may be on the site and a condition is recommended to deal with this. A drystone wall along the northern boundary of the site is also identified in the Heritage Statement submitted by the applicant as a heritage asset. The proposed

scheme would retain the drystone wall and a condition can also be imposed to secure this.

With these provisions the proposal would satisfactorily safeguard heritage assets and comply with Policy HE2 and the NPPF.

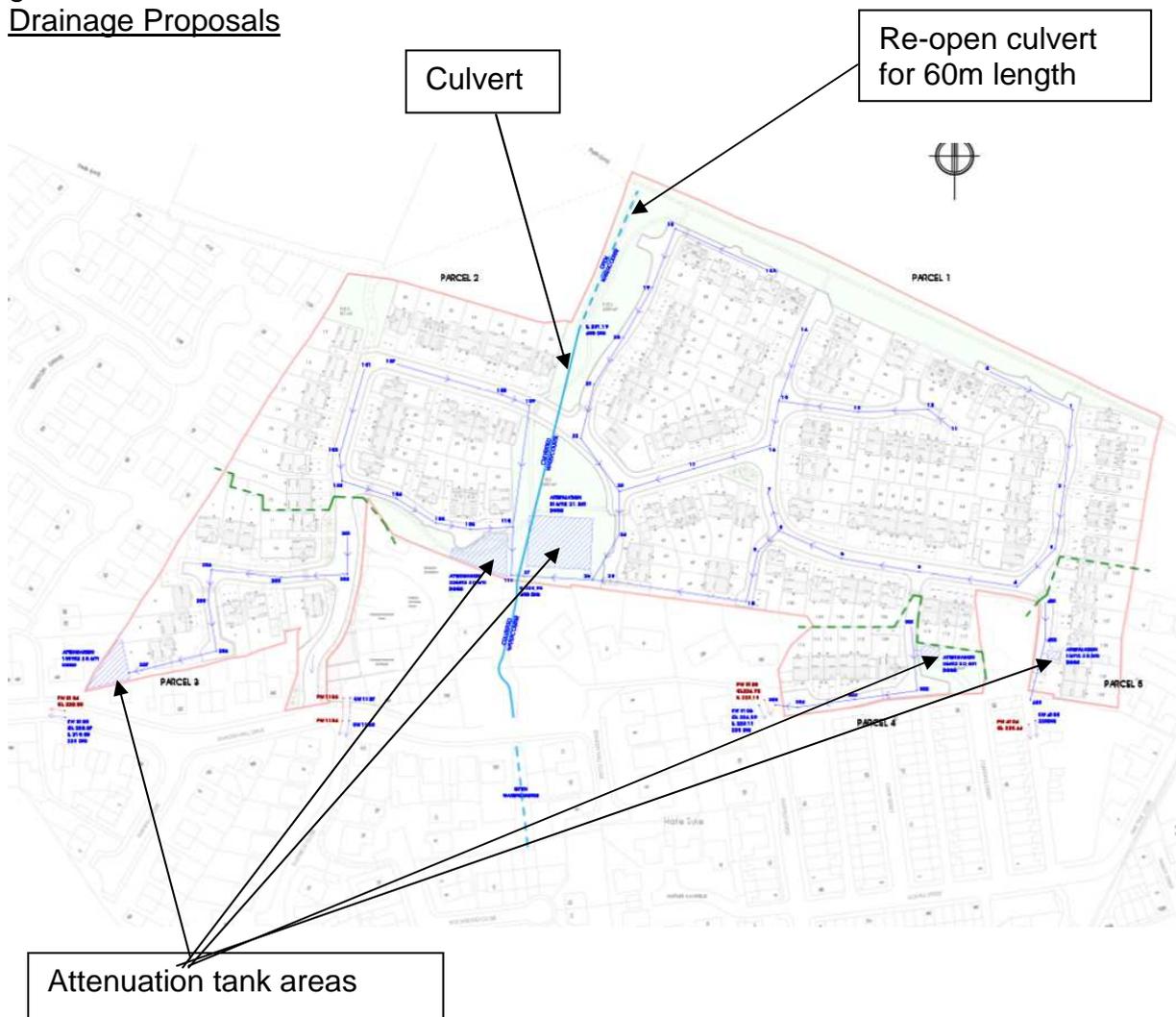
Drainage and flood risk

Policy CC4 seeks to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere. The site is in flood zone 1 where there is the lowest risk of flooding. Drainage proposals have been submitted with the application.

The culvert that runs north to south on a gentle southerly slope would be opened along a 60m section on the north side of the site where the banks would be grassed and planted in a suitable manner to benefit wildlife and biodiversity. Surface water from the site would be dealt with through site attenuation. This would consist of two large underground tanks on the south side of the site under grassed areas and three further underground tanks at the south westerly tip of the site, within open space and at the end of a hammerhead at the south-east corner of the site. The attenuation would be to greenfield rates.

The water storage tanks would have a capacity to hold sufficient storm water in order to regulate the flow of water from the site at a rate that would be equivalent to a greenfield site.

Drainage Proposals



The capacity of the storage tanks and the outward flow of surface water from these tanks are matters to be agreed in detail with the Lead Local Flood Authority (LLFA) and United Utilities (UU). Both the LLFA and UU have no objections to the proposal and recommend conditions which would enable these details to be agreed.

The site currently has a culvert that runs north to south on a gentle slope and where it leaves the application site at Taydale Cottages, it continues as a culverted watercourse until it becomes an open watercourse within the rear gardens of detached and semi-detached houses on Standen Hall Close.

Neighbour objections have however been received to the proposal on the basis that residents in the local area currently experience flooding and consider that developing this site would increase that flooding. Photos have been supplied showing flooding of back gardens, roads and the rear alley at Rockwood Close/Oaken Bank. This occurs outside the application site where an open section of the watercourse that crosses the rear gardens of properties at Standen Hall Close enters a culvert to the rear of no. 8 Rockwood Close. The reason for the flooding is unknown. Enquiries made with UU and the LLFA affirm that the watercourse and culvert are in Riparian Ownership which means that the landowner(s) concerned have responsibility for it. The existing problems are not the responsibility of the current developer to address. However, the development would not increase the rate of flow and by regulating the flow of surface water from the site into the culverted watercourse and may indeed help to reduce the surges of flow that lead to flooding at Rockwood Close. The development of the site, with appropriate site attenuation, would not therefore lead to an increase in the risk of flooding either on the site or downstream.

Notwithstanding that the development would not lead to an increase in the risk of flooding downstream from the site, the applicant has offered to commission a conditions report on the culvert and to clear the culvert if there are any obstructions in order to improve its condition. This would be beneficial to those affected by the culvert.

Foul water would utilise the existing public foul sewers. There are no objections from the statutory consultees in respect of drainage. The additional work that the developer undertakes to do alongside any improvements that may come from regulating the flow of surface water from the large area of the application site, are likely to improve conditions for local residents and would, subject to conditions as recommended by United Utilities and the LLFA, provide adequate drainage with no significant risk to flooding on site or elsewhere. The proposal therefore complies with Policy CC4.

Other issues

Ground condition and contamination assessments have been carried out and do not indicate that the site is unsuitable for development. The site is within a low to medium area for risk from coal mining legacies. The Coal Authority is satisfied with the intrusive investigations that have been carried out by the applicant and affirms that they have no objections. Whilst no contamination has been identified on the site, a condition is recommended by the Council's Environmental Health Officer to deal with any unexpected contamination in case this arises during the process of the development.

Objections from neighbouring residents refer to the lack of capacity at the local doctors' surgery to deal with an influx of new patients from the proposed development.

Objections have also been made by an individual working at the Briercliffe Surgery and the Burnley East Primary Care Network, expressing concern relating to the existing situation at the practice without knowing what future plans for the practice are being made by the East Lancashire Clinical Commissioning Group (CCG).

The principle of developing this site for housing has already been established by the allocation of the site for this purpose in Burnley's Local Plan (adopted July 2018). As part of the consultation process prior to the adoption of a new Local Plan, a wide range of NHS departments were consulted and specific engagement took place with the CCG to enable them to raise any fundamental concerns they had about either the level of growth or specific sites; and also plan future resources accordingly. In its response, the CCG acknowledged that the Borough could not stand still and the development of better quality homes could have a positive health impact on residents. In addition, the development of more attractive aspirational homes might assist in workforce recruitment as due to the challenging nature of working in the NHS in Burnley and East Lancashire, it was difficult to attract new staff into the area. At that time the CCG estimated that over the Plan period, the additional patients arising would require the equivalent of four whole time equivalent GPs together with associated nursing and administrative staff.

In relation to this planning application, the East Lancashire CCG has made comments neither objecting to or supporting the proposal but has raised some concerns about the additional pressure that new patient registrations will place upon the GP Practices in Burnley East and in particular the Briercliffe Medical Practice, which is the nearest surgery to the application site and which has undergone a complete change in terms of both its management and GP Practitioners. The CCG considers that the practice would benefit from a period of stability. In reality any new patients arising from this development would come forward steadily over a number of years as the site is developed, and are unlikely before 2021. The comments from the CCG also state that a contribution should be made by the developer towards capital costs relating to NHS services. This has since been retracted by the CCG on the basis that they do not at the current time have a policy in place or methodology to calculate the contribution requirement or amount or set out how these should be applied. There is therefore no request to be considered.

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 wider plan policies. Issues relating to the impact of the development have been adequately dealt with and can be satisfactorily mitigated by conditions, including the impact on traffic and highway safety where the impact would not be severe. Clear benefits would ensue from the development in terms of the delivery of housing on an allocated site and the provision of on-site affordable housing. Requests for contributions towards education and play provision have been agreed with the applicant. The proposed scheme has been designed to provide a positive expansion of the existing residential area and displays a high quality and attractive living environment which has also taken into account the need to compensate for the loss of habitat. The NPPF states that decisions should apply a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. The proposal complies with the development plan and there are no

material reasons to outweigh this finding in which case the application should be approved without delay.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to education provision, affordable housing and open space improvements and conditions

Conditions:

1. The development must be begun within three years of the date of this decision.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with 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 commencement of built development, representative samples and details of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

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. Details of surfacing materials to be used on the estate roads, driveways and parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of built development. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance to the development, in accordance and access/parking facilities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

5. Prior to the commencement of development, a Phasing Plan and Strategy, which shall set out the phasing of all works on the site and built development and the timing for the establishment of all the open spaces to be provided and the works to re-open a section of culvert within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan and strategy shall thereafter be adhered to unless any variation is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and that facilities are provided at appropriate stages within the course of the whole

development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

6. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

7. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Layout (drawing number 3311/101RevD) and planting plans on sheets 1-5 (drawing numbers 3311/201RevC, 3311/202RevC, 3311/203RevB, 3311/204RevB and 3311/205RevC) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
8. All the measures indicated on the approved Habitat Compensation Plan (drawing number AJ14/010RevA) shall be carried out in accordance with the Phasing Plan and Strategy as approved by Condition 5 and shall be completed prior to all the dwellings on the site are first occupied. The measures provided in accordance with the approved Habitat Compensation Plan shall be retained in perpetuity.

Reason: To ensure adequate mitigation for the loss of grassland habitat in order to maintain and enhance biodiversity on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

9. Prior to the commencement of built development, details of the management company, its responsibilities and its funding mechanisms for the management and maintenance of all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes

to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

10. The areas of open space within the site shall at all times, in perpetuity, be managed and maintained in accordance with the details of the approved Landscape Management Plan (reference no. 3311 501 Revision B, dated October 2019) and shall not be varied unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site and biodiversity, in accordance with Policies HS4 and NE1 of Burnley's Local Plan (July 2018).

11. No vegetation clearance required to facilitate the scheme shall take place or works take place to any drystone wall, during the bird nesting season between March and July inclusive unless evidence from a qualified ecologist is previously submitted to demonstrate that no nesting birds would be affected by the works and the Local Planning Authority has authorised such works in writing.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

12. The new estate road and access between the site and Standen Hall Drive shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase in accordance with the approved Phasing Plan and Strategy required by Condition 5.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and within each successive phase of development, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. Concurrent with the formation of the vehicular access to the site, the existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To minimise the number of access points and to provide a satisfactory new junction, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement which shall include for the upgrading of two bus stops at Briercliffe Road, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

15. No dwelling shall be first occupied until the approved scheme referred to in condition 12 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

17. Prior to any built development, details of the pedestrian/cycle links to be provided between the application site and Saxifield Street, Camp Street and Cuerdale Street shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian and cycle links shall thereafter be constructed in accordance with the approved details and be completed and available for use prior to the completion of the development. The approved pedestrian/cycle links shall be retained and remain open and available for use at all times thereafter.

Reason: To ensure the site is accessible within its surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads 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.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

19. 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.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

20. 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:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) 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) wheel washing facilities;
 - vii) details of working hour;
 - viii) contact details for the site manager; and,
 - ix) 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.

21. Prior to any dwelling being first occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 of Burnley's Local Plan (July 2018).

22. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

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

23. Electric car charging points using (as a minimum) a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable shall be installed in accordance with the approved drawing number AJ14/001RevB prior to each respective dwelling being first occupied.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

24. Prior to the commencement of the development, a scheme of archaeological trial trenching to investigate the possible early site of Lower Saxifield and the anomalous features identified in the Lidar Survey accompanying the Heritage Impact Assessment, shall be carried out and the results of the work and conclusions drawn from those results shall be submitted to and approved in writing by the Local Planning Authority. In the event that 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, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of development to ensure that any archaeological interest can be identified and recorded prior to any work which may remove, harm or destroy any such finds.

25. 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 dwelling being first occupied. 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.

26. No dwelling shall be first occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate 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).

27. 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).

28. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the Bin Collection & Unadopted Road Plan (drawing number AJ14/006RevA). The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

29. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

30. The proposed boundary treatments as indicated on drawing number AJ14/003RevA shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.

Reason: To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

31. The development shall be constructed in accordance with the provisions for adaptable homes as set out on the approved Layout Plan, drawing number AJ14/001RevB).

32. 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 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).

Janet Filbin
20/11/2019