

Application Recommended for Approval FUL/2020/0147
Hapton With Park

Town and Country Planning Act 1990

ERECTION OF 6 NO DETACHED BUNGALOWS WITH INTEGRAL GARAGES,
ACCESS, LANDSCAPING AND ANCILLARY WORKS (resubmission of
FUL/2019/0628)

Land At Vicarage Avenue Padiham

Background:

This application is a resubmission of application FUL/2019/0628 which was refused on the 5th March for the following reason:

- 1. The proposed development by virtue of its poor design, layout and failure to respond to the surrounding context, is considered to be detrimental to the character and appearance of the area, contrary to policies SP5 and HS4 of Burnley's adopted Local Plan and the NPPF chapter 12.*
- 2. The proposed development, by virtue of its close relationship with 21-31 Whalley Road would not be able to provide appropriate privacy distances in accordance with policy HS4 of Burnley's adopted Local plan, which would result in a detrimental impact to the privacy and outlook of occupiers.*

The application is a resubmission with various amendments to the scheme, detailed below.

The site

The site is located within the defined development boundary as designated in Burnley's adopted Local Plan and has no formal local plan designations. The site is 0.37 hectares and has never been developed so would be considered to be an undeveloped green field site, within the development boundary.

The site has a direct frontage with Vicarage Avenue, but also the rear of properties along Blackburn Road (south) and Whalley Road (north) all frame the site. Craggs Farm and cottage which are grade II listed buildings are located to the west approximately 12m to the common boundary with the proposed application site.

Most of the trees which surrounded the site have been removed to leave the land a visually prominent site. The sites openness also clearly shows the drop in land levels from the north (Whalley Road) to the south (Blackburn Road).

Two residents garden areas share boundaries with the site, a section along Vicarage Avenue which wraps around to the south serving properties along Blackburn Road. The proposals do not affect these garden areas.



Photo 1 above– view of the site looking south with the rear of properties on Blackburn Rd in distance



Photo 2 above– view of the site looking west with the residential garden areas belonging to properties along Vicarage Avenue



Photo 3 above – view along Vicarage Avenue showing the relationship with bay fronted terrace row



Photo 4 above – view taken from the back street of properties along Blackburn Rd.



Photo 5 above – view taken looking west towards the grade II listed Craggs Farm



Photo 6 – rear of properties 21-31 Whalley Rd **Photo 7** – showing the drop in land levels from north - south

Proposal

The application seeks consent for the erection of 6 detached bungalows each with 2 bedrooms, lounge/kitchen, private garden space and a detached garage. The dwellings are positioned around a hammer head cul-de sac layout with separate driveways.

The dwellings would have approximate measurements of 12.4m in length and 8.6m in width, 2.4m to the eaves and 4.8m to the ridge. The proposed materials are a mixture of natural slate, natural stone and cream upvc windows. The properties would have a pitched roof with build outs for the porch and the bay elements.

Each dwelling would have useable private garden space to the rear with soft landscaping to the front which will also feature a paved driveway area. Some plots are more generous in size than others, but on the whole an adequate area of private amenity space for each property is provided.

Each property has space to the rear of their garage for the storage of refuse bins which will then be moved to a purpose built communal bin collection at the entrance of the site on collection day. A bin store has been included on updated plans which would be positioned to the west side of the entrance from Vicarage Avenue and will be wooden in construction and be approximately 2m in height and 2m in length and 3m in width.



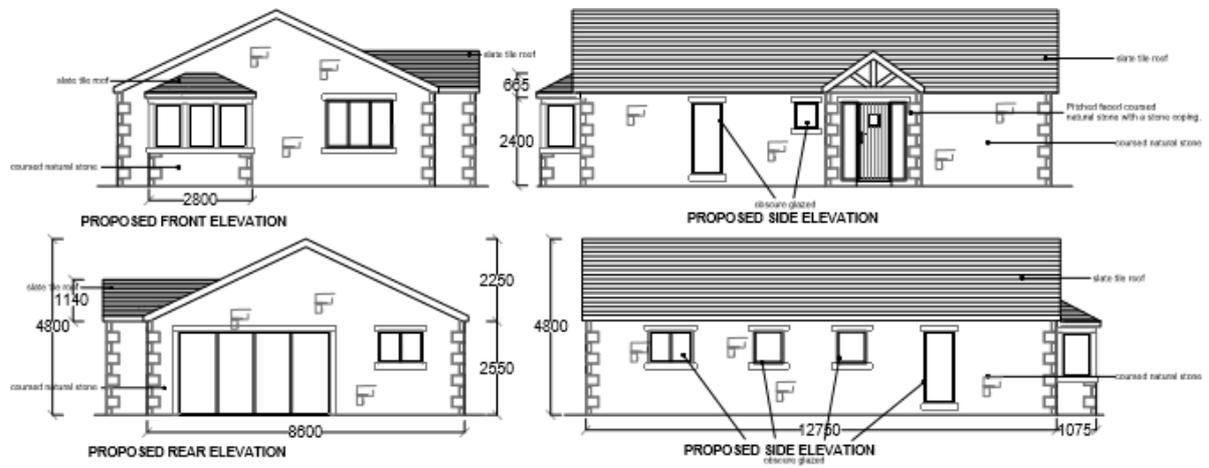
Plan Extract: showing the plot numbers

Boundary treatment

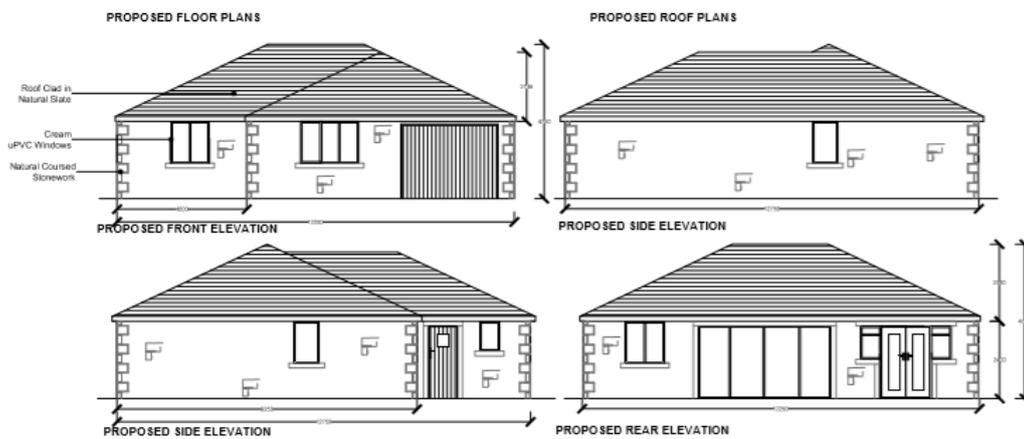
Elevational details of the entrance gates and boundary treatment to the entrance of the development is detailed on plan No. 2. Inward opening gates will be set in approximately 4m from Vicarage Avenue. Two pedestrian gates will be created either side of the gate which will be approximately 1.2m in height, set with a stone boundary wall.

The majority of the sites outer boundary treatment will be 1.8m high timber fencing, which will also be used between properties.

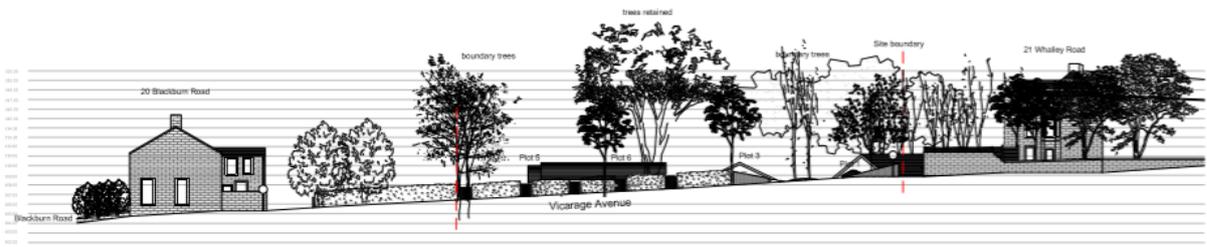
Proposed elevations



Previously refused scheme (APP/2019/0147)



Proposed Street View



Proposed streetview from Vicarge Avenue

Relevant Policies

Burnley Local Plan

SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS4 – Housing development
IC3 – Car parking standards
HE2 – Designated Heritage Assets

National Planning Policy Framework 2019

Site History:

APP/2019/0628 – erection of 6 dwellings with gardens and parking Refused 5/3/20

APP/2008/0577 – erection of a 60 bedroom nursing home with adjacent extra care housing. Refused 17/7/08 – Appeal Dismissed APP/Z2315/A/08/2091136 12/6/09

Consultation Responses:

Environmental Health – no objection subject to the following conditions;

hours of construction, noise and dust mitigation, burning of waste materials and electric charging points

Health and Safety Executive – do not advise against on safety grounds against the granting of planning permission in this case.

LCC Highways – *With respect to the proposed application we would not wish to raise an objection to the development. However, there are a number of concerns regarding the access to the site and the volume of fill required to raise the ground level from the datum points shown on the site plan to the finished floor levels.*

The concern regarding the difference in height between the existing level across the site shown by the datum points on the plan and the proposed levels of the dwellings and the amount of fill that will be required For example, plot 1 has a F.F.L. of 108.50m with datum's of 107.54 and 106.95 shown beneath the dwelling this could require in excess of 80m³ of fill to raise up the ground level. Given a cubic metre of crushed stone weighs in excess of 2 tonnes, this would require a considerable number of HGV journeys to provide sufficient fill to raise level the of the site. The control of these HGV traffic movements will need to be accounted for during the construction phase of the development. The access across the existing footway will need to be reinforced prior to the any large deliveries being made, in order to protect the footway, any pedestrians and any services beneath it.

The new access will need to be constructed by way of a section 278 agreement under the highways act. This will also need to include an assessment of the location of the traffic signs supporting the one way street and the street lighting.

Greater Manchester Ecology –

I found the site has been largely disturbed with tracking of vehicles across the grassland and removal of the boundary vegetation.

As such it is not now apparent what biodiversity value it may have held. However, it is my opinion, from what I could observe, that the site did not support a habitat of biodiversity value (Habitat of Principal Importance NERC [Natural Environment and Rural Communities 2006]) or either protected species or those of Principal Importance.

Therefore it would be considered to be unreasonable to anticipate any submission of an ecological assessment during or post determination of the proposal.

However, the NPPF guides decision takers to enhance biodiversity and it is strongly recommended that any planting required to the curtilage of the properties/development is of locally native species in character to the nearby countryside. This can be achieved via a landscape condition attached to any permission if granted.

I previously commented on application FUL/2019/0628, since which time an Arboricultural Impact Assessment (AIA) has been submitted (Bowland tree Consultancy, February 2020).

My views on not needing any biodiversity surveys are still the same as those previously provided, as is the need for a landscape scheme which demonstrates biodiversity enhancement suitable to the local character of the area.

Informative on bats and birds recommended.

United Utilities –no objection subject to conditions

Conservation comments BBC –

The significance of the listed buildings has been assessed and the impact of the proposal has been examined. The conclusion being that with regards to the duty placed upon the Local Planning Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered the proposed development will preserve the listed building including its setting, with 'preservation' in the context of the NPPF and Policy HE2 meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

The heritage statement finds that no harm to the setting of the listed buildings would arise from the development, because they already have an established suburban rather than rural location, and because the proposal incorporates sufficient physical separation and distinctiveness of design, for the listed buildings to continue to be experienced as a historic farmstead.

To elaborate on the findings of the heritage assessment, which I am in agreement with, the significance of the heritage assets largely relates to aesthetic and evidential

values reflecting local building traditions (historic fabric, materials and architectural features) and farming practices in the late-18th to mid-19th centuries and much less in relation to landscape/rural setting which was much altered in the late 19th and early 20th centuries with the encroachment of middle class terraced housing.

Though there is a visual relationship between the application site and the farmstead, it is not considered that the application site contributes to the significance of the heritage assets including its setting which was much altered in the late 19th and early 20th centuries with the encroachment of middle class terraced housing. Thus the contribution of setting to the significance of the heritage assets is limited to its immediate (and most sensitive) environment and this would not be changed by the proposed development. Neither would the proposed development change the ability to understand and appreciate the heritage assets, their context or setting

The heritage statement takes the view that the proposed low rise small scale development would form a physically separate and distinct, cohesive entity which could not be confused visually with the historic buildings. The historic farmstead would therefore continue to maintain its existing identity, and its setting would not be impinged upon.

I would concur with this view, that the magnitude of impact on setting is considered to have little effect on the significance of the heritage asset and no real change in our ability to understand and appreciate the asset. It is considered that there is no harm to significance arising.

Publicity

Padiham Town Council

Padiham Town Council response to consultation on planning application FUL/2019/0628 At a meeting of the Council held on 20th January at Padiham Town Hall the decision was taken to object to the Vicarage Ave application and respectfully request the Borough Authority refuse planning permission on the following grounds:

1) *The area of land in question was not included for development in the recently confirmed local Burnley Town Plan. Despite extensive consultation with residents, confirmation by Burnley Borough Council and confirmation of the plan by the Inspectorate (who incidentally rejected the proposal to extend the Shuttleworth Meade Industrial Estate which is only a few hundred yards away). This site had an application rejected in 2009 and an appeal turned down and was taken out of the Town plan for development in the consultation stages. How can Burnley planning officers consult residents, confirm with the Inspector and then consider giving contradictory permission to build?*

2) *Padiham has more than sufficient provision of new and already planned housing stock without resorting to sites such as this. Perseverance Mill site, Station Road site (first and second phases), the Wire St./Baxi site and the site behind Acregate offer over 400 properties to the area. There is more than adequate provision already.*

3) *The Town Plan refers to the benefit of “natural and semi-natural areas” to the Borough. This site enjoyed remarkable habitat with bats, owls and a natural wetland and was often visited by deer. Unfortunately all this has been bulldozed in an attempt*

to expunge the environment as a planning issue however given time to recover it can still return to the "natural or semi-natural" asset that it once was.

4) The access and egress to the proposed site only adds to an already problematical situation by reducing the on road parking opportunities on Vicarage Road and surrounding streets but importantly adds extra pressure on the Vicarage Road/ Whalley Road entry which is one of the most hazardous traffic spots in Padiham.

5) Other important questions hang over this site, not within our capabilities to investigate but never the less require consideration. The listed building status of the Craggs Farm building, the underground mine structure in the area and the potential flood impact to properties on Blackburn Road made uncertain by trees already removed and potential development impact. Padiham Town Council object to planning application FUL/2019/0628 and hope the recommendation will be for refusal.

Padiham Community Action

We can only reiterate the points we made to counteract the original proposal. The resubmission by the developer is a cosmetic makeover of the original plan . No attempt has been made to address resident ,or council concerns . "In recent years the site has already been refused twice for development. It was rejected at the first stage of the latest local plan on the grounds that there was already sufficient housing planned in the area. The designated site was rich in wildlife and natural vegetation. This was bulldozed without any prior notification to local residents or the council.

A large number of trees were removed from the perimeter. The proposed site is within yards of a listed building at Craggs Farm. Was a comprehensive mining survey undertaken? Should this site be lost for the building of a few houses? We are concerned that the loss of green- field land could lead to a continuum of the threat to build on the green belt land on Blackburn Road.

This site is of strategic importance in maintaining the green belt. The green belt boundary should be altered to include this land." Further to this we find nothing to indicate that there has been a substantive attempt by the developer to ameliate the council's reasons for refusal of the original application. The amended proposal is still detrimental to the character and appearance of the area. In addition to this there is still lack of appropriate privacy distances to housing on Whalley Rd.

Ward Councillor Objections

One

I write to register my objections to the above planning resubmission. Historically planning permission has previously been refused on this site in 2008 and a similar application to this (for 6 dwellings) was refused in March 2020. My objections are based on the following planning considerations:

a) The Burnley Town Plan refers to the benefit of "natural and semi-natural areas" to the Borough. Since the developer destroyed the natural wetland area with bulldozers nature has compensated for their environmental vandalism and many birds and animals have returned to this area including the bat population which we feared had been lost forever.

- b) *The submitted plans cannot show safe access to the development due to the steep gradient of the access road. There has been no adjustment to the March 2020 application and is clearly contrary to policy IC1 section c of the Burnley Local Plan.*
- c) *The area of land in question was not included for development when the Burnley Plan was consulted on with residents, confirmed with the Borough Council and confirmed after close examination by the Planning Inspectorate. Padiham has more than sufficient provision for new housing encompassed within the plan (well over 400 properties on various sites many of which are under delivery). What would a development such as this say about the credibility of the consultation and the residents' confidence in the Burnley Town Plan. The whole planning exercise would be rendered pointless.*
- d) *The poor design of the proposed development does not improve the character or quality of this area in any way. The chaotic lay out would have a detrimental visual impact for residents of Blackburn Road, Whalley Road and Vicarage Avenue with dwellings pushed to the boundaries of the site. The application would harm the character and appearance of the area contrary to policy HS4 and SP5, section 2 points a, e and f of the Burnley Local Plan.*
- e) *On the northern section of the site (Whalley Road) the application would be detrimental to the residential amenity of both the existing residents and any future occupiers of proposed dwellings. The Whalley Road windows and balconies would clearly overlook the private amenity space of the proposed dwellings. (contrary to policy SP5 section2 points g and h and policy HS4 section 3c of The Burnley Plan).*
- f) *In the application Craggs Farmhouse would lose its rural isolation and the setting of the listed buildings would suffer considerable detrimental impact contrary to policy HE2 of The Burnley Local Plan and paragraph 195 of the National Planning Policy Framework.*

I object strongly to the above application against the background that it fails to address the issues raised by the previous refused application. To quote the previous reasons given for refusal : "The proposed development, by virtue of its poor design, layout and failure to respond to the surrounding context, is considered to be detrimental to the character and appearance of the area, contrary to policies SP5 and HS4 of Burnley Adopted Local Plan and the NPPF chapter 12". This resubmitted application does not satisfactorily address the reasons given for refusal and therefore I wish to formally register my objection.

Two

The re submission does not adequately address the objections raised, in particular the proposal is still out of keeping with existing properties, it would still negatively impact the listed Huntroyde Gate house.

Further the only exit to the site off Vicarage Avenue is already hazardous Vicarage Avenue being a one way street, this would be exacerbated by adding more houses.

Neighbour Objections

A total of 46 neighbour responses objections in have been received with a separate letter from a planning consultant on behalf of residents. The comments can be summarised as follows:

- the new plans fail to address all issues raised in previously raised

- The revised plans are still not in keeping with the surrounding area & are still of poor design which means they don't fit within the Burnley local plan.
- Since the land was cleared of all wildlife and stripped of its identity, the area has started to repair itself and bats have been seen which shows that wildlife is starting to create habitation again in this area.
- Layout does not respond to the surrounding context
- the bungalows are within very close proximity to surrounding houses and this will result in a loss of privacy for local residents.
- Lack of heritage statement in addressing Craggs Farmhouse
- Overlooking issues onto properties to the rear of Whalley Road
- The site would benefit from additional visitor car parking
- Highway safety concerns and build up of emissions
- No mention of the site in the local plan, no need for new housing on this site
- Issues of overlooking
- Valued amenity space where children play
- Access into the site and site levels have not been addressed, LCC has expressed concerns about the need to fill the site to get to correct levels
- The design of the homes are not in keeping with the surrounding mainly Victorian houses
- The loss of the trees and shrubs on the site has been detrimental to the wildlife in the area and the land should be left as a community garden
- There would be a reduction in the availability of on street parking for residents on Vicarage Avenue given that the proposed access will take away current space which residents on Vicarage Avenue use
- Impact on the setting of the listed buildings at Craggs Farm
- Valuable piece of green infrastructure
- The area is prone to flooding
- Potentially difficult for HGV's especially refuse wagons to access the site
- The design does not meet local plan standards and do not maintain local identity
- The site is an identified at risk from coal and possible subsidence.
- Wildlife, flora and fauna that existed on the site has been lost
- The site would increase, noise, disturbance, and pollution
- The loss of this visual amenity will affect health, social and cultural wellbeing and will affect our Local Community
- The only means of exit is by the junction on Whalley Road which is a dangerous junction
- A TPO has been placed on 3 trees close to Craggs Farm
- Previous site has been taken out of the Local Plan "other sites were preferred to the loss of this attractive open space in an area of high density housing" (Reference: Burnley SHLAA: Site Information form, ref HEL/028).
- Erosion of the green belt

Letters of support – 1

- Good use of land and will tidy up an otherwise untidy site

Planning and Environmental Considerations:

Main issues

The main issues in the consideration of this application are;

- The principle of development
- design and appearance
- the impact of the development on residential amenity
- traffic/parking
- impact on heritage asset
- other considerations

The principle of development

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

The site was considered as a housing allocation prior to the adoption of the Local Plan in 2018, however the site didn't come forward. Whilst the site was considered developable for 10 dwellings, other sites were preferred. Notes on the SHLAA form highlight possible highways issues but state that Vicarage Avenue could be made suitable in highways terms.

The site is considered to be in a sustainable location and in principle the development of a residential development would be appropriate subject to the proposals meeting all other relevant policies.

Design and Appearance

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions....'*

The surrounding properties which form the context to the site are predominantly terraced properties with a traditional and characteristic grid iron pattern. Properties immediately to the north along Whalley are terraced and on the opposite side of the road are larger, detached villa properties set within larger plots. Vicarage Avenue to the east is an attractive bay fronted terrace, to the south the rear of terraced properties along Blackburn Road are visible and sit approximately 26m to the rear boundary of plots 4,5 and 6.

Whilst the proposed dwellings will be set back from Vicarage Avenue by approximately 26m, the site is open and visible and will have a visual impact on the street scene. An additional has been submitted with this application to show the street scene (see above in this report), and due to the change in levels across the site, the overall ridge height of the properties will only be partially visible and for the most part the development when viewed from ground level on Vicarage Avenue will not be considered a significant impact on the street scene.

The design of the dwellings has been altered in this resubmission with the introduction of a bay windows to the front elevation together with a porch to add some interest to the front elevation. The integral garages have also been removed to take off some of the mass of the previous footprint, the resultant detached garages add some further interest to the overall layout and have created more gaps within the development especially to the northern boundary with the rear of properties along Whalley Road.

The overall layout has altered which has resulted in units 1 and 2 moving away from the northern boundary it shares with the rear of properties along Whalley Road. Previously a distance of 3m was achieved from the rear boundary with the back street. The separation distances are now approximately 27m from the side elevation of plot 2 with the rear elevation of properties along Whalley Road and plot 1, being set back approximately 15m from the front elevation to rear elevation of properties along Whalley Road. The introduction of detached garages has also created a staggering of the built form.

Housing Mix

Whilst the proposed bungalows are not a common house type within the context of the site, the Council recognises there is a need to expand the choice of house types and bungalows offer this. Policy HS3 refers to the housing mix on a development of over 10 units or over 0.4ha. This site falls short of this being 0.37 ha, but as a guide, the policy asks for a range of house types, across a site with 20% being bungalows. This site is clearly all bungalows and the resultant density of the site is 16dph which falls well short of the minimum of 25pdh which is set out in HS3, part 2). The context to the site is key and should the density be higher will a greater built form, then this would have a detrimental impact on the residential amenity of the surrounding properties.

The improvements in the design and changes to the layout has improved this resubmission. It is recognised that the resultant layout is not typical of the area but this is an opportunity to provide an alternative type of property within the area. The introduction of bungalows on the site enables the site to be developed in a lower density manner which recognises that the site is on the edge of the development boundary. It is considered that the design and layout of the development meets policies SP5 and HS4 of the adopted Local Plan.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The site has development on all sides, with the least built up area being to the west to Craggs Farmhouse and cottage. When looking at privacy distances, plots 1 and 6 would be positioned closest to Vicarage Avenue to the east, an approximate distance of 26m to the front elevations. This would be considered to be acceptable in terms of privacy distances and would meet policy HS4.

To the north are the rear of properties along Whalley Road. Plots 1 and 2 would share a common boundary with the back street. Some properties along Whalley Road have raised balconies and all have some form of useable amenity space. Given the higher level these properties sit at, the potential for overlooking is greater. Concern was raised with APP/2019/0628 with the orientation of plots 1 and 2 and the relationship with 31 and 29 Whalley Road.

Plot 1 has now been re-oriented so the front elevation is facing the rear of properties along Whalley Road. The distance is approximately 15m and aside from the front door, all the windows on the elevation will be obscure glazing.

Due to the alteration in layout, plot 2 now sits approximately 27m away from the rear elevation of No. 31 Whalley Road. This would be considered to be acceptable in terms of privacy distances and would meet policy HS4.

To the west, plot 2 will stand approximately 18m to the boundary with a side elevation of Craggs Cottage. The side elevation of plot 2 consists of windows which will all be obscure glazing. There is no concern with this elevation and amenity of Craggs Cottage

Plots 4,5 and 6 will sit approximately 24m away from the rear elevations of properties along Blackburn Road. The space between the properties also includes an area of garden space which is approximately 10m in length which helps provide a buffer between the proposed development. The distances would meet policy HS4 of the adopted Local Plan.

As established above, the site has an open aspect to the surrounding properties. It is considered that the alterations made to the layout and orientation of properties now satisfies the policy set out in HS4.

Traffic and Parking

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only

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

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show incurtilage parking space for 2 vehicles which would meet the parking standard requirements.

Additional information was submitted during the course of the application on site levels and in particular the gradient of the access and the finished level of this to make it useable. Whilst LCC highways have expressed concerns over the logistics of getting larger construction vehicles to the site, this is something which will be covered as part of a condition for a construction management plan and should not be reason to refuse the application.

On street parking

It is noted that comments have been raised from residents living within the area regarding the lack of space of visitor parking on the site. A section of 20m of road on Vicarage Avenue will be required for the creation of the new junction. Both sides of Vicarage Avenue appear to be used during the day. There is no requirement to provide visitor parking for a residential development, when following the car parking standards (Appendix 9 of the adopted Local Plan). The proposed development will not prevent those who currently park on Vicarage Avenue to continue to do so.

Impact on Heritage Assets

Craggs Farmhouse lies to the west of the application site, it should be noted that the proposed development boundary does not go all the way to the boundary with the farm. The farmhouse dates from about 1840 and is grade II listed together with an associated barn and stables.

In accordance with para 193 of the NPPF:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

The application has been supported with a Heritage Statement, which was requested part way through the consideration of the application as the Council wanted to ensure that the relationship with the proposals and the collection of listed buildings.

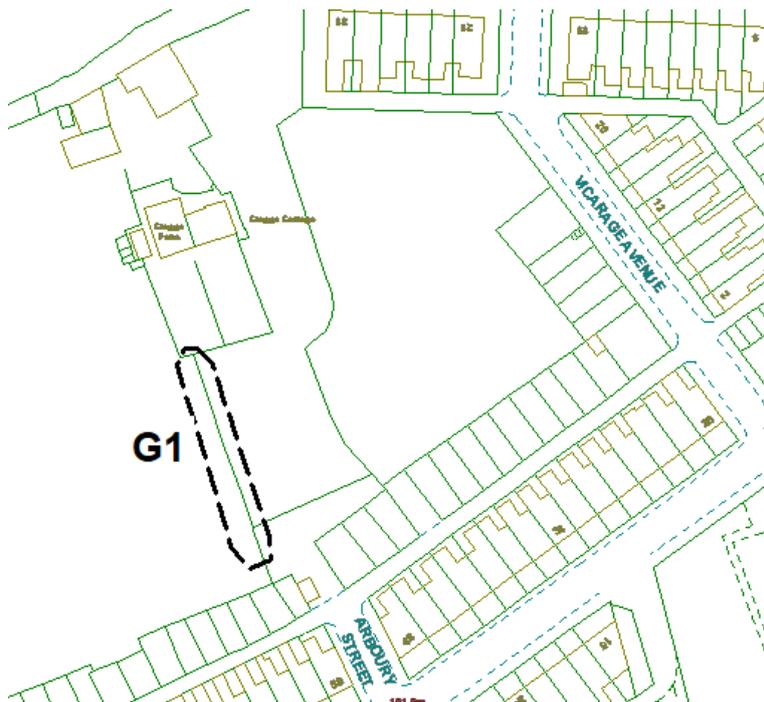
The statement conclude that; *‘In summary, this statement finds that no harm to the settings of the listed buildings would arise from the development, because they already have an established suburban rather than rural location, and because the proposal incorporates sufficient physical separation and distinctiveness of design, for the listed buildings to continue to be experienced as a historic farmstead.’*

The statement was shared with the Council’s Conservation Officer whom concluded’ I would concur with this view, that the magnitude of impact on setting is considered to

have little effect on the significance of the heritage asset and no real change in our ability to understand and appreciate the asset. It is considered that there is no harm to significance arising’.

Trees and Ecology

It is evident that the site was cleared of shrubs and trees prior to the application submitted. The Council subsequently issued an emergency TPO on three Ash trees which are positioned south of Craggs Farm. It should be noted that the position of the trees are located outside the red edge boundary of the application site.



There are no further designations on the site, and whilst it is recognised the space does hold some amenity value for the properties which surround it, there are no formal designation for the space to be protected. Photos have been submitted as part of the application showing a deer on the site and also images of Japanese Knotweed, which in further inspection were not on the site area.

Greater Manchester Ecology Unit were consulted as part of the application and in summary stated that the site did not support a habitat of biodiversity value or protected species. The ecologist did not consider that an assessment would be necessary and suggested a condition on landscaping.

Response to the neighbour objections

The appropriate use of the site

Many of the objections have stated that the site is Green Belt and is not allocated in the Local Plan and therefore should not come forward.

To clarify, the site is not designated Green Belt land. The site can be described as a 'green field' site which has not been previously developed. The site is also located within the defined development boundary and development within the development

boundary is acceptable in principle in line with policy SP4 of the adopted Local Plan, subject to meeting all other relevant policies.

Highways

Whilst the site would present new development, the on site level of parking is in accordance with Appendix 9 of the Local Plan.

Furthermore LCC highways have been consulted on the application and have asked for amendments which the agent has provided. The proposed development would meet the local and national planning policies and subject to conditions, the development is acceptable on highways grounds.

Flood risk and drainage

The site does not lie in a designated flood zone in accordance with the Environment Agency. United Utilities have been consulted as part of the application and have not made any objections subject to conditions.

The proposed layout includes large areas of soft landscaping which would help with natural drainage. Drainage issues could be dealt with under appropriate planning conditions.

Recommendation That the application is approved subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the 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. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received 1/4/20 and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

Highways

4. Prior to the commencement of development taking place, full engineering, drainage, and constructional details of the access have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development

5. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.

Reasons: 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. The new access and access way in the site the site and 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.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

7. The access road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

8. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

9. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the footway. The gates shall open away from the highway.

Reasons: To permit vehicles to pull clear of the footway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road.

10. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening towards the adopted highway.

Reasons to ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.

11. 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.

12. Prior to the commencement of development taking place, including any works of demolition, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

13. The development shall not be occupied until the car parking areas to serve the development have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

14. An electric vehicle charging to serve the dwellings shall be installed prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

15. 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 1700 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 amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

Drainage

16. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Environmental Health

18. Prior to development commencing on site a scheme for noise mitigation and dust suppression shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken wholly in accordance with the approved scheme.

Reason: In order to mitigate any adverse impact on the environment and protect residential amenity

19. There shall be no burning of waste or other materials within the curtilage of the premises.

Reason: In the interest of residential amenity and to prevent air pollution,

20. In the event that any evidence of potential contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact on the environment and protect residential amenity

Other

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification):
 - (i) no external alterations, including roof alterations, or extensions shall be carried out to the building
 - (ii) no garages or outbuildings shall be erected within the curtilage of the building;unless planning permission for such development has been granted by the Local Planning Authority.

Reason: Reason: To enable the local planning authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan.

Informatives

1. The applicant should be aware of the legislation (Habitats Regulations 2017 and Wildlife & Countryside Act 1981) and that bats and their roosts even when unoccupied are protected at all times, even where works is the result of an otherwise lawful activity (eg planning permission). If bats are found or suspected, then works should cease until advice has been sought and implemented from a suitably qualified individual.
2. The applicant should be aware of the legislation (Wildlife & Countryside Act) and that all birds are protected whilst nesting and the avoidance of vegetation clearance during the bird breeding season (March August inclusive) unless it can be demonstrated that there is no bird nesting activity present.