

**Application Recommended for Delegation to
Approve subject to s106 Agreement
Briercliffe Ward**

FUL/2020/0028

Town and Country Planning Act 1990

Erection of 117no. 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

Information

This application was first due to be considered at a meeting on the 26th March 2020 which was cancelled due to Covid-19 measures and was later due to be considered at a meeting on the 4th June 2020 which was postponed in order to have time to consider a late representation from the East Lancashire NHS Trust. This late representation has now been considered and is reported in the agenda report below.

Background:

The application seeks full planning permission for a residential development of 117 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 is a re-submission of a similar application for 130 dwellings (FUL/2019/0315) that refused in November 2019 on traffic grounds. The current application differs from the previous proposal in the following ways:-

- Reduction in number of dwellings by 13 (10% reduction)
- Increase in the amount of open space at the north east corner of the site with an additional area of approximately 50m x 30m to be planted with flowering meadow mix (increase from 0.8ha to 0.96ha)
- Revised Transport Assessment and an Addendum report to provide additional information, including queue surveys at additional junctions and the use of further robust assessment

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



The proposal is for a development of 117no. houses, consisting of 6no. two bedroom, 49no. three bedroom, 57no. four bedroom and 5no. five bedroom houses. There would be 79 detached houses (68%), 30 semi-detached houses (26%) and 8 in rows of four houses (7%). The majority of the houses would be two storey and a small proportion (11%) would be 2.5 storey, having attic bedrooms. The applicant proposes to provide 10% of the total number of dwellings (12 houses) as Affordable Houses.

Proposed Site Layout



Proposed public open space is proposed in five 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 and returns around the north east corner 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 0.96ha.

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. Within the northern section of open space, a 60m length of open watercourse would be seeded to create wildflower meadow. The belt of open space either side of the public footpath along the site's northern boundary and continuing around the north east corner of the site 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 as well as access to the fields beyond this site. 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 and cycle 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.

Street views within development and facing open countryside to the north



1 STREETSCENE A-A
1 : 200



2 STREETSCENE B-B
1 : 200



3 STREETSCENE C-C
1 : 200



4 EXISTING SECTION D-D
1 : 500



5 PROPOSED SECTION D-D
1 : 500



Thirty five (30%) 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 (79 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.

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.

FUL/2019/0315 - 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. Refused on 29 November 2019 for the following reason:-

“The proposal would result in an unacceptable impact upon highway safety as a result of introducing a significant number of additional vehicular movements to the locality which would exceed the capacity of the existing local transport infrastructure and fails to provide an adequate means of mitigating the impact. As such, the proposal is therefore contrary to Policies SP1, IC1 and IC2 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework 2019.” The Council has been notified that a valid appeal has been made against this decision.

Consultation Responses:

LCC Highways

The proposed development is for the erection of 117 residential units on land to the north of Standen Hall Drive. The site has been the subject of a previous application in 2019 under application number 19/0315 and given the similarity between the proposals the comments made in respect of the previous application should be read in conjunction with this application and the highway authority would maintain its position and raise no objection to the current proposal.

Following representations made to the previous application in terms of the junctions assessed, an addendum to the previous report has been produced with 3 additional junctions modelled.

- 1 Briercliffe Road / Casterton Avenue – roundabout
- 2 Marsden Road / Briercliffe Road – priority T- junction
- 3 Burnley Road / Halifax Road / Nelson Road / Todmorden Road – crossroads

The concerns raised by the omission from the original of these junctions from the Transport Assessment submitted for the 2019 application were taken into account and as a result of these concerns the junctions were observed during the peak hours.

In the Transport Assessment Addendum the results of the modelling work for the junctions 1 and 2 above indicate that these junctions will be operating above theoretical capacity on a number of occasions in the 1 hour period modelled for the morning and evening peak hours. However in order to sustain an objection at any

subsequent planning appeal should the proposal fail to gain planning permission there would need to be a significant level of queueing throughout the peak hour period. From the results obtained and the site observations undertaken it is clear that the queue lengths and delays vary over time and are not accurately represented by the modelling. The observed queues tended to be rolling queues with forward progress being maintained and not static. On this basis there is insufficient evidence to suggest that the traffic generated by the development would result in the residual cumulative impact on the road network being classed as severe. As required by NPPF 2019 para 109.

The full paragraph in the NPPF document is as follows;

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

The highway safety impact of the proposed development has been looked at and taking the 3 junctions referenced above individually they produced the following collision data

Briercliffe Road / Casterton Avenue Roundabout

In the 5 year analysis period to 31st Dec 2018 there 5 recorded injury collisions at this junction. Having looked into scenarios and causation factors for the collisions 2 involved crossing pedestrians, 2 involved a vehicle failing to give way entering the roundabout and one involving an "on-call" emergency services vehicle. Whilst every collision is regrettable, there is nothing in the collision data that would suggest that the proposed development would precipitate an increase in the occurrence of accidents.

Briercliffe Road / Marsden Road

In the 5 year analysis period to 31st Dec 2018 there have been 5 recorded injury collisions in the vicinity of the junction, of these 3 involved vehicles emerging from Sedburgh Street (1 being a pedal cycle) the remaining 2 resulted from vehicles turning right out of Marsden Road onto Briercliffe Road. There is an identifiable pattern of collisions occurring at the Sedburgh Street junction as they all indicate that visibility for the emerging vehicles was obscured by parked vehicles. This could be alleviated by substituting the existing hatched markings on Briercliffe Road with a kerbed buildout which would prevent parking close to the junction.

Burnley Road / Halifax Road

There have been no recorded injury collisions in the 5 year period ending 31 Dec 2018.

In respect of the proposed layout, as mentioned previously there is a slight reduction in the number of properties proposed however this has not resulted in any change in the estate road layout except in the vicinity of the proposed access off Standen Hall Drive.

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 routeing to / from the site

❖ Contact details for the site manager

LCC Schools Planning Team

Education Assessment 18th February 2020

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

This assessment shows the level of impact relevant to the following development:

Land to the North of Higher Saxifield Street

Pupil Yield

Through a detailed research project carried out during 2012 LCC have established a pupil yield to be applied for the bedroom mix within a development.

Using the Rightmove database (based on Land Registry information), a cross matching exercise was undertaken to match the first occupation of a house with the relevant School Census. The research enabled LCC to ascertain the likely impact of a dwelling with 1, 2, 3, 4, or 5+ bedrooms in terms of the child yield. This enabled LCC to project the pupil yield of new houses, based on the number of bedrooms per dwelling.

LCC will seek to apply these pupil yields to our assessment, however, if bedroom information has not been provided by the developer LCC will apply the 4 bedroom yield, to provide a medium to worst case scenario. Once bedroom information is available the impact of this development will be reassessed using the yield information provided in the 'Development details' section below.

Local primary schools within 2 miles of development

When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2025) **	Projected Pupils by Jan 2025 ***
Briercliffe Primary School	317	390	331
Burnley St James' Lanehead Church Of England Primary School	275	270	277
St John The Baptist Roman Catholic Primary School Burnley	256	243	217
Casterton Primary Academy	289	280	281
Reedley Primary School	407	420	441
Holy Trinity Roman Catholic Primary School Brierfield	104	105	138
Nelson St Paul's Church Of England Primary School	413	420	400
Pendle Primary Academy	419	420	464
Burnley Heasandford Primary School	610	630	591
Marsden Community Primary School	422	420	395
Barden Primary School	413	420	422
St John Southworth Roman Catholic Primary School Nelson	214	210	213
Nelson Walverden Primary School	424	408	397

Great Marsden St John's Primary School A Church Of England Academy	210	210	213
Whitefield Infant School And Nursery & Lomeshaye Junior School	270	270	602
St Mary's Roman Catholic Primary School Burnley	207	210	211
Nelson St Philips Ce School	140	148	148
Burnley Stoneyholme Community Primary School	419	420	418
Worsthorne Primary School	214	210	208
Burnley St Peter's Church Of England Primary School	210	210	214
Bradley Primary School	415	415	390
Burnley Brunshaw Primary School	419	420	418
Total	6648	6729	6971

* Latest Number on Roll (NOR) reflects the most up-to-date pupil numbers at the school. Assessments between 1st December and 31st March will use October NOR, assessments between 1st April and 31st July will use January NOR and assessments between 1st August and 30th November will use May NOR.

** The net capacity figure is agreed via consultation with the schools, during September each year. The future net capacity includes any agreed capacity changes, which LCC have been informed about.

*** Based on the latest projections at the time of the assessment. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and also the projected pupil place demand in 5 years.

Projected places in 5 years: -242

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2021	JAN 2022	JAN 2023	JAN 2024	JAN 2025
7000	6949	6827	6734	6630

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate district's 5 year Housing Land Supply documents (or equivalent) and migration figures in 5 years' time we forecast there will be **6971** pupils in these schools.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Primary yield for this development
1	0.01		
2	0.07	6	0.42
3	0.16	49	7.84
4	0.38	57	21.66
5	0.44	5	2.2
Totals		117	(32.1) 32 Places

Education requirement

Latest projections for the local primary schools show there to be a shortfall of 242 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document (or equivalent), which already have planning permission.

With an expected yield of 32 places from this development the shortfall would increase to 274.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 32 places.

Local Secondary schools within 3 miles of the development

When assessing the need for an education contribution from this development Lancashire County Council considers secondary school provision within a 3 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2025) **	Projected Pupils by Jan 2025 ***
Sir John Thursby Community College	1111	1125	1199
Marsden Heights Community College	1038	1193	1163
Blessed Trinity Rc College	1270	1290	1371
Burnley Unity College	1211	1263	1307
Pendle Vale College	1070	1050	1211
Ss John Fisher And Thomas More Roman Catholic High School Colne	756	800	887
Colne Primet Academy	494	950	693
Total	6950	7671	7831

* Latest Number on Roll (NOR) reflects the most up-to-date pupil numbers at the school. Assessments between 1st December and 31st March will use October NOR, assessments between 1st April and 31st July will use January NOR and assessments between 1st August and 30th November will use May NOR.

** The net capacity figure is agreed via consultation with the schools, during September each year. The future net capacity includes any agreed capacity changes, which LCC have been informed about.

*** Based on the latest projections at the time of the assessment. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and planned housing development, to provide a 5 year projection.

Projected places in 5 years: -160

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2021	JAN 2022	JAN 2023	JAN 2024	JAN 2025
7191	7337	7495	7588	7602

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year Housing Land Supply documents (or equivalent) and migration figures in 5 years' time we forecast there will be **7831** pupils in these schools.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Secondary yield for this development
1	0.00		
2	0.03	6	0.18
3	0.09	49	4.41
4	0.15	57	8.55
5	0.23	5	1.15
Totals		117	(14.3) 14 Places

Education Requirement

Latest projections for the local secondary schools show there to be a shortfall of 160 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 14 places from this development the shortfall would increase to 174.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 14 places.

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 32 primary and 14 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 x 32 places = **£513,617.28**

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 x 14 places = **£338,592.24**

This assessment represents the current position on 18/02/2020. LCC reserve the right to reassess the education requirements taking into account the latest information available.

Lead Local Flood Authority (LLFA)

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the following condition, in consultation with the Lead Local Flood Authority:

Condition 1 – Final Sustainable Drainage scheme to be submitted

No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water

sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) Final sustainable drainage layout plan appropriately labelled to include:
 - Pipe/structure references
 - Dimensions,
 - Design levels,
 - Finished Floor Levels (FFL) in AOD with adjacent ground levels to confirm minimum 150mm+ difference for FFL.
- b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the pre-development runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change (pre & post development), volume of attenuation required (post development)) with allowance for urban creep, summary of permeable/impermeable areas of site used within calculations, the critical storm results for up to 6hr duration.
- d) Plan identifying areas contributing to the drainage network.
- e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- f) A plan to show overland flow routes and flood water exceedance routes and flood extents.
- g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.
- i) Construction phase surface water management plan to include how surface water and pollution prevention will be managed during each phase of construction.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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 (May 2019) which appears identical with that submitted with the previous application. Given that the site and assessment appear to be the same as previously, the previous advice is provided below:

A number of heritage assets have been identified in or close to the proposed development site which will be impacted, although in 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)

This application appears to be very similar to a previous application for development on this site (ref FUL/2019/0315), although with fewer housing units and therefore more potential to additional greenspace provision, which is a good thing. My response to the current application is therefore largely similar to my response to the previous application.

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. I would be prepared to accept that the blocks of wildflower planting proposed in the landscaping plans 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; that is, the *quality* of the new areas of grassland and the sustainability of future management will go some way towards compensating for the loss of the quantity of greenspace.

Impacts on Local Biological Heritage Sites

Increased run-off and sediment from the site has some potential to cause harm to aquatic habitats downstream of the site. The River Don / Brun Valley Biological Heritage Site (BHS) lies approx. 1km south of the site and there is potential direct hydrological connectivity between the site and the BHS. In the long term I would note that the runoff rate from the site is required to be equivalent to existing greenfield run-off rates and that drainage attenuation features have been built into the design of the site to mitigate potential flood risks downstream. The Flood Risk Assessment Report accompanying the application concludes that 'the risk of flooding from the development drainage is low'.

The greatest risk of siltation would arise during any ground clearance and construction works on the site; this risk can be effectively mitigated by the preparation and implementation of a Construction Environment Management Plan (CEMP) for the development which should contain details of measures to be taken to avoid any possible pollution of watercourses. Preparation and implementation of a CEMP could be required by means of a **Condition** placed on any permission granted to the scheme.

Protection of nesting birds

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.

Burnley Conservation Forum

Object to the proposal. The plot of land comprises open fields formerly used for agriculture which has been left unused for some time and has reverted to a mosaic of natural and semi-natural grassland habitats which are a valuable wildlife area, in particular for breeding butterflies, supporting thriving populations of Meadow Browns and Ringlets. This plot of land's mosaic of mature natural and semi-natural grassland habitats are a sanctuary for a diverse range of insects and invertebrates not found in the adjacent landscape to the north which comprises agricultural fields intensively farmed for sheep and/or cattle grazing and silage production and a golfcourse. Consequently, this plot of land functions as an important 'stepping stone' habitat resource in the Harle Syke area of Burnley.

The Lancashire County Council 'LERN' database assessment of all Local Plan proposed development sites in the Burnley area report to Burnley Borough Council

in June 2015 stated in respect of this Higher Saxifield plot of land that species had been recorded with European and NERC Act section 41 protection along with Lancashire Biodiversity Action Plan Long List and Key Species and that a bat roost had been recorded within 400m of the site.

The re-submitted application reduces the number of dwellings proposed from 130 to 117 which allows for a small amount of additional landscaped land to the north and east of the proposed housing layout. However, this area of land to be developed for 117 dwellings remains substantially the same as in the original application and this revised application will have an identical adverse effect on the present valuable wildlife habitat to that of the original application.

Environmental Health Officer (Contaminated Land)

No objection. I have read the preliminary risk assessment report Ref BEK:-19535-1 and site investigation & ground assessment report Ref: BEK-19535-2 submitted by bEk Enviro Ltd on behalf of the developer.

I can confirm that I am satisfied with both reports and that no further remediation is required at present but would advise that if visual or olfactory evidence of contamination is encountered and/or during ground excavations the presence (or suspected presence) of contamination is encountered then works should cease and specialist advice sought regarding the type of contamination encountered and remediation that may be required. A report should then be submitted to the local authority indicating the remediation methodology conducted and a final verification report stating that all work has been carried out in line with current guidelines.

Environmental Health Officer (Amenity and Air Quality)

Having reviewed the application documentation, including the Air Quality Statement by Martin Environmental Solutions, Environmental Health would ask that the recommendations of the aforementioned statement are implemented, including the provision of an electric vehicle charging point for each property.

Designing Out Crime Officer

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

Ramblers Association

The Footpath 12-1-FP-174 goes North between two houses, on which is proposed to be demolished, and up a rough track to the NW corner of the site where it joins FP34. This footpath is part of a larger network of Footpaths coming in from the West and heading diagonally NE across a small field to join 12-1-FP-32 AND 12-1-FP-224.

Footpath 12-1-FP-224 follows the 'Northern' boundary of the site to join 13-3-FP-32 at its Eastern boundary but is presently very wet and muddy.

I have no real concerns regarding the two footpaths, 174 & 224, as the surface of both of these will be improved.

The line of FP 174, although similar and starting and finishing at the same point, does not appear to be exactly the same as that on the Definitive Map and thus, if

not, this should be officially brought in line, 'diverted', through the Right of Way Dept at Lancashire County Council.

I doubt that safe access can be provided whilst the building work is ongoing so I suggest that both these paths are Temporarily Closed Officially until work is complete.

Both these paths form part of an integral network of Footpaths that are enjoyed by many people who use these as access and part of circular walks into the local countryside.

Briercliffe Parish Council

The Parish Council remains OPPOSED to the development for the following reasons:-

1. Although the number of potential dwellings has been reduced from 130 to 117, the Parish Council still considers this number to constitute over-development of the site. (Note: This does not mean to say that the Parish Council has a figure in mind that it would accept).
2. The Parish Council agrees with the independent highway's expert, hired by local residents, and who made a case, at a previous meeting of Development Control, against that of the LCC's highways officers. The addition of 117 new dwellings might add a further c175 vehicles to the relatively narrow and steep roads in the area covered by the application. This will have an adverse effect on the Higher Saxifield and Standen Hall Drive areas as a whole.
3. Following from 2)., above, the hilly nature of the land, in a bad winter, would mean that residents, with motor vehicles, will park them, in bad weather, on the few level areas so that they can get away more easily in the morning. The gritting of the roads in this area remains a problem. At the present time winter parking problems remain unresolved as goes that of gritting this area.
4. The Parish Council remains very concerned about the drainage of the land in the Higher Saxifield area. There are regular complaints about problems with water, especially in the vicinity of the Craven Heifer, Rockwood Close and Oaken Bank. These areas are below Higher Saxifield. If a further 117 houses are built, with the associated hard areas – roofs, parking, roads foot paths etc – the amount of water flowing down the hill, in the direction of these places, is likely to increase causing more water-related problems than there are at the present time. It has been estimated that the 12 acres of the proposed development will generate an estimated 5,000,000 gallons of water which will have to go somewhere. Similarly, it is understood that some of the current water-related problems are caused by a lack of maintenance of the present water courses. What systems, which may include water tanks, are being put in place to ensure that the additional water is captured and dealt with properly? It is thought that, as existing bodies have not accepted responsibility for the current water related problems, it is unlikely that anyone will do so in the future.
5. The Parish Council has noted that the proposed 117 new dwellings – all properties that are likely to attract young families – come without investment in new facilities in the area. A large development will have an impact on local schools which are full at the present time. It is appreciated that the LCC proposes to enlarge one of these schools, but this school is in an area which can not sustain such development without considerable investment in local infrastructure. The question must be asked, does this application take account of these proposed new houses? The Parish Council thinks not.
6. Though there is a surgery – the Briercliffe Surgery – in this area, planners

should be aware of the status of this Health facility. The Briercliffe Surgery has been placed in (to use the education term) “Special Measures”. Even if this latter was to end, and the houses be built, more resources would be required to ensure that the young families, that may be encouraged to live here, are adequately provided for.

7. The Briercliffe Parish Council remains concerned that 117 new properties, built in the area defined in the maps, may have the effect, from a distance, of breaking the skyline. This is something that should be avoided.

8. The Briercliffe Parish Council is aware that the eastern part of the present Borough lacks adequate green spaces – parks, sports grounds etc. Similarly, this development, if approved, will affect access to existing open land, footpaths etc. A development of this size should not be permitted without addressing the green issues.

On all of the above grounds – over development, lack of community facilities, highway problems, drainage, provision of school places, health facilities, potential skyline problems and lack of green space provision – the Briercliffe Parish Council wishes to OPPOSE this development.

The Coal Authority

No objections.

Electricity North West

The development is shown to be adjacent to or affect Electricity North West’s operational land or electricity distribution assets. The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

Cadent Gas Ltd

Cadent has identified operational gas apparatus within the application site boundary. The applicant must ensure that proposed works do not infringe on Cadent’s legal rights. All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

East Lancashire Hospitals NHS Trust

A late representation has been received to make a request for a financial contribution towards an increase in healthcare demand. The Trust states that:-

- The development will create an impact on the service delivery which will have a long term impact.
- Current bed occupancy levels are unsatisfactory and the problem will be compounded by an increase in the population which does not coincide with an increase in available bed spaces.
- Will add a further strain on the current acute healthcare system.
- The existing service delivery infrastructure for acute and planned health care

is unable to meet the additional demand generated as a result of the proposed development.

- The population increase associated with the proposed development will significantly impact on service delivery and performance of the Trust until contracted activity volumes include the population increase.
- The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract.
- The developer is requested to contribute towards the cost of providing the necessary capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling.
- It requests a contribution of £161,936.00 (based upon 117 dwellings with average of 2.4 persons per dwelling and an overall cost per dwelling of £1,384).

[This request has been fully considered and a response is contained under the heading `Health Provision` later in the report].

Publicity

Ward Councillor response (Councillor Margaret Lishman)

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

- The comprehensive traffic survey submitted by the developer does not take into account the fact that access is via a hilly site which is not gritted by the County Council
- Increased on-road parking during bad weather months which affects access
- Increased pressures on road infrastructure
- Infrequent buses, the Harle Syke bus does not run after early evening
- The local health centre has indicated an objection because of lack of capacity to cope with the increase in patients
- All the local primary schools in the vicinity are full, such that any children would need to be driven distances to schools
- Longstanding concern from residents of flooding in the area and the increasingly regular high rainfalls have made this worse
- Building on this site would increase the pressures already present.

Neighbour Responses

The Council has received 180 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, Clockhouse Avenue, Lydgate, Red Spar Road, Tarvin Close, Cross Street, New Taylor Fold, Granville Street, Nicholas Street, Tiverton Drive, Talbot Drive, Kimberley Close, Briercliffe Road, Burnley Road, Gilbert Street, May Tree Close, Halifax Road, Rossendale Avenue.

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

- Previous application has been refused and previous objections are still relevant.
- Reduction in number of dwellings by 13 is only about 29 less cars from 322 to 293 cars is negligible
- Would lead to in excess of 500 vehicular movements per day on Standen Hall Drive which cannot be supported by the road infrastructure
- Standen Hall Drive is a narrow road (particularly the stretch from Malham Road to the proposed site access point) with steep hill and winding and parked cars to each side which struggles with traffic at peak times
- Double parked cars on Standen Hall Drive make pavements impassible with pram and difficulties for people with disabilities
- Access on Standen Hall Drive is regularly restricted to only allow a single vehicle to pass
- Standen Hall Drive is not suitable for increased amount of vehicles from residents, visitors, service vehicles, courier services, construction traffic
- People who live here say that there is already severe traffic congestion which would be made worse and reduce safety
- Safety issues for pedestrians crossing Standen Hall Drive and children playing
- Winter issues from snow/ice as this part of Standen Hall Drive is not or rarely gritted
- Excess speed of traffic and affect on safety and potential road accidents
- Will compromise ability to reverse out of driveway onto Standen Hall Drive
- Existing drives are not wide enough to use for parking car
- Would like an alternative access to be used
- Should insist on one or more additional access points
- No emergency vehicular access to the site is unacceptable
- The revised Transport Assessment is still inadequate to fully assess the of increased traffic to the area
- Increase risk of a major traffic accident at junction of Standen Hall Drive and Hillingdon Road (there has been a recent near miss)
- Traffic queues at the roundabout onto Briercliffe Road at peak times
- Bottle neck at Standen Hall Drive at peak times will lead to people parking on streets surrounding Cuerdale Street and use the proposed pedestrian /cycle access
- There are four primary schools and one secondary school served by the routes that will experience increased congestion and already major problems for traffic around school times
- Proposed access path will lead to pedestrians and cyclists passing along the front of Cuerdale Street which will change the current cul-de-sac character of the street
- Will lead to an increase in the volume of traffic into Gorple Street and Saxifield Street which is already seriously congested as homes do not have private off-road parking. Cars double park and ignore double yellow lines which reduces vision and any more vehicular activity would increase the risk of accidents
- Public transport has severe limitations and has been reduced with Harle Skye bus no longer operating after 19:00 hours
- Walking and cycling are unlikely to reduce car travel in this area, particularly due to steep hill
- Extra vehicles will lead to an increase in air pollution, toxicity levels in queuing

idling traffic, noise and disturbance

- Will create and exacerbate hotspots of pollution and noxious fumes caused by idling traffic, including at the Standen Hall Drive/Briercliffe Road roundabout, the junctions of Hillingdon Road at Standen Hall Drive and Higher Reedley Road, the junction of Marsden Road and Briercliffe Road and at Four Lane Ends and Casterton Avenue
 - Traffic calming measures add to the problems caused by idling traffic
 - Worst congestion is between 15:15 and 17:15 on Briercliffe Road between the roundabout with Standen Hall Drive and the roundabout at Casterton Avenue
 - Does not take full and proper account of the Climate Change Emergency declared by the Council
-
- Would adversely affect the local landscape
 - Building on a greenfield site is discouraged
 - Would ruin the character of the open space and overwhelm it
 - The site forms part of a natural break between Burnley and Pendle
 - It is a valuable amenity to the area and is accessible countryside for everyone
 - The development would sit at a much higher level and would be an intrusive feature on the landscape and far more prominent than existing development
-
- The protection of Higher Saxifield's visual, historic and archaeological qualities are important and shouldn't be spoiled
 - Would be harmful to the setting of Grade II listed building, would be completely surrounded and overwhelmed and remove rural setting, including proximity of new road - the risk to the heritage should be considered as 'substantial'
 - The old outhouse to the rear of 64 Standen Hall Drive which would be removed forms part of the historic setting and character of the farmhouse
 - Drystone wall is an important landscape feature
-
- Loss of wildlife habitat and impact on biodiversity
 - The site is host to an abundance of wildlife, including bees, deer, weasels, field mice, bats, kestrel, sparrowhawk, squirrels, owls, foxes, voles, moles, hedgehogs, newts, butterflies, crickets, bird of prey, many species of birds
 - The trees and hedgehogs are well established and provide clean air
 - Impact on the natural flora and fauna
 - Omission of two young oak trees in the centre of the site from survey
 - Bats roost in mature trees
-
- Will increase flooding and exacerbate serious drainage issues
 - The site holds a large amount of water which will have to go somewhere
 - If any more water is diverted to the stream it is likely to cause flooding to the houses on Standen Hall Close, Rockwood Close and Oaken Bank
 - The brick Victorian culvert 2.65ft x 2.23ft is not sufficient to cope with today's rainfall trends
 - The open culvert floods each time there is prolonged rainfall, causing external and internal damage to homes on Rockwood Close that are in its path
 - There has been recent flooding with water flowing down the road and through

gardens

- The problem of flooding gets more severe every year, any additional run-off from further housing developments will cause a severe risk to life and property
 - Rear of Cuedale Street already suffers from significant run-off causing gushing water through garden
 - Gardens are subject to flooding and some houses suffer from pooling of natural water and water flowing underneath the houses beneath floorboards, properties suffer from damp
 - The basement of the Craven Heifer has also been flooded
 - Construction work with heavy machinery will disrupt the natural drainage
 - The proposed measures would not be adequate enough with climate change leading to higher rainfall
 - Consider there to be a need for a thorough hydrology report
-
- The local schools are full to capacity and will put increased pressure on the local education for children
 - Already cases of children struggling to be allocated places in either of the two primary schools in the area
 - Will cause extra strain on the local amenities
 - Not enough doctors and dentist places in this area, Briercliffe Medical Centre which currently relies on locums, would not be able to accommodate the extra residents
 - Population has increased with several local developments in the area in recent years, over-population of the area is not sustainable
 - The foul and surface water sewers are not designed to accommodate this size of development
-
- New plots will overlook our private gardens and lead to a loss of sunlight
 - The land naturally slopes downwards and the new plots would be in an elevated position with inadequate fencing height to retain privacy and making a 8m high house appear as 9m high which is too high and close to existing houses
 - The first row of houses should be single storey to protect privacy
 - There would be no access to the rear of existing property due to previous extension
 - Anomalies on the plans in respect of boundaries
-
- Briercliffe is a known hotspot for anti-social behaviour, there are no plans in place for structured activities for the potential 260 youths
 - The area is used daily by numerous dog walkers for health and social interaction and will affect the physical and mental health and well-being of local residents
 - Should put vacant properties in the borough into use and remove the need to develop greenfield land
 - Development should be directed towards brownfield sites
 - The development would amount to an over provision of new housing in Briercliffe

Standen Hall Road Residents Committee – Flooding Objection

A report has been submitted on behalf of the Standen Hall Road Residents Committee by KRS Environmental Ltd, headed 'Technical Review of Flood Risk Assessment as part of a planning application for Land to the north of Higher Saxifield Street, Briercliffe, Burnley, Lancashire, BB102ET'. The report concludes that the obligations in the National Planning Policy Framework (NPPF) for local planning authorities to ensure that flood risk is not increased elsewhere and for applications to be supported by a site-specific flood risk assessment which demonstrates the following, have not been met:-

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

The report lists 31 objections relating to the Flood Risk Assessment (FRA) submitted with the application and a summary of these is provided below:-

- It has not incorporated local flood information or assessed historic flooding.
- There has been no consultation with the Environment Agency/ Lead Local Flood Authority.
- It does not provide a detailed assessment of fluvial flood risk for the lifetime of the development (next 100 years) or contain mitigation measures for the development's lifetime.
- It does not undertake a detailed assessment of surface water flood risk for the lifetime of the development and as such, the risk of surface water flooding has not been adequately or appropriately assessed or mitigation measures proposed. It concludes that this would place new residents at risk the off-site locations at unacceptable residual risk.
- The impact of Climate Change on all sources of flooding (fluvial , surface water and culvert flooding) throughout the lifetime of the development, has not been assessed and as such, the mitigation measures are incomplete.
- The location of the culverts that cross the site has not been established which affects the site layout of the development.
- An assessment of daylighting the culverted watercourse has not been undertaken.
- The layout of the site will increase flood risk posed to the site and to off-site locations downstream
- The proposed development will affect the existing downstream drainage network and mitigation measures to deal with the effects have not been proposed.
- Soakaway tests for ground infiltration (to assess suitability for SuDs) has not been undertaken.
- A detailed drainage scheme has not been submitted.
- There is a lack of supporting evidence on calculating attenuation storage.
- The large upstream catchment that contributes to surface water run-off has been ignored.

- The Assessment uses an incorrect run-off coefficient.
- Mitigation measures to deal with these effects and risk have not been proposed.
- SuDs has not been assessed correctly and no maintenance arrangements are proposed or multi-functional benefits provided.
- Exceedance routes have not been assessed and the proposed development will increase the flood risk posed to the proposed properties and off-site locations.
- Voluntary and free movement of people, safe access routes and safe access and burden on emergency services, during a `design flood` has not been demonstrated or considered or evidence of consultation with emergency services.

The Lead Local Flood Authority (LCC), Environment Agency (EA) and the applicant has been asked to consider the foregoing objections in the report. The following responses have been received:-

Lead Local Flood Authority

After studying the Technical Review by KRS re the FRA and Drainage Strategy for the above planning application, the LLFA feel that all the points raised will be answered by the developer during the process of submitting evidence in order to have the condition set within the LLFA response of 17/03/2020 discharged.

The LLFA are fully aware of the issues being experienced by the local residents downstream, as well as surface water risks within the proposed development. But as per the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems the applicants are required to demonstrate that the design of any proposed drainage system must mitigate any negative impact of surface water inside and outside the development boundary.

Environment Agency

The issues that the KRS Environmental Ltd report raise relate to surface water and fluvial flood risk from an ordinary watercourse culvert. As the site is in FZ1, there are no fluvial flood risks within the EA remit so we cannot provide a detailed response to the report as it covers matters that the Lead Local Flood Authority would comment on.

Response by Reford Consulting Engineers Ltd (on behalf of applicant)

A shortened account of their response is provided below:-

A flood risk assessment and preliminary surface water and foul water drainage strategy has been produced by Reford Consulting Engineers Limited in support of the planning application. The flood risk assessment is compliant with the requirements set out in the National Planning Policy Framework and the Planning Practice Guidance in relation to Flood Risk and Coastal Change and demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Historic flooding

The FRA in support of the application made reference to the Environment Agency historic flood mapping that shows no record of any historic flooding occurring at or near to the site.

Local flood risk

There are no surface water or other local flood risks that are likely to significantly affect the proposed development site.

The Flood Map for Planning identifies that the site lies within Flood Zone 1. The Long Term Flood Mapping on the GOV.UK website shows that the site is at a very low risk of surface water flooding. A very low risk means a chance of flooding of less than 0.1%.

The surface water flood maps shows a risk of flooding from five overland flows on or near to the site, two of which are watercourses flowing from the north to the south and show a high risk along the line of the watercourses. One of the watercourses lies to the east of the development site outside the boundary of the development site and is therefore unaffected by the development. The second watercourse flows through the centre of the development site in a north to south direction. This watercourse is in open channel where it enters the northern part of the site and drops into a 450mm diameter culvert as it passes through the site, returning to open channel as it exits the site to the south. The watercourse continues south, eventually (according to United Utilities sewer records) falling into an 810 x 680 brick culvert. The remaining three flows are identified as low risk.

Assessment of fluvial flooding

The Environment Agency's flood map for planning shows the development site lies within Flood Zone 1, the lowest risk. As no flooding from the local watercourses is identified it is not necessary for detailed modelling of the local watercourses to be carried out. If the culvert of the watercourse flowing through the site were to block or collapse restricting flows, then overland flow along the line of the culvert is likely to occur as the culvert entrance became surcharged, with it rejoining the channel of the watercourse downstream. Maintenance of the watercourse and its culvert are the responsibility of the land owner through which it flows.

Assessment of surface water flooding

The Long Term Flood Mapping on the GOV.UK website shows that the site is at a very low risk of surface water flooding. A very low risk means that each year this area has a chance of flooding of less than 0.1%.

The surface water flood maps also shows a risk of flooding from five overland flows on or near to the site. Two of the overland flows are watercourses flowing from the north to the south and show a high risk along their line.

One of the watercourses lies to the east of the development site outside the boundary of the development site and is therefore unaffected by the development. The second watercourse flows through the centre of the site and will be unaffected by the proposed development as at the completion of the development, it will lie within an area of Public Open Space.

The remaining three flows are identified as low risk (chance of flooding of between 0.1% and 1%). One of these flows may occur along the line of the current access road into the site, which is not physically drained and the other two may occur within local low areas of the development site where water may collect during times of peak rainfall. New surface water drainage within the development site will collect surface water runoff from it and will deliver an attenuated flow into the watercourse and public surface water sewer system.

Assessment of climate change

The Flood Map for Planning shows that the watercourse crossing the development site does not create a flood risk to the site. There are no flood zones shown with

regards the watercourse. The 100 year plus 70% climate change modelled fluvial flood level is normally below the 1,000 year modelled fluvial flood level. As there is no Flood Zone 2 (1,000 year) shown on the mapping, the impact of climate change with regards the watercourse crossing the site will be minimal on the development site. The proposed site drainage is to be attenuated to cater for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes to restrict surface water runoff from the developed site to pre-development runoff rates. As such there will be no change to the flood risk upstream or downstream of this location and the risk of flooding from the development drainage is low.

Location of existing land drainage

Examples have been provided of culverts and pipes that have been described as being within the vicinity of the site. Those identified do not affect and are unaffected by the proposed development. Any land drainage found within the development site at the development stage will be replaced by development drainage which allows for an attenuated discharge into the watercourse.

It is not intended that the culverted section of the watercourse crossing the site is to be removed and the watercourse opened up.

Effect of the development on flood risk

Flood risk to the development site and to off-site locations will not be increased. A surface water drainage design for the proposed development has been produced and attenuation provided to cater for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes to restrict surface water runoff from the developed site to pre-development runoff rates. As such there will be no change to the flood risk upstream or downstream of this location and the risk of flooding from the development drainage is low.

Assessment of surface water drainage

A detailed surface water drainage scheme was included within the drainage strategy that was submitted in support of the planning application. The scheme included a surface water drainage plan and a full surface water drainage design using an industry recognised programme that identified the volume of attenuation required to cater for the 100 year plus 30% added for climate change event. The surface water drainage plan identified where the attenuation areas would be located. The design enables surface water runoff from the developed site to be managed and mitigates surface water flood risk for the lifetime of the development. As the watercourse running through the centre of the site is to be unaffected by the development proposal, surface water from the upstream catchment which contributes surface water runoff into this watercourse will continue to pass through the site unaffected by the development proposals and has no bearing on the new housing surface water drainage design including attenuation.

Surface water runoff from the development site will be attenuated to pre-development discharge rates prior to a discharge being made into the watercourse and public surface water sewer system. The pre-development discharge rates have been calculated using the developed area of the site, excluding the areas of public open space.

The surface water drainage design, which includes the attenuation areas, has been calculated using a runoff coefficient of 100% from all roofs and impermeable areas within the development site, with an extra 10% added to the residential buildings areas for urban creep. The attenuation areas are therefore correctly sized and mitigation is provided.

Exceedance routes

The exceedance flow along the watercourse crossing the development site due to the culvert entrance being surcharged will be along the line of the culverted

watercourse crossing the site through the proposed area of Public Open Space with it rejoining the channel of the watercourse downstream, as would currently occur. Exceedance routes from the proposed attenuation areas are to the watercourse crossing the development site or along roads.

Access and egress

Of the five overland flows on or near to the site shown on the surface water flood map, two of the overland flows are watercourses flowing from the north to the south, one of which lies to the east of the development site and is unaffected and the second watercourse flows through the centre of the site and will lie within an area of Public Open Space; the remaining three flows, which are identified as low risk, lie within the development site area that is to be serviced by a positive drainage system that will deliver an attenuated flow into the watercourse and public surface water sewer system. The surface water flood maps only show depths of water of over 900mm along the line of the watercourses where they lie in open channel and this is to be expected. As the watercourse lies within public open space, there should be no issues with regards access to the site.

Summary

The flood risk assessment is compliant with the requirements set out in the National Planning Policy Framework and the Planning Practice Guidance in relation to Flood Risk and Coastal Change and demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

A surface water drainage design for the proposed development has been produced and attenuation provided to cater for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes to restrict surface water runoff from the developed site. The design, therefore, enables surface water runoff from the developed site to be managed and mitigates surface water flood risk for the lifetime of the development.

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 revised proposal for 117 dwellings is slightly lower but similar to this figure. 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 (13no.) are positioned within the main body of the site and used to provide landmarks and more visual interest to provide a legible layout.

The revised proposal reduces the gross density of the development from approximately 25 dwellings per hectare to 23 dwellings per hectare which is a lower density development that would be consistent with the site's suburban surroundings and its edge of urban location. This level of density would be slightly lower than the minimum of 25 dwellings per hectare that is normally required by Policy HS3. Given that the lesser number of dwellings is proposed to help address concerns by residents in relation to the impacts of development and that there are benefits in increasing on-site open space, the small drop below the normal density requirement in Policy HS3 is not significant or a reason for concern. 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 designed 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 0.7ha. The total areas of open space that are provided in this instance is 0.96ha which exceeds this level and also creates an attractive layout for new occupiers and its surroundings. The proposed layout would therefore an appropriate level of open space and amenity to create an attractive new living environment. 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. This includes tree planting along access roads, in and arounds areas of open space and on boundaries.

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 35 dwellings compliant with this higher standard which equates to 30% 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. The report states that the Government has placed emphasis on minimising the costs of embodied energy costs and energy usage through an increase in the Building Regulation Part L requirements. This would minimise heating bills for residents and lower the carbon footprint over the lifetime of the building (approximately 60 years).

The applicant has as such 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. These measures demonstrate that the applicant has sought opportunities for on-site energy supply with a positive outcome. The Sustainability report also states that the applicant is not aware of other opportunities for contributing to local and community led renewable and low carbon energy initiatives but will keep appraised of this should any initiatives be made available.

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 the proposals 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 and high quality living environment and has taken into account the site specific requirements in Policy HS1/9 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. Where land rises away from existing properties on Standen Hall Drive, the interface distances are greater than 20m (between 23m and 24.5m) which is sufficient to take this level difference into account.

Minor adjustments have been made to plot 7 in response to a neighbour's concerns regarding overlooking.

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 109 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 revised Transport Assessment (TA) and Addendum report and a Framework Travel Plan have been submitted with this application. The revised TA and Addendum report respond to the report that was submitted on behalf of the Higher Saxifield Residents Group for the previous application (FUL/2019/0315). The key changes are the use of additional survey information to consider the traffic impacts of the development on three further junctions that were not part of the earlier assessment and the use of data (based on greater than averages during peak flow periods) to create a more rigorous and robust worst case scenario to base the assessment. This provides a robust evidence base for assessing 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, the assessment finds that there is capacity at approaches to the site from Briercliffe Road and Hillingdon Road.

The TA uses TRICS (Trip Rate Information Computer System) to provide robust data on the number of vehicular movements that will be generated by the amount of residential development. This data can be relied upon by qualified engineers and is used in appeal situations as evidence. The applicant has rather than use average figures, adopted a higher trip figure that is generated by using the 85th percentile of TRICS rates. Within the morning and afternoon peak periods, this would produce up to 0.50 trips per dwelling departing the site in the peak am period and 0.45 trips per dwelling arriving during the afternoon peak period. At a total of 117 dwellings, this would lead to a maximum of one vehicle departing the site per minute in the peak morning period and less than one vehicle (0.88) per minute arriving at the site during the peak afternoon period. These figures would not lead to the trip rates to and from the site that a lot of neighbour objections refer to and have concerns about.

The Addendum to the TA has also surveyed queue lengths at junctions that were part of the TA submitted with the previous application as well as three additional junctions:-
Briercliffe Road/Marsden Road Y shaped priority junction
Casterton Avenue/Briercliffe Road roundabout junction
Nelson Road/ Halifax Road/Todmorden Road/Briercliffe Road crossroads

The use of the 85th percentile on the TRICS database for up to 120 dwellings and allowing for growth up to the year 2025 provides a robust assessment on the impact of the development on the capacity of these junctions which is also tested through impact on queue lengths. In each of the originally surveyed junctions and the additional junctions, the assessment demonstrates capacity to cater for the proposed development. In the case of the Casterton Road roundabout, it is acknowledged that

some arms of this junction will be operating above the ideal threshold and predicts that in the worse case scenario that in 2025 there would be an increased delay of 11 seconds. This amounts to only a small increase in congestion attributable from development traffic and concludes that this is not a severe impact. The local highway authority (LCC) also affirm that this would not constitute a severe impact in highway terms and would not be able to sustain a highway objection in an appeal situation.

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 there would be additional traffic from a development of 117 dwellings, there is no evidence that the impact of this increase would be 'severe'.

The revised TA and Addendum report have provided a robust assessment of the worse case scenario impacts of the development and the conclusion from this is that the proposed development can be supported by the existing highway network. The local highway authority has reviewed the full submission and concur with these findings.

Neighbour objections are also concerned with the impact of additional traffic on Standen Hall Drive. Residents' objections refer to issues of traffic and congestion with parked cars on Standen Hall Drive. The properties on Standen Hall Drive have driveways but notably, there is still some degree of on-street parking, partly due to practical issues of parking more than one car or the width or gradient of driveways. There are however relatively short stretches where cars tend to be parked on both sides of the road and this still allows for intervisibility between drivers and allows for cars to pass freely. The impact of one additional vehicle per minute departing the site in the am peak period and less than one vehicle per minute arriving in the afternoon peak period would not significantly alter the current situation.

Standen Hall Drive



Neighbour objections also 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. Difficult conditions like this are the exception rather than the norm and it is accepted that in difficult conditions that extra care is always required. Adverse conditions such as snow 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.

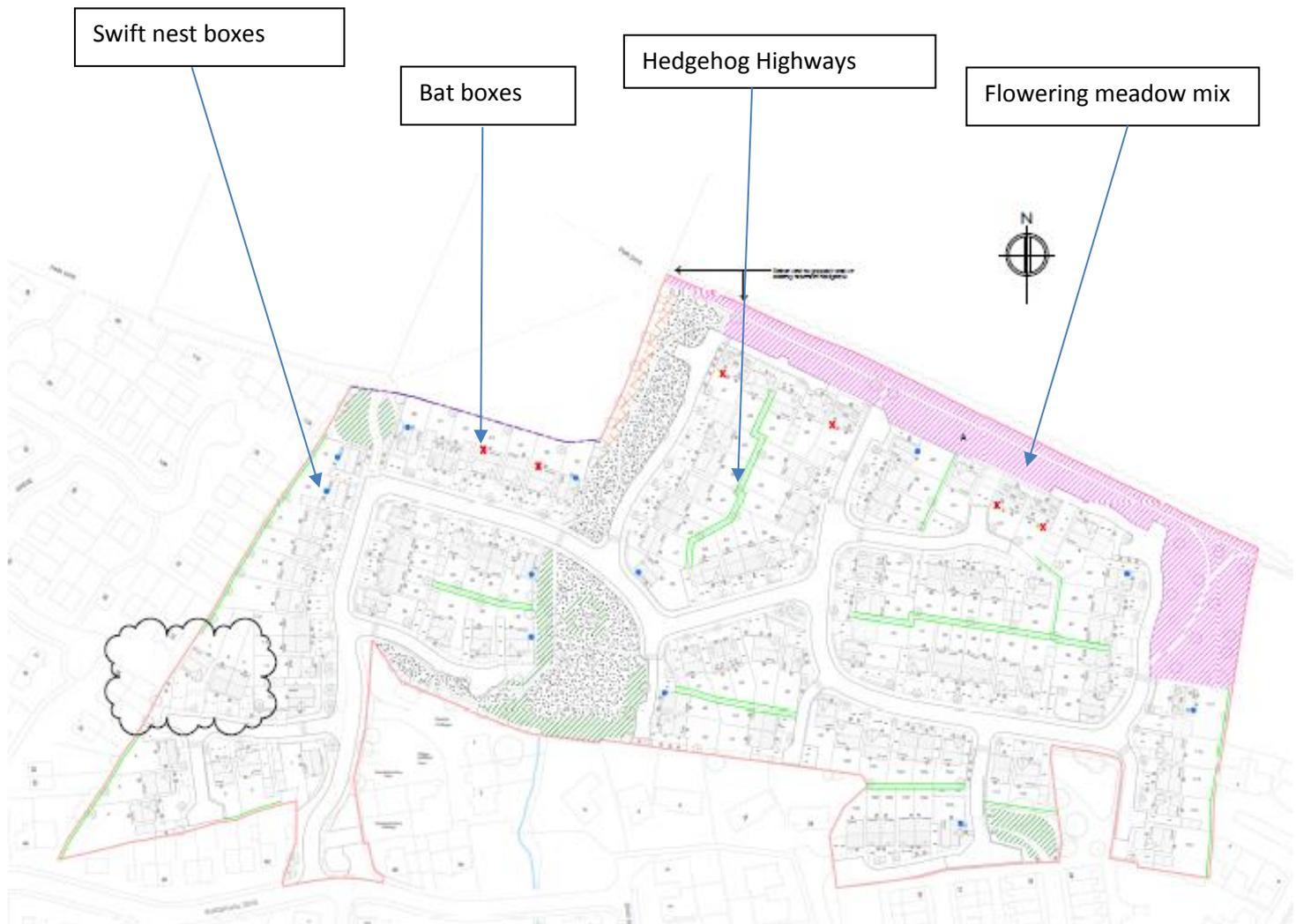
The Framework Travel Plan submitted by the applicant identifies measures that will be carried out to encourage residents to travel sustainably. This includes providing residents with a travel pack which includes walking and cycling maps, public transport information, provide details of a car share scheme, offer free local cycle training and discounts for the purchase of new bikes. The local highway authority 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.

The proposed residential layout would provide adequate access to serve the development and adequate parking provision, complying with the requirements of Policies IC1 and IC3. The local highway authority has no objections to the development 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 and the NPPF.

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 in respect of the previous application FUL2019/0315 and discussions with the applicant, the applicant agreed to enhance the habitat value of the areas of open space within the development. The proposed landscape plan and management plan provide 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 60m length of open watercourse towards the north side of the site would be planted with a wildflower meadow mix which would provide habitat to promote biodiversity.

GMEU has assessed the proposals and affirm that the proposed ecology mitigation measures would provide adequate compensation for the removal of the existing grassland and the additional area of open space that has been introduced since the previous application (FUL/2019/0315) would be beneficial. A condition to require a Construction Environment Management Plan (CEMP) is also recommended to prevent siltation in downstream watercourses in order to protect wildlife. The Burnley Conservation Forum maintain their objection similar to the previous 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.

A review (by GC Ecology) of the applicant's Ecological Appraisal was submitted on behalf of the Higher Saxifield Objection Group in respect of the previous application (FUL/2019/0315) on this site. The report did not indicate any substantive case for refusing the application on ecology grounds and this has not been submitted for the current application.

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 32 primary school places (£513,617.28) and 14 secondary school places (£338,592.24). 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 £852,209.52 and has agreed to do so and has submitted a draft s106 Agreement which is necessary to secure this.

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 12no. 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 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.

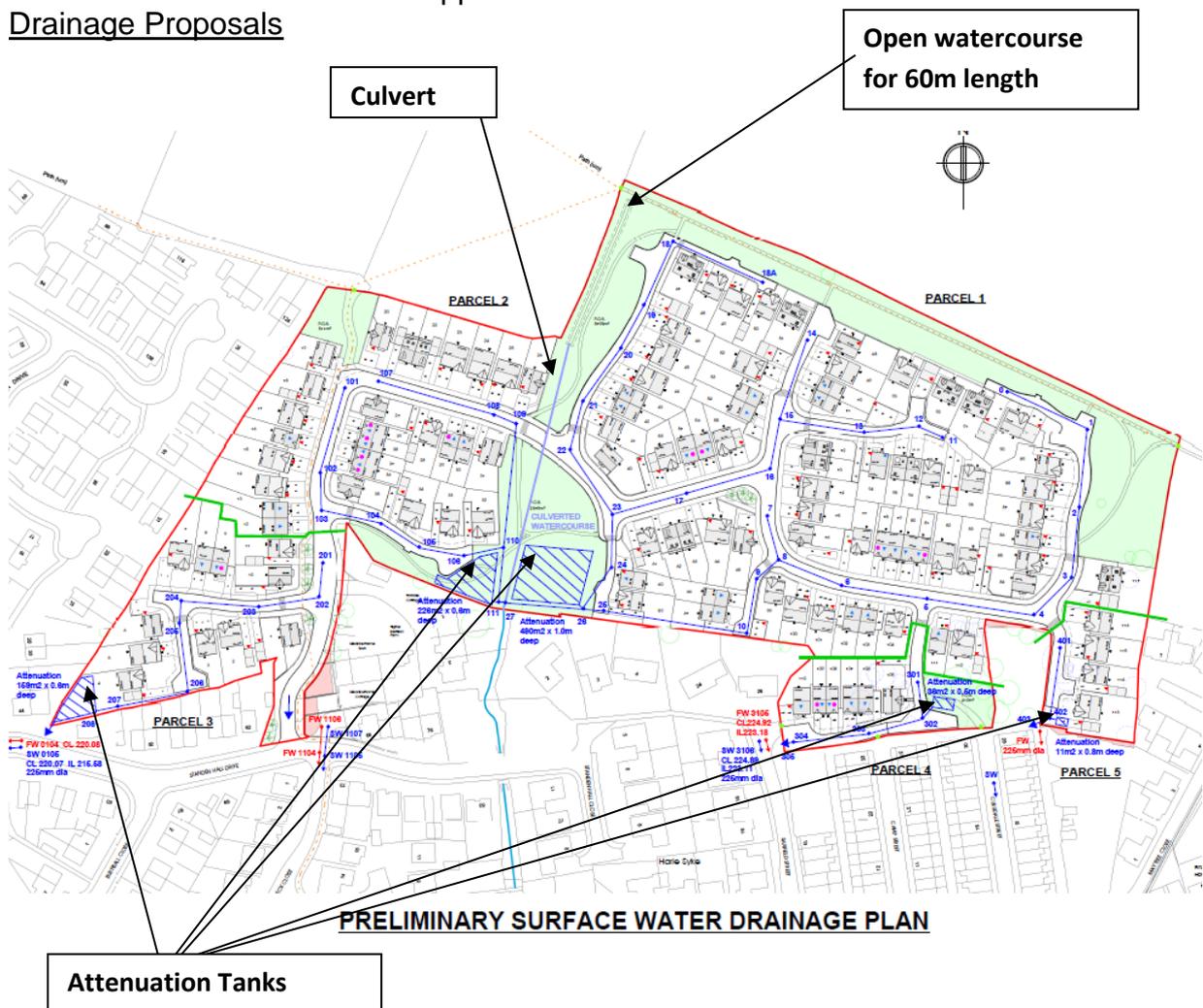
An archaeological recording/investigation condition is necessary to deal with any archaeological interests there may be on the site and a condition is recommended to deal with this. A drystone wall along the northern boundary of the site is also identified in the Heritage Statement submitted by the applicant 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 NPPF (paragraph 157) states that all plans (eg Local Plan) should apply a sequential, risk-based approach to the location of development and that (paragraph 163) when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

A Strategic Flood Risk Assessment formed part of the evidence base for informing the choice of sites for allocating housing development. This found the site to be suitable for development in flood risk terms subject to a site specific flood risk assessment and consultation with the Lead Local Flood Authority. The site is in Flood Zone 1 where there is the lowest risk of flooding. A Flood Risk Assessment and Drainage Strategy have been submitted with the application.

Drainage Proposals



Surface water from the site would be dealt with through site attenuation. Site attenuation 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 and include additional capacity for climate change. The Drainage Strategy provides for those areas where gravity connection is not possible to the existing watercourse, for water to enter into public sewers.

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 pre-development greenfield site which would have additional capacity for heavy rainfall periods.

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.

Objections have been received from neighbouring properties on grounds of flood risk to gardens, streets and houses. A technical review of the applicant's FRA has also been submitted on behalf of residents. A summary of the objections in this report is found in the Consultations section. A response from the LLFA and the applicant's drainage engineer is also found here. The applicant's engineer has responded to all the points raised in the objection and demonstrated that the FRA has adequately assessed the risks of flooding, including that of climate change on the development site and elsewhere. The submitted Design Strategy indicates how the site would be drained but the details of this would, as recommended by the LLFA, be subject to conditions that would require further drainage calculations, analysis and details.

The issues that residents are concerned about relate to the watercourse that traverses the site in a north-south direction and is defined as an ordinary watercourse. It enters the site on its north boundary and goes into a culvert after an initial 60m distance and reappears as an open watercourse beyond the site's southern boundary at Taydale Cottages. It passes along rear gardens at Standen Hall Close and a local play area until it re-enters a culvert (larger than the field culvert – according to UU records) at the rear of no. 8 Rockwood Close. Neighbour objections refer to flooding issues arising where the open watercourse enter the head of the culvert at the rear of Rockwood Close. Photos have been supplied showing flooding of back gardens, roads and the rear alley at Rockwood Close/Oaken Bank. The reason for the flooding is unknown but occurs after heavy rainfall events. Enquiries made with United Utilities and the Lancashire County Council who is the Lead Local Flood Authority (LLFA) (who is responsible for managing local flood risks) affirm that the watercourse and culvert are in Riparian Ownership which means that the landowner(s) concerned have responsibility for it. Notably, these are existing problems that occur whilst the application site is under grass. Whilst it is not the responsibility of the current developer to address current problems, the applicant has offered to carry out a Conditions Survey of the culvert and if blockages are found, to remove these. This may be of some benefit to the Riparian owners of the culvert and to other residents.

In terms of the impact of the development, the development will not alter the natural catchment to this watercourse and will regulate flow from the development site to a controlled flow – the precise rate will be agreed with the LLFA and will at pre-development rates. This would not lead to an increased risk of flooding and may assist in reducing the current surges of flow that lead to flash flooding. 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.

Foul water would utilise the existing public foul sewers. There are no objections from the statutory consultees in respect of drainage.

The site has been allocated for development which has already taken into account the evidence within the Council's Strategic Flood Risk Assessment. The applicant has provided a site specific FRA which adequately deals with the risk of flooding on and off the site and the Lead Local Flood Authority who is responsible for managing flood risk at a local level is satisfied with its findings. The details of a drainage scheme (which would include engineer drawings, calculations etc) are required by a condition. The consequences of managing drainage from this site and carrying out a Conditions Survey on the existing culvert would not increase flooding risks and are likely to be positive.

In conclusion, subject to the provisions of conditions as recommended by United Utilities and the LLFA, the proposal provide adequate drainage with no significant risk to flooding on site or elsewhere. The proposal therefore complies with Policy CC4 and to guidance within the NPPF.

Impact on air quality

Policy NE5 states that the Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality and will not further exacerbate air quality in AQMAs (Air Quality Management Areas). An Air Quality Statement has been submitted with this application and has been reviewed by the Council's Environmental Health Officer.

The Air Quality Statement refers to nearest monitoring station at the corner of Saxifield Street and Briercliffe Road where monitoring over the last two years shows a reduction of nitrogen dioxide levels to 19.2 ug/m³ which even if doubled would not exceed national limit values. The approach towards mitigation is an appropriate means of dealing with impacts from new development and the Council's Environmental Health Officer affirms that mitigation measures in the form of electric car charging points within the new development would be appropriate. There are therefore no objections to the proposal based on its potential impact on air quality. This situation is not altered by the Council's declaration of an emergency on climate change. The proposal complies with the air quality requirements of Policy NE5.

Health Provision

Policy IC4 of Burnley's Local Plan states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The policy provides a list of appropriate matters that may be funded by planning contributions and this includes Health Infrastructure. Impact on health is therefore a material planning consideration.

A late request, as reported under the `Consultation Responses` heading, has been received by the East Lancashire NHS Trust (The Trust) for a contribution of £161,936 towards health care provision. The contribution would be used for revenue funding within the Trust area. The Trust provides services from the following hospitals:-

- Royal Blackburn Teaching Hospital
- Burnley General Teaching Hospital
- Clitheroe Community Hospital
- Accrington Victoria Hospital
- Pendle Community Hospital

The Trust is a public sector NHS body and funded from the social security contributions and other State funding. The Trust is commissioned to provide acute healthcare to the population of East Lancashire and Blackburn with Darwen. Acute healthcare services incorporate activities delivered in a hospital setting. The request is made on the basis that a direct impact of the development would be an increase in demand for its services within the Trust area which is not accounted for in the first year of occupation. The reason for a shortfall in the first year of occupation is due to the method of calculating funding which is based on the previous year's activity volumes within the Trust area. The Trust state that if there is a shortfall in funding that this will impact on service delivery.

The request has been fully considered against the requirements for obtaining contributions and Counsel opinion has also been obtained. A contribution must assist in mitigating the impact of the development in order to make the development acceptable. It can only be sought where it meets all of the three tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which are also repeated in the National Planning Policy Framework. An obligation must be:

- (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 Trust has explained in its methodology that the need for the health care contribution for revenue funding is due to the impact from an increase in population in the Trust area due to the development on the site. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy that it has calculated (280 occupants). Whilst, in principle, the provision of healthcare is a material planning consideration, it can only be material to an individual case where the impact has been clearly assessed. This request for revenue funding is based on there being an increase in population from the whole of the development. Given, however, the breadth of the geographical area that the Trust covers which goes far beyond the Burnley area, it is unrealistic to assume that all new occupants of the proposed 117 dwellings will be new to the Trust area. The Trust also do not consider how new occupancies may result from changes in households or whether it would receive the same share of patients from the new development as it receives from the existing population. The Trust provide no reasoning or evidence to support their assumptions on these matters and in, effect, this could lead to double counting.

Without any evidence to support the assumption that the proposed development would lead to an increase in population (amounting to 280 people) in the Trust area from all the proposed dwellings on this site, there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust.

In these circumstances, a contribution is not necessary to make the development acceptable. It would therefore fail the three tests listed above as it would not be necessary to make the development acceptable in planning terms; it would not be directly related to the development; and it would not be fairly and reasonably related in scale and kind to the development. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Objections from neighbouring residents have been received which refer to the lack of capacity at the local doctors' surgery to deal with an influx of new patients from the proposed development. This is a separate matter to that relating to acute healthcare provision that concerns the representation by the East Lancashire NHS Trust reported above. 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 East Lancashire Clinical Commissioning Group (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. No request has been received for a contribution towards additional GP services. The impact of the proposal on medical facilities is not therefore a reason for refusing the application.

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.

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 and on the impact of flooding both on and off the site. 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. A request for a contribution towards health care services has been received from the East

Lancashire NHS Trust but would not comply with Regulation 122 of the CIL Regulations 2010 and as such would be unlawful and has not been sought. 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 further 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 AK0/010RevA) 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 C) 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).

33. The drystone wall on the northern boundary of the site shall be retained and where necessary, shall be repaired at its current height and appearance prior to the completion of the development.

Reason: To ensure the retention of an historic boundary feature that provides an appropriate edge between the development and the adjoining fields, in accordance with Policies HE3 and SP5 of Burnley's Local Plan (July 2018).

34. The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency and renewable energy provision contained within the Sustainability Report (document reference AJ14 – Rev A), and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies and renewable energy measures and targets to ensure a high standard of sustainability in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

35. Prior to the commencement of development, the applicant shall use best endeavours to carry out and submit to the Local Planning Authority a Conditions Survey of the culverted watercourse in the vicinity of the development site. The scope and methodology of the Conditions Survey shall be previously agreed in writing with the Local Planning Authority.

Reason: To assist in the understanding of the condition and issues that may affect water flow and flooding at the head of the culvert at the rear of Rockwood Close, in the vicinity of the development site, in the interests of reducing the incidence of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The condition is required prior to the commencement of development in order that any potential actions arising from the survey can be carried out at the earliest possible stage in the development of the site.

36. Prior to the commencement of any development or site clearance works, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail protection measures to avoid pollution of watercourses during site clearance and the construction of the development. The measures contained within the approved Plan shall be implemented in their entirety for the full period of site clearance and construction works until the completion of the development.

Reason: To ensure adequate precautionary and protective measures against the potential for siltation to cause pollution and affect wildlife in downstream watercourses, in accordance with Policy NE1 of Burnley's Local Plan. The Construction Environment Management Plan is required prior to the commencement of development in order to ensure that the measures approved by the Plan can be in place at the appropriate stage of the development to ensure their effectiveness.

Janet Filbin
16/6/2020