

Application Recommended for APPROVAL

FUL/2021/0274

Cliviger with Worsthorne Ward

Town and Country Planning Act 1990

Erection of 38 no. age-restricted specialist bungalows for older people with associated landscaping, car parking and access from Riddings Avenue and Townfield Avenue
LAND WEST OF SMITHYFIELD AVENUE BURNLEY

Applicant: Applethwaite Ltd

Site and Surroundings:

The application site, a linear parcel of species poor grass/grazing land, comprises the eastern parts of two fields separated by a dry ditch running across the site. It immediately adjoins the western edge of the residential area of Brownside, Worsthorne. The site is open, uniform land which slopes gently upwards from south to north and, apart from a small hawthorn, does not contain any trees, hedgerows or other internal features. It is enclosed by a stone wall along the north boundary and a hedge and bank along the southern edge. The western boundary with the wider fields is not marked on the ground, and the eastern boundary is formed by the rear gardens of properties on Smithyfield Avenue and Copperfield Close. The land to the north is the site of the former Heckenhurst Reservoir which is allocated for housing development in the Local Plan (HS1/12). To the east of the site is the built up area of Brownside and there is open countryside to the west and south. There are no public rights of way that cross the site or adjoin the boundaries. There is a public footpath to the west which runs from Rowley Lake and to the east which runs behind Heckenhurst Avenue connecting into a wider footpath network. Access to the site is gained via gated access at the end of Townfield Avenue and Riddings Avenue which terminate at the site's eastern boundary. The site falls within Flood Zone 1 where there is the lowest risk to flooding. The submitted Geo-Environmental Investigation Report confirms that the majority of the site is underlain by impermeable clay deposits.

The immediate area is residential (suburban) in nature and characterised by a variety of different types, styles and periods of properties, including detached, semi-detached and bungalows in a range of materials including render, pebble dash, stone and red brick; and with a variety of roof forms including dual pitched (gabled) and hipped. The site is served by public transport from bus stops on Brownside Road (located some 360m away) and is accessible to a range of local shops, services, recreation and other facilities on Brunshaw Road in Burnley and in Worsthorne, as shown in the submitted Transport Statement.

The application site is allocated for housing development under Local Plan Policy HS1/30 as a greenfield site and has an indicative housing delivery figure of 30 dwellings. The policy wording recognises that the actual number of dwellings to be delivered on the site will be determined through a detailed proposal which satisfactorily address the relevant Local Plan policies and the specific site requirements.

The application has been brought to Development Control Committee as objections have been received to the public consultation.

The Proposal:

The application seeks planning permission for the erection of 38 bungalows restricted to households with at least one person aged 55 and over, of which 4 would be affordable homes (shared ownership tenure), with associated open space and landscaping and internal

estate roads with vehicular access taken from Riddings Avenue (north) and Townfield Avenue (south).

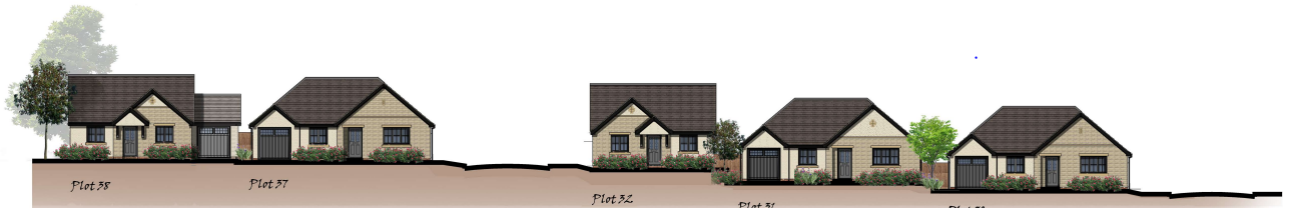


Proposed Site Layout

The proposed bungalows comprise of 24 two-bedroomed units both semi-detached and detached (63%) and 14 three-bedroomed detached units (37%) of varying design and materials as demonstrated on the submitted elevation and materials plan. The proposal consists of three different house types, each with two different elevation styles of which the materials and details have been amended through negotiation to reflect the surrounding context. External walls will comprise of a mixture of artificial stone and render with gabled (pitched) and hipped roofs finished with grey roof tiles. Solar (PV) panels will be installed to the roof of 4 no units. Windows and doors are to be black or white uPVC. Gable ends will be finished with bargeboards and the front façades will be articulated with a variety of projecting elements including porches on timber gallows brackets and bay windows. The units are a exclusively single storey in height and vary in scale with a range of between 5.5m and 5.8m in height to the ridge and approximately 2.5m to the eaves; and with footprints of between 7.7m and 12.2m wide and between 9.9m and 11.9m deep.



Proposed Indicative Street Scene fronting the access road from Townfield Avenue



Proposed Indicative Street Scene fronting the western boundary to the north of the site



Front Elevation House Type A (2 Bed)



Front Elevation of House Type C (3 Bed)



Front Elevation House Type B (2 Bed)



Artists Impression Front Elevation House Type B



A recent development by the applicant at Galgate, Lancaster (image courtesy of Google Maps)

All 38 bungalows are designed to achieve the Building Regulation's optional technical standard Part M4(2) Category 2: 'Accessible and Adaptable Dwellings' to allow occupiers to remain in their homes as their needs change.

Since submission of the application, the National Building Regulations have been amended and require a higher standard of building energy performance. The applicant intends to deliver homes that achieve a percentage betterment on the current requirements of Buildings Regulations revised part L (2022).

Vehicular access taken off the existing turning heads at Riddings Avenue (north) and Townfield Avenue (south) off Brownside Road. The access roads progress into the site

where they join with the main estate road running parallel with the western boundary (north-south axis) with pedestrian footways either side. Houses will front onto the new shared surface access and estate roads in a linear formation set behind landscaped front gardens. Private drives are shown to feed off to the east creating 3 small cul-de-sacs with houses siding onto the eastern boundary with the rear of Smithyfield.

All of the properties will be provided with enclosed rear gardens and open frontages, and a combination of either integral or detached garages and/or in-plot car parking spaces providing a minimum of 2 in-curtilage spaces per dwelling. All plots will have electric vehicle charging points. Provision is made for the storage of waste and recycling at the rear of each unit. Boundary treatments are timber fencing (1.8m high) to all plots with screening stone walls (1.8m high) at key locations on street scenes, and stock proof fencing on the western boundary.

To the south of the site a foul water pumping station is proposed. Foul water is proposed to be connected to the existing foul water sewer in Townfield Avenue, via a rising main from the station. Surface water run-off is proposed to be discharged into a small watercourse near to the southern boundary of the site which is a tributary of the River Brun and lies approximately 180m south west. The existing surface water system within the adjacent housing estate discharges into the same watercourse.

A landscaped green buffer and area for biodiversity enhancement is proposed to a strip of existing field along the western boundary running parallel with the estate road. This area will include deciduous (heavy) tree planting to the north and to the majority of the length native scrub planting and a swale of species rich wildflower SuDS turf. The area widens to the south to provide informal amenity/greenspace and includes land surrounding the foul water pumping station and includes orchard fruit tree planting alongside deciduous (heavy) tree planting and native scrub. This area also takes in a parcel of existing field which will be planted with species rich wildflower meadow, native scrub and trees. Existing perimeter trees are to be retained where possible along the north, east and south boundaries, and new tree and hedge planting (ornamental and native species) is proposed within plot frontages throughout the site.

The application is accompanied by a Planning Statement; Design and Access Statement; Level 2 Flood Risk Assessment and Drainage Impact Assessment; Geo-Environmental Investigation Report; Transport Statement; Framework Travel Plan; Biodiversity Net Gain Report; Energy Efficiency Statement; Preliminary Ecological Appraisal; Arboricultural Impact Assessment and Method Statement; and Tree Survey Report. During the determination period additional documents were received to address consultee responses and re-consultation has been undertaken accordingly.

The scheme has been amended, through negotiation, since first submitted to provide appropriate landscaping to the boundaries, adequate mitigation for the loss of wildlife habitat and public amenity space which resulted in the inclusion of land outside the site boundary. In addition, standard house types have been altered to reflect the local context including substituting the proposed red brick to artificial stone and removing architectural features that are not an appropriate response to existing local character. Scheme revisions also included the introduction of solar (PV) panels to 10% of the units and the provision of 4 no affordable (shared ownership) homes on site. Due to the nature of the revisions, it was considered necessary to undertake a second round of full consultation. There followed a number of amended and new supplemental documents to address the responses from statutory consultees, agencies and the Council's expert advisors including additional information in relation to viability, biodiversity net gain and drainage. These documents were largely technical in nature. The website was updated accordingly with any additional information

submitted, including very minor amendments the nature of which were not sufficient to require further formal rounds of public consultation. It is considered that the revised scheme has satisfactorily addressed all the issues that were raised during negotiation.

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: HS1/30 Housing Allocations Land West of Smithyfield Avenue
- HS2: Affordable Housing Provision
- HS3: Housing Density and Mix
- HS4: Housing Developments
- 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

Developer Contributions Supplementary Planning Document (December 2020)
National Planning Policy Framework and National Design Guide (2021)
Planning Practice Guidance: Housing for Older and Disabled People (2019)

Relevant Recent Planning History: None

Pre-application Engagement: None

Consultation:

Highways Authority

No objection subject to the imposition of conditions. Advise that Townfield, Riddings and Heckenhurst Avenues are to a standard/design that will satisfactorily accommodate the proposed development, and it is considered that the level of traffic generated from a development of this size and nature would not have an unacceptable impact on the adjacent and wider highway network. The proposal would therefore have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed internal layout is acceptable and the proposed level of parking for each dwelling is in line with the Local Plan car parking standards and is therefore acceptable. LCCs five year data base for Personal Injury Accident and the Crashmap website indicate no recorded incidents within the vicinity of the proposed accesses for the last 5 years.

Pre-commencement conditions are recommended to require a Construction Management Plan or similar is submitted and approved prior to commencement of the development; to ensure that the new estate road is constructed in accordance with LCCs Specification for Construction of Estate Roads to at least base course level; and to secure a Section 38 Agreement for the management and maintenance of the proposed streets within the

development or the establishment of a management and maintenance company. It is recommended that all garage facilities shall include provision of an electrical supply suitable for charging an electric motor vehicle.

It is requested that a Section 278 Agreement will be entered into to upgrade the two bus stops on Brownside Road located to the North East of the junction with Townfield Avenue to full Equality Act compliant status in order to support sustainable travel to and from the site.

BBC Greenspaces and Amenities

In accordance with the Councils Green Space strategy the site generates a requirement for 0.09 ha of amenity and play space (based on 90 bed spaces). Whilst the revised layout makes some provision for green space it does not offer much recreational/amenity space value. Given the restricted occupancy, the number of children who would live or visit the proposed development would not be sufficient to develop a new play area and thus a contribution to improving connectivity in the local area would provide greater value for the local community.

The open space requirement should be offset by a commuted sum towards the creation of a permissive route to Brun Valley to link with the footpath which runs to the rear of Heckenhurst Avenue. Improved links to the Brun Valley Forest Park is highlighted in the GI Strategy as a priority for Greenway Route recommendations. Based on the provision of 38 dwellings with 90 bed spaces at £350 per bed in accordance with the Green Spaces Strategy, the S106 contribution would be £31,500.

Environmental Health (Noise, Light, Dust or Odour Nuisance)

Raise no objection subject to pre-commencement conditions requiring submission and approval of a ground gas contamination investigation report including remedial measures as necessary; a construction phase noise assessment and Construction Environment Management Plan detailing measures to control site lighting, vibration, dust and other air-borne pollutants; and noise including restricted hours of work.

Lead Local Flood Authority

No objection subject to conditions requiring the submission and approval of a detailed, final surface water sustainable drainage strategy based upon the site-specific flood risk and drainage impact assessment submitted and sustainable drainage principles and requirements set out in the NPPF, PPG and Defra Technical Standards for Sustainable Drainage Systems; the submission and approval of details showing how surface water and pollution prevention will be managed during each construction phase; and the submission and approval of Operation and Maintenance Plan & Verification Report.

The LLFA advises against the use of underground geo-cellular or piped solutions. The applicant is advised to reconsider their SuDS approach at the detailed design stage, making use of multifunctional above ground SuDS components such as swales, wetlands, ponds and raingardens, incorporating these with areas of public open space to provide high quality blue green infrastructure. *[officer note: the layout and landscaping proposals as originally submitted have been amended to incorporate a swale comprising SuDS wildflower turf to the western edge of the site in an area of biodiversity enhancement]*

United Utilities

Following initial review of the submitted Drainage Feasibility Plan (dated 29.04.21) UU requested an assessment of overland flows generated from rainfall or surcharged sewers located on higher ground be provided prior to determination. Following submission of Overland Flow Catchment Plan (Ref 20008/05/1) and corresponding calculations and further discussion with UU they confirmed in their response dated 20.09.22, that the catchment area from which any overland flow runoff might enter the application site and leave by discharging

to the stream would not affect any UU assets and as such are happy to withdraw the previous objection should the plan be conditioned by the LPA.

Land drainage or subsoil drainage water must not be connected into the public sewer system either directly or by way of private drainage pipes. The applicant should be aware that we will not accept land drainage for a sewer connection and/or adoption. A cut-off drain should be provided around the boundary of the site to intercept groundwater and surface water run-off, overland flow from the adjacent areas. This runoff must not be discharged to a public sewer directly or indirectly.

Conditions are recommended to ensure that no surface water connects with the public sewer directly or indirectly; to require no development to be commenced until a sustainable surface water drainage scheme and a foul water drainage scheme have been approved; and to require a sustainable drainage management and maintenance plan for the lifetime of the development.

Greater Manchester Ecology Unit (GMEU)

Reviewed the Preliminary Ecological Appraisal and Ecology Report as submitted and subsequent revised layout; Biodiversity Net Gain calculations and supplementary documents and advise as follows:

Habitats, Layout/Landscaping and Biodiversity Net Gain (BNG): The majority of the habitats on the site will be lost as a result of the proposed development, predominantly extensive areas of grassland and the remnant hedgerow and dry ditch. Whilst this habitat may not be priority habitats, they do have the potential to support priority species including ground nesting birds and will be providing a valuable resource for local wildlife. The layout as submitted has been revised to include land on the west and south boundary for biodiversity improvements and BNG calculations provided using the DEFRA Metric. GMEU accept the findings of the BNG Report and Full Assessment Calculations, submitted in March 2022, and are satisfied that the applicant has been able to demonstrate BNG that is in excess of 10%. This would be achieved principally through enhancing areas of neutral grassland and scrub; and native tree planting totalling an area of approximately 0.9ha. It is recommended that a Landscape and Ecological Management Plan (LEMP) is secured via condition in order to secure the long-term management of the site in accordance with proposed mitigation, compensation and enhancement measures. A number of general enhancements for biodiversity (which aren't necessarily accounted for in the DEFRA metric) are recommended, such as inclusion of bat and bird boxes, use of appropriate locally native species within the landscaping and designing connectivity through the site through appropriate gaps in boundary features etc.

A condition is recommended to require approval and implementation of a Construction and Environment Management Plan.

Nesting birds: On site habitats are suitable for nesting birds. No specific breeding bird surveys have been undertaken in support of this planning application though lapwing have been confirmed breeding in same field as the proposed development (noted during site visits in May '20 and April '21). The ecology report has not made specific reference to the South Pennine Moors SPA species although draws a general conclusion that the habitat is unsuitable for breeding by other SPA listed birds other than lapwing and the impact on ground nesting birds is likely to be minor.

GMEU initially advised that measures to reduce the impact/enhance the site for ground nesting birds especially Lapwing should be explored through the creation of optimum habitat either directly on site through amended layout or enhancing land within the site edged blue; and incorporation of a SuDs scheme could provide multiple benefits. The applicant

responded with a Supplemental Letter headed Impact on Lapwings (Envirotech 27.05.22). GMEU accept the findings in that letter that the development would reduce the potential nesting area by 16% and advise there is unlikely to be a significant impact on productivity of Lapwing in the area, the main likely impact being a displacement of a low number of birds to other areas of the site which is not considered a significant ecological impact, and accordingly there is no objection to make or any further information required with regards to Lapwing. Advise that the proposed swale will also provide a wetter, more insect diverse area of grassland, which may provide a feeding resource for lapwing chicks not currently available on the development site.

A condition is recommended restrict site and vegetation clearance to outside the main nesting season (March - August inclusive) unless it can be demonstrated that no active bird nests are present, with specific checks for ground breeding birds required.

Bats: No roosting opportunities for bats were identified on the site, and no bat activity was recorded in a transect walking in April 2021 (which is early in the season for bat surveys but this is covered within the report). Based on the information submitted, and our assessment of suitability of the site for bats, no further survey work is required in relation to roosting bats. Any new lighting for the site should be designed to minimise the impact on nocturnal mammals such as roosting bats in line with published best practice guidelines.

Badgers: Lancashire Badger Group confirm that there are no badger setts on the development footprint, but there are plenty of active setts in the area - 20 recorded setts within a 2km radius, the nearest being 500m away. The site has the potential for foraging badgers and therefore a condition is recommended to ensure working practices are adopted during construction to ensure no harm comes to badgers which include all excavations on site should be covered at night or a ramp should be provided to allow badgers to exit excavations; and all excavations should be checked for badgers each morning prior to the re-commencement of any works. Providing that the above precautions are adopted no harm to badgers will be caused by the development.

Other Protected Species: There are judged to be no implications for other protected species such brown hare, and no evidence of other protected or priority species recorded. Other than the ephemeral water body to the west of the site which was not considered suitable for great crested newts, no other water bodies appear to be present on the OS maps within 250m of the proposed development site, therefore great crested newts are unlikely to be present on the site. An informative should be use so that the developer is aware of the legislation that is in place to protect wildlife. If at any time protected species (including badgers as above) are found on the site, work should cease immediately and ecologist/LPA should be contacted.

Lancashire Fire Service

Advise on requirements for turning facilities and water provision that will have to be satisfied on any subsequent Building Regulations application.

LCC School Planning Team

Would not assess the application for school places if the age was restricted through condition.

East Lancashire NHS Trust

Request a contribution in the sum of £28,194.00 (£742 per dwelling) to allow for the necessary service provision to be in place to meet the demand which will arise as soon as the development is occupied. The contribution would be used for capital and revenue

funding within the Trust area. The Trust provides acute, emergency and secondary healthcare across East Lancashire and Blackburn with Darwen.

[Officer Comment: The request has been considered against the requirements for obtaining contributions. Counsel opinion was obtained on a similar matter and the advice remains relevant in these circumstances. A contribution can only be sought where it meets all of the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regs 2010, repeated in the NPPF. 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. Whilst 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 is based on there being an increase in population from the whole of the development. Given, the area the Trust covers goes far beyond Burnley, it is unrealistic to assume that all new occupants of the proposed development will be new to the Trust's 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 in the Trust area from the proposed development 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 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]

Worsthorne with Hurstwood Parish Council

Recognises the need for such housing and notes that the site is allocated in the Local Plan. No objection to the design and layout but have concerns regarding highways and NHS services they wish to take into account when considering the application. The submitted Travel Plan states a desirable walking distance to a destination should be 200m. Brownside Bus Stop is 400m from the site which is "acceptable". Over 55s would find such distance unacceptable and are likely to opt for private transport. It is unlikely that a significant number of residents would travel by bicycle as an alternative. Accordingly, it is questionable whether the site affords "sustainable travel modes". Concern that the cumulative effect of this proposal with other approved housing developments could put an unacceptable strain on the local transport network and increase the likelihood of accidents. There is also concern over the additional pressures on the local NHS services from the residents given their age group. The view of the local GP surgeries on their ability to accept and manage the additional demand the development would inevitably create.

Burnley Wildlife Conservation Forum

Object to the unacceptable loss of open countryside as a valuable greenspace and wildlife corridor separating the built up areas of Brownside and Pike Hill; and the significant adverse effect on biodiversity. The site is a valuable wildlife habitat as it is used for foraging by upland breeding bird species notable Meadow Pipit, Skylark, Curlew and Lapwing. Lapwings use this field for nesting confirmed in the Ecological Appraisal which records Lapwings undertaking nesting territory display behaviour during surveys in May 2020 and April 2021. The LEARN assessment (2016) states that species have been recorded with European and NERC Act section 41 protection along with Lancs BAP long list and key species within 250m of the site. A BHS lies within 250m and with 3 further BHS's within 1km. The Lancs Woodland and Grassland Ecological Network, the Rivers Brun/Don and Brun Valley Forest

Park LNR are in close proximity to the site which forms part of the wildlife links network for these areas. The revised plans do not alter the significant adverse effect on biodiversity.

CHAT (Residents) Action Group

The proposal does not comply with HE1/30 as it constitutes over development of the site. The site is allocated for around 30 dwellings making an allowance for a high quality development that minimises impacts. The proposal fails to provide adequate landscaping and screening to the north and west boundaries. These requirements were part of the justification for allocating the site and should not be disregarded. The incorporation of suitable screening and landscaping would require a reduction in the number of dwellings. Limited garden space is provided to the bungalows, no POS or landscaping buffers means that the site is dominated by the built form. This is not a suitable for a site on the rural edge. No professional assessment of the landscape impact of bungalows without screening.

The proposal also fails to meet the minimum 60% 3 bed detached and semi-detached houses (37%). The siting of buildings and trees in places along the length are insufficiently distanced from the rear gardens of Smithyfield Avenue and separation distances along this boundary. One property will have a garage placed across the entire rear boundary. New trees close to the rear of Smithyfield Ave would reduce light to the properties/gardens and are not suitably located. It is not appropriate to off-set the lack of screening at the boundary with trees in rear gardens. Boundary fences at 1.8m high are higher than adjoining fences which are limited in height by covenant. Question the suitability of the site for retirement homes given it is remote location from shops and services.

Friends of Rowley

Object on the basis that the proposal would be detrimental to wildlife: hares, hedgehogs, bats, deer and owls. There is also the vital and topical issue of discharges from United Utilities into the stream that joins the river Brun, with resulting contamination.

Publicity

During the initial period of formal consultation, 40 representations objecting to the application were received to the proposal as initially submitted with the main points summarised as follows. Photographs showing species on the site and local highway conditions were also received. Where multiple responses have been received from the same person they have been recorded as one:

- Improper consultation with residents and interest/community groups
- Factual errors in submission documents and drawings
- Unauthorised erection of 6ft high fence at the boundary
- Loss of agricultural land, destruction of green fields and local countryside
- Impact on health and wellbeing from the loss of the tranquil surroundings
- Development of the site is unjustified when there are brownfield sites in more sustainable locations
- Loss of this site for housing is unjustified given there is a 10 year supply of housing
- Unacceptable coalescence between Burnley and Worsthorne and loss of village identity
- Refusal of APP/2016/0416 (land south of Brownside Road) should set a precedent for refusal of this application
- Archaeologists have advised that a dig should be completed paying attention to unspecified footings of buildings to the south west of the field. Not shown on the plans.
- A 100% age restricted bungalow scheme does not offer choice as required by HS1/30
- How can the restricted occupancy be ensured and why 3 bed houses for older people
- Does not meet needs of younger people who wish to remain in the area

- No affordable housing provided
- Unsustainable location, particularly for older persons housing. Limited bus service and site too far from nearest bus stop (with no seating) for people with reduced mobility; roads unsuitable for cyclists; inadequate (narrow) footpaths; not well located for services the nearest shops at Pike Hill and Worsthorne being a drive away
- Site is accessed by steep slopes and narrow footpaths and is not an easy walk for the elderly or those with mobility/health issues
- More sustainable sites nearer to the town centre
- Lack of planting on western boundary will lead to an unacceptable level of visual impact on the landscape particularly in views from the Brun Valley and Rowley and further away such as Crown Point
- Adverse visual impact on listed Rowley Hall and associated historic buildings
- Whilst bungalows may have less impact on the landscape this is not supported by any visual impact assessment. Such evidence should be provided to support any departure from the requirement to provide screening.
- Fails to meet the required standards as set out in the Local Plan HS1/30
- The mix of dwelling sizes does not provide the minimum 60% 3+ bedroomed detached and semi-detached houses as required in HS1/30. It provides 37% 3 bedroom dwellings the majority being 2 bedroomed
- No screening to the northern and western boundaries contrary to Policy HS1/30
- Too high density and does not leave sufficient space for appropriate landscaping, planting and boundary treatment and amenity space needed to minimise impacts
- Over development of site - too high density and buildings too close to existing properties
- Unacceptable adverse impact on neighbouring amenity due to loss of sunlight and privacy and overshadowing through insufficient distanced buildings and trees in relation to the rear of existing dwellings on Smithyfield Avenue
- Development will overlook the hamlet of Rowley leading to loss of privacy
- No 18 Smithyfield has a garage positioned the width of its garden boundary
- Poor quality design and layout that does not reflect the existing estate
- Red brick will not fit with the context which is stone, render and pebble dash
- Proposed 1.8m high boundary fences exceed the maximum 4ft allowed in deeds for the existing properties on Smithyfield
- Road layout on the western boundary with no screening could lead to pressure for further encroachment into the countryside in a future phase.
- Road layout would lead to street light pollution into the field which would affect the habitat of many important species
- The proposal does not promote sustainability in design, construction nor location which is distant from facilities/services and is not well served by public transport.
- The scheme doesn't support the transition to a low carbon future. It goes no further in terms of energy efficiency or carbon footprint offset than providing ELV charging points
- Ground source heat pumps and solar panels should be provided
- High risk of subsidence due to historic mining activity
- Potential for structural damage and/or undermining of foundations during construction
- Reduction in air quality from the additional vehicles and pollutants from chimneys
- Strain on electricity supply. Substation at capacity and often overwhelmed resulting in regular explosions and power-cuts due to aging/over-used high voltage cables.
- The local school is oversubscribed. No contribution to school places even though people aged 55 plus can still have school aged children
- Lack of public transport means the development is car dependant

- Traffic noise and increased congestion will affect the whole village
- Estate roads into the site are unsuitable to safely accommodate construction traffic largely due to parked cars on either side narrowing the carriageway to a single lane
- One extra two-way vehicle movement every 2 minutes would have a noticeable impact
- Brownside Road is not suitable to take the additional traffic particularly at pinch points without causing danger to highway users including cyclists and pedestrians.
Compounded by cumulative impacts of other new housing developments
- Data on vehicle accidents is misleading and doesn't capture the true extent of the accidents on Brownside Road (ie those not reported to the police)
- Brownside Road Bridge may be unsuitable for heavy plant and construction traffic
- Townfield and Riddings Avenues and the other estate roads are congested and narrowed to a single lane by parked cars at all times and therefore unsuitable to take any additional traffic including construction traffic without becoming hazardous to users, especially pedestrians which are already forced into the road by pavement parking
- Possible future parking restrictions on Townfield Ave to ensure access to the site is not impeded would prevent residents parking outside their own homes
- The junction onto Brownside from Townfield Ave has poor visibility when turning right due to parked cars and the incline of the Road
- Inadequate access for construction traffic would cause major disruption
- Increased noise and disturbance from construction traffic
- Brownside Road floods after heavy rainfall as drains and sewers are at capacity
- Existing sewer is combined with surface water routinely overwhelms during heavy rain
- Surface water flooding is already an issue and will increase
- Sub soil is poor draining clay so will lead to additional surface water runoff
- Surface Water - Increase in flood risk to Brownside Mill area due to disposal of surface water to River Brun via existing inadequate infrastructure which is overwhelmed in periods of heavy rain. Surface water should instead be discharged directly into the river
- Foul water – The existing sewer is overwhelmed resulting in the contamination of existing surface watercourse. UU have implemented temporary fixes to minimise the ongoing issue. Any sewage should be taken directly to a point in the network that can accommodate the additional load, ie behind Brownside Mill
- The foul water pumping station is sited adjacent to the surface watercourse. Any failure to the power supply will result in pollution from foul water entering the watercourse
- Risk that the private pumping station is not maintained and operational in long term
- There is an underground stream that emerges at the bottom of Copperfield Close, in the corner of the site. This water course has not been given due consideration in the application which incorrectly states there is no water course on the site.
- Noise and disturbance to residents from proposed pumping station
- The 2015 LRN assessment recorded species with European and NERC Act Section 41 protection along with a long list of Lancs BAP key species within 250m of the site.
- Construction works could cause unacceptable disturbance to Rowley Nature Reserve (within 100m of site) and Brun Valley Forest Park used by a wide variety of wildlife for nesting, foraging and breeding particularly wintering waterfowl and Great Crested Grebe
- Light pollution from estate road into surrounding fields will impact on wildlife (including protected species) using the area for foraging
- Unacceptable disturbance and displacement of wildlife including protected ground nesting birds
- The proposal does not safeguard protected species and their habitats. It leads to net loss and no net gain and is contrary to the Local Plan

- Unacceptable ecological impact from loss of wildlife habitat and foraging ground
- Ecological survey comments that the field is unlikely to be used by ground nesting birds are mistaken. Many recent sightings of lapwings and curlews (protected) nesting on land west of Smithyfield. The field is used as an overwintering site for Redwing, Fieldfare and Canada Geese. The ecological surveys were conducted outside of the winter months and not in the evening when dusk feeders and nocturnal species would be seen
- This year (2021) there were 4 breeding pairs of lapwings, 4 species of protected bats using the land for foraging. There are little owls, barn owls, jays, badgers, foxes, deer, hedgehogs, breeding hares, and many species of birds that use the area for foraging, nesting and breeding particularly along the southern boundary of the site
- The SPA buffer zone is within 250m from the site along with key areas of forest which will have a cumulative adverse impact upon birds and other animals using this field due to the loss of foraging habitats and important wildlife corridor
- Nearby River Brun is an important wildlife corridor the installation of green roofs should be encouraged in line with the Local Plan

During the second period of formal consultation (Jan/Feb 2022) 35 representations objecting to the application were received largely reiterating objections already listed above and introducing the following additional issues. Photographs showing species on the site and local highway conditions were also received. Where multiple responses have been received from the same person they have been recorded as one:

- No individual contact with residents to discuss objections
- Scheme not significantly altered and is still contrary to HE1/30 site specific requirements
- Scheme still fails to provide adequate landscaping and screening and is still too dense
- No DEFRA metric calculation or clarity regarding net gains in biodiversity
- Evidence provided that Lapwings nest in the field. Lapwings will be prevented from nesting, this is a major adverse impact
- Evidence provided to the Ecologist was incorrect, there are protected species on land
- SUDs should be incorporated in open space
- The blue edged strip will not increase biodiversity as it's already a field
- No reduction in the number of units (38) just the removal of a single garage
- Still contrary to the policy requirements for around 30 units (27% increase) and 38 units could not be delivered if the site was suitably screened and landscaped
- Townfield and Smithyfield Aves are hazardous. They are used as a rat run and cars have misjudged corners resulting in vehicles careering into corner properties
- Proposed driveways are not designed so that cars can enter and egress in forward gear
- Still no affordable housing
- The enhanced strip of field along west boundary is not sufficient public open space. It lies outside the red edge and behind a stock fence and is not within the development.
- The additional screening/landscaping encroaches into adjacent field and increases the site beyond the local plan allocation
- Open space would be better on east boundary as a buffer between existing houses
- Does not meet privacy/separation distances to the rear of properties on Smithyfield Ave
- Additional planting of hedges and trees will unacceptably block light to the rear gardens of Smithyfield
- Disposal of Foul Water and surface water is still not adequately addressed and UU's request for additional information has not been met.
- The issue of a pumped drain (consuming excessive electricity) rather than a gravity solution has not been addressed
- Inadequate planning for SUDs as raised by LLFA in their comments not addressed
- Solar panels to 10% of units is the bare minimum and doesn't go far enough

- Crime rates may be increased
- Still dismisses the need to contribute to school places and affordable housing
- Not addressed issues in terms of inadequate services and infrastructure eg. bus services and electricity supply
- Highway safety and inadequate road network issues remain
- Lack of medical facilities

The application continues to receive letters of objection, totalling 8 at the time of writing this report, largely from previous objectors. The matters raised were reiterated in previous rounds of formal consultation as summarised above.

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The matters raised are considered in the report below.

Planning and Environmental Considerations:

The main issues relevant to the consideration of the application are:

- Principle of Development
- Design and Appearance (including density, layout, landscaping and visual impact)
- Impact on Neighbouring Residential Amenities
- Living Conditions of Future Occupiers
- Open Space Provision
- Infrastructure Provision: Developer Contributions
- Impact on Traffic and Highway Safety (including suitability of access and parking)
- Flood Risk and Drainage
- Impact on Ecology and Biodiversity

Principle of Development

Burnley Strategic Housing Market Assessment (SHMA) 2016 shows both the number and proportion of Older Person Households (aged 65+) in Burnley will grow significantly by 39% (net) during the plan period and confirms that there will be a requirement for a range of housing, including bungalows, and adaptations to existing stock to cater for the needs of older people. The SHMA notes that encouraging elderly residents to downsize from family homes is difficult to achieve in the private market through local policy intervention alone, however providing good quality alternative accommodation including age-restricted/retirement schemes may incentivise down-sizing. In terms of the existing provision of housing for older people across the borough, there is a broad mix of housing options across tenures though bespoke housing is more prolific in the social housing sector with fewer examples of purpose built adaptable bungalows for the elderly in the market housing sector.

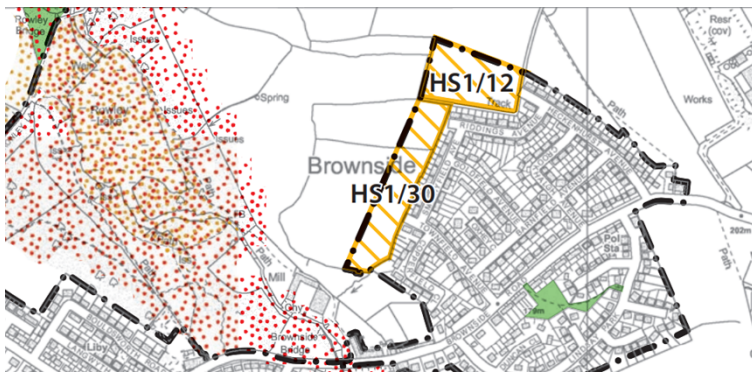
There is no specific policy in the Local Plan for older persons housing, though the Local Plan recognises the importance of delivering a comprehensive range of choice, types and tenures to meet the needs of different groups in the community including older people.

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 social objective of which is to, amongst other things, support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations including the needs of groups with specific housing requirements such as older people.

Planning Practice Guidance: Housing for Older and Disabled People (2019) suggests that LPAs should plan for an increasingly aging population and that there is a critical need to provide wider choice and better quality accommodation for older people including age-restricted general market housing. It also recognises the significant viability challenges providers of older persons' housing face in acquiring land on the open market in competition with conventional house builders and developers. This proposal includes the provision 100% accessible and adaptable general needs market housing for those aged 55 and over (including people with restricted mobility). This housing type is recognised in the NPPF and PPG as making an important contribution to housing supply by catering for the needs of older people and should therefore be supported in principle. Officers are satisfied that it is possible restrict the occupancy to over 55 provision by means of planning obligation and to ensure accessibility standards are achieved through condition.

Policy SP2 sets out the Housing Requirement for the 20 year period up to 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 sites allocated under Policy HS1. These sites have been selected in accordance with the development strategy in Policy SP4 and the principle of development assessed on their individual characteristics and locations taking into consideration potential adverse impacts of development and whether they could be mitigated to an acceptable level. Moreover, the allocated sites and their potential impacts have been subject to a high level of scrutiny by third parties and examination by the Planning Inspectorate as part of the Local Plan adoption.

Local Plan allocation HS1/30 (Land West of Smithyfield) is a 1.72ha greenfield site which has an indicative yield of 30 dwellings. As set out above, the principle of developing the site for residential purposes, including the loss of agricultural/grassland within the allocation site, has been considered and accepted as part of the Local Plan making process taking into account the economic, social and environmental objectives of sustainable development.



Extract from the Local Plan Policies Map showing site allocation HS1/30

Local Plan allocation HS1/30 is included within the application site which extends to include approximately 0.95ha of additional species poor grazing/grass land adjacent the western boundary and at the southerly end of the site to provide a green buffer and informal amenity/green space comprising landscaping and screening including a swale of wildflower SuDS turf. This area of land would be enhanced for biodiversity enhancement measures (gains) and would support the development of the housing allocation, it would be retained as a green area (free from development) and as such would not conflict with Policy SP4 which sets out the development strategy and seeks to restrict development in the open countryside. The inclusion of this land for ancillary purposes is considered acceptable in principle subject to assessment in terms of its visual impact.

Policy HS1 states that the allocated sites will be acceptable in principle for housing developments that are delivered in accordance with the site specific requirements and that meet with other relevant Local Plan policies. Policy HS1/30 sets out additional and site specific policy requirements and design principles as follows (extract from the Local Plan):

Additional and Site Specific Policy Requirements and Design Principles

- 1) A mix of dwelling types including a minimum of 60% 3+ bedroomed detached and semi-detached houses will be expected;
- 2) An ecological survey will be required to accompany any planning application which identifies any Protected Species and South Pennines SPA qualifying species present and addresses this issue in accordance with Policy NE1;
- 3) Appropriate landscaping and boundary treatment should include screening to the northern and western boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3; and
- 4) Contributions towards off-site highway improvements may be required in line with Policy IC4.

The proposal is for 38 bungalows (37% 3-bedroomed detached and semi-detached). Policy HS1/30 states that the site is acceptable for around 30 dwellings comprising a mix of dwelling types including a minimum of 60% 3+ bedroomed detached and semi-detached houses. The figure of 30 units is not a restriction but an indication of the yield for family size houses in order to calculate the housing delivery figure. Moreover, the policy wording recognises that the actual number of dwellings will be determined through a detailed design proposal which satisfactorily addresses the relevant Local Plan policies and the specific site requirements in HS1/30 which requires, amongst others, high quality design and the incorporation of suitable screening and landscaping. It is also acknowledged that the mix proposed is not in accordance with the expected mix as it comprises a higher proportion of 2-bedroomed units. Taking into account the policy wording and the nature of the proposed housing type and its contribution to catering for the needs of older people, the principle of an increase in number of dwellings against the housing delivery figure and lack of mix of house types and sizes is acceptable in this instance on the basis that the proposal can be satisfactorily accommodated on the site whilst complying with the remaining site specific policies and other relevant plan policies that protect residential and visual amenity from unacceptable adverse impact, with particular regard to density and layout including landscaping/screening. This matter is considered in detail in the main body of the report below.

For the reasons set out above it is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its status as an allocated housing site within the defined development boundary. As such the principle of development is considered acceptable in principle subject to satisfying relevant plan policies as set out in the main body of the report below which discusses the key considerations in detail with reference to the specific requirements of the site allocation and with due regard to the representations received.

Design and Appearance (including density, layout, landscaping and visual impact)

Local Plan Policies SP5, HS4 and NE3 are used in the determination of planning applications in terms of their design and layout and specifically requires development to be of a high standard of design, construction and sustainability. In respect of design and appearance this requires new housing developments, amongst other considerations, to relate to their context by paying due regard to the scale, height, proportions, building lines,

layout and other characteristics of the site and its setting; use a palette of high quality materials appropriate to the local context; and to provide landscaping that mitigates for loss of biodiversity and assists with its physical and visual integration. Developments should also be designed to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; to provide adequate refuse and recycling storage; and to minimise its impact on the landscape character such that it would not result in an unacceptable adverse impact.

The proposed scheme has been amended since first submitted to reflect some of the concerns raised by the LPA and through public consultation to ensure a high quality scheme. Having regard to the submitted Design and Access Statement, the acceptability of the proposed in terms of design and appearance is assessed as follows:

Design (scale, form, massing and materials)

The proposed dwellings are exclusively single storey in height. This scale is considered appropriate to the local context and topography of the site and to maintaining a degree of openness on the open countryside. The plan form is relatively simple with roof forms that are predominantly dual pitched with some hipped with expressed gables and principal facades that are articulated with a variety of projecting elements to create variety and visual interest. In design terms the proposed dwellings would not be detrimental to the streetscene or the wider setting. Their proposed design and materials draw on the traditional local vernacular and positive attributes from the immediate context of later C20 dwellings to create a distinctive character. These attributes include a restrained material palette (render and stone dominate); relatively simple roof forms; repetition of architectural details and vertical proportions; and strong boundary treatments such as stone dwarf walls. The proposed 1.8m high close boarded fencing and 1.8m high wall on prominent corner plots is also considered acceptable.

Whilst the resulting scheme shows a commitment to a high standard of design, it is considered that the success of the scheme is dependent upon a close attention to detail in design and choice of quality materials. Conditions are advised to ensure the quality of the finished built form. With these provisions, the proposed development would be acceptable in design terms in accordance with Policies SP5 and HS4.

Layout

The proposed layout responds to the constraints of the linear nature of the site to provide a coherent extension to the existing estate that maintains the urban grain. Though it is not entirely reflective of the existing street geometry as it is outward facing, with dwellings set back behind landscaped front gardens, it is considered that the linear street frontage to the open countryside would maintain the cohesion of the built form and visual connections with the wider landscape. The layout would also limit the visual impact of what could otherwise over time become cluttered and visually inconsistent with rear suburban style boundary treatments, garden structures and a range of domestic paraphernalia. The proposed development is laid out to ensure that there will be adequate separation between windowed and blank elevations, including those with the existing properties adjacent the eastern boundary, in accordance with the minimum interface distances in Policy HS4. Each property has a private rear garden which is considered proportionate to the scale of the dwellings, would not result in any overlooking issues and would provide suitable areas for bin storage. Adequate spacing between new dwellings is achieved and a mix of houses with driveways to the side and forecourt parking to the front provides a sufficiently spacious development. Based on the layout it is not anticipated that frontage parking would visually dominate the street scene. Accordingly, the proposed layout would ensure a high quality scheme that is appropriate within its immediate context in accordance with Policies SP5 and HS4.

Landscaping

Local Plan Policies SP5, SP6, and NE3 are particularly relevant in the consideration of landscaping. The layout of the development has been amended to provide a significant amount of new planting across the site, particularly with the addition of a 0.95 ha area of existing species poor grass/grazing land at its western and southern boundaries which will act as an area for biodiversity enhancement and informal amenity/green space and will provide a green buffer, linking to the countryside beyond. The proposed planting plans pay due regard to enhancing biodiversity and supporting green infrastructure through additional planting of deciduous trees including orchard fruit trees, native scrub and species rich wildflower meadow including a swale of wildflower SuDS turf. The NPPF (2021) states that new streets should be tree lined. Existing perimeter trees are to be retained where possible, and new tree and hedge planting (ornamental and native species) are proposed within plot frontages throughout the site to achieve tree lined streets where possible.

Overall, it is considered that the proposed landscaping scheme responds positively to the site and its surroundings. It would provide high visual and ecological value and assist in softening the impact at the interface with the open countryside. It is considered that this element of the proposal is acceptable in accordance with the site specific requirements in Local Plan Policy HS1/30 and the relevant criteria in Policies SP5, SP6 and NE3. A condition is recommended to ensure that the landscaping scheme is implemented in a suitable timescale and there is a schedule for its on-going maintenance including replacement planting as necessary.

Visual impact (including boundary treatments)

There will inevitably be a significant visual impact where residential development is introduced to undeveloped agricultural land however this has already been accepted when the site was allocated through the Local Plan process. Accordingly, the principal concern in assessing visual impact is the new edge that will be created with the countryside. The applicant has amended the scheme as originally submitted to provide natural areas of open space and landscaping, including a significant amount of new planting, at its boundaries to satisfy the site specific requirement of reducing the impact on the wider landscape through screening. In this case dense planting/screening is not characteristic of the immediate landscape, and neither is it required to such an extent given the low storey heights would mitigate some landscape impact, accordingly the most appropriate approach is softening the edge of the development by introducing boundary planting. The predominant view of the development from the countryside would be a row of fronts of detached bungalows set back behind landscaped front gardens and green buffer including deciduous (heavy) tree planting to the north and south and to the majority of the length native scrub planting and a swale of species rich wildflower SuDS turf. This would allow the development to integrate sensitively and provide an appropriate edge and appearance to the surrounding countryside such that it would not result in an unacceptable adverse impact in accordance with the relevant clauses of Policies SP5, HS1/30 and NE3.

Density

Policy HS3 states that development should make efficient use of land and be built at a density appropriate to its location and setting that developments should seek to achieve a gross density of 25 dwellings per hectare as a minimum as appropriate to their circumstances. In this case, HS1/30 requires lower density housing to allow adequate opportunities for minimising impacts including through landscaping/planting. When excluding land outside the site allocation for amenity space, landscaping and screening the proposal amounts to 22 dwellings per hectare (gross) which is below the minimum level. Though the development exceeds the anticipated yield of 30 units, it has been demonstrated that it can be accommodated on the site with adequate distancing, private amenity space and impact

on its surroundings and still achieve a density level lower than the minimum expected in Policy HS3 such that it is considered acceptable in this respect.

Having regard to the above assessment, the proposed development would inevitably alter and urbanise the site and result in the loss of grazing/grassland on the edge of the development boundary which was accepted in principle when the site was allocated. However, this would be offset to some extent by the high quality design and layout and amendments to incorporate greater areas of planting and screening at the countryside edge as required by Policy HS1/30. Subject to the imposition of recommended conditions, the development would relate positively to its context and would not result in any significant visual harm to the immediate streetscene or wider landscape setting therefore satisfying the relevant requirements of Policies SP5, HS4 and NE3.

Impact on Neighbouring Residential Amenities

Local Plan Policy SP5 seeks to ensure there is no unacceptable adverse impact on existing residential amenities through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows.

The proposed development lies adjacent to existing housing on its eastern boundary largely comprising the rear gardens and elevations of properties on Smithyfield Avenue. With regards to the impact on neighbouring amenity, this matter is assessed under the consideration of layout as set out above. In summary, the assessment finds that separation distances in each case are compliant with the standards in Policy HS4; and in combination with siting and orientation, height and design of the units and boundary treatments the proposal would not result in an unacceptable adverse impact on existing residential amenity by virtue of a loss of light, privacy and/or overbearing impact.

The development proposes a 'seamless' (side to side and/or rear garden to rear garden) relationship with adjacent existing properties. In limited instances where the gable ends of the proposed single storey bungalows are sited at the end of the rear gardens of the existing properties, their impact is off-set by more than the required separation distances in Policy HS4 such that no unacceptable adverse impact on living conditions would result.

The residents of Smithyfield current enjoy an open aspect to the rear. Whilst the proposal will inevitably diminish the openness of the aspect, it is considered that the development adequately protects neighbouring residents from unreasonable intrusion through overlooking, lack of privacy and reduction of outlook or daylight. Any diminution in views to the rear of the existing properties would amount to a private interest and is not factored into the consideration.

Objections have been raised in relation to tree and hedge planting where it occurs on the eastern boundary due to the loss of sunlight and over-shadowing to the affected properties on Smithyfield Avenue. Having regard to the position, boundary treatments and proposed species, it is considered that whilst some level of shade or other inconvenience may occur once the planting has matured this would not be highly oppressive though some residents may seek management in long term.

Objections have also been raised in relation to harm to neighbouring amenity during the construction phase. Whilst these concerns are recognised to be genuine and sympathised with, constriction is considered a temporary nuisance and permission is rarely refused on that basis. Nevertheless, conditions are recommended in order to safeguard neighbouring

amenity during the construction phase, through adherence with an approved Construction Method Plan and restricted working hours, whilst specific instances of excessive noise or antisocial working practices would be dealt with under other legislation outside the planning process. With this provision, it is considered that the living conditions and amenities of the occupiers of neighbouring properties would be adequately safeguarded.

Having regard to the above assessment it is considered that, subject to the imposition of recommended conditions, the proposal would not give rise to an unacceptable detrimental impact on the neighbouring residential amenity and is therefore acceptable and in accordance with Policies SP5 and HS4.

Living Conditions of Future Occupiers

Policies SP5 and HS4 seek to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and provides good quality outdoor private amenity space and adequate waste storage.

Relationships between the proposed bungalows within the development provide adequate rear garden space and provision for waste storage, moreover the density of the development proposed would ensure that the site would not appear cramped. Having regard to the distance of separation with neighbouring properties and the positioning and orientation of windows it is considered that the proposed dwellings are laid out and positioned such that an acceptable standard of outlook, daylight and privacy would be achieved to all habitable rooms such that future occupiers will experience a good standard of accommodation.

The bungalows themselves are designed to provide a high standard of accommodation with internal space, layout and facilities for each dwelling is considered sufficient to ensure that they would function effectively as homes, allowing for storage space, convenient circulation and access, and provide future occupiers with a positive living experience. Moreover, full accordance with Part M4(2) Building Regulation (accessible and adaptable homes) standards will be secured through condition.

Having regard to the above assessment it is considered that the scheme would provide an overall standard of amenity for future occupants that is acceptable and in accordance with Policies SP5 and HS4.

Open Space Provision

Local Plan Policy HS4(5) requires open space to be provided at a rate of 0.3ha per 50 dwellings. Where this is impracticable a payment in lieu can be made for the benefit of existing public open space nearby.

In this case the layout has been amended to provide informal amenity/green space to an area of existing species poor grass/grazing land at the southern boundary of the site which includes orchard fruit tree planting alongside deciduous (heavy) tree planting and native scrub. This area also takes in a parcel of existing field which will be planted with species rich wildflower meadow, native scrub and trees. Existing perimeter trees are to be retained where possible along the north, east and south boundaries, and new tree and hedge planting (ornamental and native species) is proposed within plot frontages throughout the site. This would provide amenity open space for walking, sitting and being outdoors. It is therefore considered that the proposal makes adequate provision of natural and semi natural open space which will also positively contribute to enhancing biodiversity and supporting green infrastructure and would provide a high quality environment for residents.

There is however a deficiency in formal public open space that cannot be delivered within the development as the size and shape of the site limits the ability to provide appropriately located, over-looked and functional/usable space. The deficiency is to be offset by a commuted sum towards the creation of a permissive route to Brun Valley Forest Park to link with the footpath which runs to the rear of Heckenhurst Avenue. Improved links to the Brun Valley Forest Park is highlighted in the Green Infrastructure Strategy as a priority for enhanced connectivity and will benefit residents of the scheme and the wider area. The contribution is calculated at £31,500. The applicant has agreed to the open space contribution which would be secured through legal agreement. The resulting provision would comply Policy HS4.

Infrastructure Provision (Developer Contributions)

Local Plan Policy IC4, supported by HS2 and HS4, requires development to provide or contribute toward the provision of additional or improved infrastructure need to support it. The proposed housing type and tenure is not exempt from providing the necessary developer contributions and mitigation required to make the development acceptable in planning terms. In this case the necessary infrastructure to mitigate the impacts of the development is affordable housing, public open space, and bus stop infrastructure. LCC Education have confirmed no education contributions are required due to the age profile of the occupants if restricted through condition.

The applicant has agreed to the requested commuted sum towards the creation of a permissive route to Brun Valley as set out above; and accessibility enhancements to two bus stops on Brownside Road (north-east of the junction with Townfield) to be delivered through a Section 278 Agreement.

With regards to affordable housing, the proposal would meet the threshold for providing affordable housing under Policy HS2. In accordance with the Developer Contributions SPD the affordable housing requirement for this site is 15% affordable housing, which equates to 6 units. In this case it is accepted that the standardised assumptions used in the calculation do not take into account the particular circumstances of the development, largely the increased infrastructure costs associated with the road heavy layout and the extra costs of delivering 100% M4(2) compliant dwellings. The affordable housing calculations model, adjusted to the circumstances of the scheme, finds that there is sufficient viability to afford the requested open space and Section 278 contributions together with 4 no. intermediate affordable housing units provided on site equating to a 10% requirement. The proposed layout shows these units as 2-bedroomed semi-detached bungalows (shared ownership).

Having regard to the above it is considered that, subject to legal agreements, the proposal complies with the relevant clauses of Local Plan Policies IC4, HS2 and HS4.

Impact on Traffic and Highway Safety (including suitability of access and parking)

NPPF 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy IC1 requires development schemes to, amongst others, provide for safe pedestrian, cycle and vehicular access to, from and within the development; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute to the provision or improvement of off-site infrastructure to mitigate any unacceptable impacts on highway safety or efficiency. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9 which for two and three bedroom dwellings is two off-street parking spaces.

The development will be accessed off Brownside Road from the existing turning heads at Riddings Avenue (north) and Townfield Avenue (south) with a new access road being constructed from each road into the site forming the vehicular, pedestrian and cyclist route into the site. The local network is a 30mph road near the site with the estate roads, subject to a 20mph speed limit, are street lit and have footways on both sides of the carriageway.

Objections have been received on the grounds of highway concerns including safety and capacity on the existing network to safely accommodate the increase in level of traffic generated by the development including construction traffic, particularly on the estate roads largely due to parked cars narrowing the carriageway to a single lane. These concerns are addressed in the submitted Transport Statement which confirms that the development will provide safe and suitable vehicular access arrangements, in-curtilage car parking provision and adequate servicing and emergency access arrangement. Moreover, robust data is used to demonstrate that there are no safety issues presently arising from the operation of the local network. Additionally, an assessment of present and forecasted traffic flows and trips derived shows that the development will generate low traffic flows, equating to one additional two-way vehicle movement every two minutes, which is stated as a level that would not be noticed locally on the local highway network such that there would be no unacceptable impact on highway safety or the safe and efficient flow of traffic on the surrounding highway network.

The proposal has been assessed at a technical level and as part of the discussions during the assessment of the application. The Highways Authority accept the findings of the submitted Transport Assessment and confirm that the proposed internal layout is acceptable and the proposed level of parking for each dwelling is in line with the Local Plan car parking standards and is therefore acceptable. An electric car charging point would be provided for each dwelling. The Highways Authority do not raise any objection to the proposal and do not draw attention to any resulting unacceptable impact on local highway safety and highway capacity within the immediate vicinity of the site that could not be satisfactorily mitigated through conditions as recommended.

With regards to construction traffic, The Highways Authority confirm that the estate roads are satisfactory and the impact could be adequately mitigated through adherence to an agreed Construction Management Plan (CMP) or similar, secured through pre-commencement condition, that will ensure effective management of transport operations during the construction process. The developer will be required to consult all residents that could be affected prior to submission of the CMP setting out the likely construction impacts and how they will be addressed and mitigated; communication should also continue during the works with neighbours being regularly updated on any major programmed works and changes due to unforeseen circumstances.

Pre-commencement conditions are recommended to require a Construction Management Plan or similar is submitted and approved prior to commencement of the development; to ensure that the new estate road is constructed in accordance with LCCs Specification for Construction of Estate Roads to at least base course level; and to secure a Section 38 Agreement for the management and maintenance of the proposed streets within the development or the establishment of a management and maintenance company. It is recommended that all garage facilities shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Additionally, Highways request that a Section 278 Agreement is entered into to upgrade the two bus stops on Brownside Road located to the north-east of the junction with Townfield Avenue to full Equality Act compliant status. It is considered that the development is likely to increase the demand for the use of public transport and to this end the request would help

the development meet the requirements of Policy IC1 in making it more sustainable and attractive to occupants and visitors to make use of public transport. The location of the bus stops to be upgraded are in close proximity to the application site and the request to upgrade them is seen as fair, and reasonable given the scale of the development. The applicant has expressed their acceptance of this request.

Overall, it is considered that, subject to the imposition of relevant conditions and legal agreements, the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Flood Risk and Drainage

Policy CC4 seeks to ensure that new development does not result in increased flood risk either on the development site or elsewhere. Policy CC5 requires surface water discharge to be appropriately managed and discharge to be restricted through measures including SuDS.

Neighbour objections have been received on the basis that the local area currently experiences surface water flooding due to inadequate infrastructure which is overwhelmed in periods of heavy rain and that developing the site would increase flood risk, particularly downstream in the Brownside Mill area close to the point of discharge into the River Brun. In terms of foul water, residents report that the existing sewer is overwhelmed resulting in the contamination of existing surface watercourse and that this is an ongoing issue and that any sewage should therefore be taken directly to a point elsewhere in the network that can accommodate the additional load.

In this case, the site falls within Flood Zone 1 where there is the lowest risk to flooding with the primary source being surface water flooding. In terms of surface water disposal, the submitted Flood Risk and Drainage Impact Assessment states that due to impermeable very stiff clays present across the majority of the site infiltration methods of discharge to ground is not feasible. It is therefore proposed that surface water will be discharged into a small watercourse near to the southern boundary of the site which is a tributary of the River Brun (approximately 180m south west). It is noted that surface water run-off from the adjacent housing estate discharges to the same watercourse. The discharge will be attenuated to greenfield rates, achieved via two underground in-line storage crates, and therefore would not increase the risk of flooding on site or elsewhere. The proposal has been amended, through negotiation, to incorporate a swale of species rich wildflower SuDS turf within the linear amenity/green space adjacent the western boundary which is intended to act as a source control element of SuDS to assist in managing surface water runoff.

In terms of foul water, it is proposed to discharge via an off-site connection to the foul water sewer in Townfield Avenue, via a rising main from a pumping station which will be located at the southern end of the site.

Following submission of the requested Overland Flow Catchment Plan and corresponding calculations, United Utilities raise no objections to the proposal subject to conditions to ensure that no surface water connects with the public sewer directly or indirectly; to require the submission and approval of sustainable surface water and foul water drainage schemes and to require a sustainable drainage management and maintenance plan for the lifetime of the development. The Lead Local Flood Authority accept the submitted Flood Risk and Drainage Impact Assessment and raise no objection subject to conditions requiring a detailed sustainable drainage strategy, which should make use of multifunctional above

grounds SuDS where feasible, including Verification Report and Operation and Maintenance Plan. A condition requiring details of how surface water and pollution prevention will be managed during each construction phase is also recommended.

There are no objections from the statutory consultees in respect of drainage which would, subject to conditions as recommended by United Utilities and the LLFA, provide adequate drainage with no significant risk to flooding on site or elsewhere.

Whilst local concerns in relation to flooding and drainage are acknowledged, based on the development satisfying Local Plan Policies CC4 and CC5 and the comments from the relevant professional consultees, it is not considered that there would be unacceptable flood risk from the proposal. As such and subject to conditions, no unacceptable drainage issues are anticipated.

Impact on Ecology and Biodiversity

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 as well as protecting Protected Species, Priority Habitat and local and regional sites and maintaining Ecological Networks. In all cases measures should be taken to safeguard protected and priority species and habitats before any development commences. Policy HS1/30 requires an ecological survey to accompany any planning application which identifies any Protected Species and South Pennines SPA qualifying species present and addresses this issue in accordance with Policy NE1.

Neighbour objections have been received on the basis that the proposal does not safeguard protected species and their habitats and will result in unacceptable ecological impact from loss of wildlife habitat and foraging ground.

Protected Species: A Preliminary Ecological Appraisal, including Phase One Habitat Survey, submitted with the application confirms that the habitats on the site are predominantly species poor grassland, scattered scrub and remnants of an old hedge line/dry ditch. Whilst not priority habitats, they do have the potential to support priority species and will be providing a valuable resource for local wildlife. Whilst there are judged to be no implications for other protected species such as bats, great crested newts, badgers or brown hare, an informative should be attached to any permission so that the developer is aware of the legislation that is in place to protect wildlife. If at any time protected species are found on the site, work should cease immediately, and ecologist/LPA should be contacted.

A Construction and Environment Management Plan (Biodiversity) is recommended to protect the environment from harm during construction of the scheme and to secure working practices which will not damage any of the wildlife that may be present on the site, such as a method statement for working to protect mammals such as badgers and hares site clearance for species such as hedgehogs. This should also include measures to treat and prevent the spread of invasive non-native species recorded on and adjacent to the site.

Ground Nesting Birds/South Pennine Moors SPA Qualifying Species: With regard to ground nesting birds and South Pennine Moors SPA species, the site surveys found potential for nesting by Lapwing. The Council's ecology advisor confirmed that although lapwings were not recorded breeding/nesting within the development area during the site surveys, they have been recorded in the same field as the proposed development and are confirmed on or close to the site in neighbour objections. The submitted Ecology Report draws the conclusion that that the proposal is unlikely to substantially influence productivity of nesting lapwing in the area and supports this assessment with additional supplemental information. The Council's ecologist accepts the findings that the development would reduce the potential

nesting area by 16%, the main likely impact of which will be the displacement of a low number of birds by pushing nesting towards other areas of the wider site which is not considered to be a significant ecological impact. Moreover, they advise that the proposed swale will provide a wetter, more insect diverse area of grassland, which may provide a feeding resource for lapwing chicks not currently available on the development site. The Council's ecology advisors therefore concur with the ecological assessment that the loss of the habitat to development is justified given the low numbers of ground nesting birds that would be displaced, the site's location and the availability of similar habitat in the immediate environment. Subject to works being undertaken outside the nesting period or with pre-clearance bird survey, it is considered that there will be no significant harm to Lapwings as a consequence.

On the basis of the lack of records for other South Pennine Moors SPA listed species on site, the site being outside the SSSI impact zone for residential development and poor quality foraging habitat it is accepted that impacts on other SPA bird species have been scoped out of further assessment.

Biodiversity Net Gain: The Council's ecology advisor accepts the findings of the Biodiversity Net Gain Report and Full Assessment Calculations using the DEFRA Biodiversity Metric, submitted in March 2022, and are satisfied that the applicant has been able to demonstrate a net gain in biodiversity that is in excess of 10%. This would be achieved principally through the proposed enhancement of areas of neutral grassland and scrub; and native tree planting totalling an area of approximately 0.9ha. It is recommended that a Landscape and Ecological Management Plan (LEMP) is secured through condition in order to secure the long-term management of the site in accordance with proposed mitigation/compensation/enhancement measures.

Having regard to the above assessment it is considered that, subject to the recommended conditions, the proposal would not result in any significant harm to protected species and would result in net gains for biodiversity such that it would satisfy the aims of Policy NE1. Accordingly, there are no material reasons to refuse this application on its ecological impacts.

Other Considerations:

Impact on ground conditions: Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks. A Geo-environmental Ground Investigation Report has been submitted that identifies no viable sources of pollution or ground contamination which is consistent with the undeveloped history of the site. Past coal mining activity has been assessed through a coal mining assessment that confirms that there is low risk of the site being affected by ground movement and/or risk of subsidence associated with historic nearby underground mining activity. Accordingly, the development is considered to be safe and acceptable in terms of ground conditions and contamination, and is in accordance with Local Plan Policy NE5.

Energy Performance and Efficiency: Policy SP5(1) requires developments to incorporate measures to minimise energy and water consumption and to seek opportunities for on-site energy supply from renewable and low carbon energy sources. There is no specific standard contained in Policy SP5. Since submission of the application the National Building Regulations have been amended and require a higher standard of building energy performance. The applicant intends to deliver homes that achieve a % betterment over the increased minimum standards laid down by the Buildings Regulations revised Part L 2022 using a combination of fabric improvements and renewable energy through the installation of photovoltaic (PV) solar panels to 4 units (10% of the dwellings). The % betterment includes a

7.82% average improvement an overall energy demand reduction; a 1.20% average improvement in carbon emissions reduction; and an average reduction of 1.08% in primary energy demand reduction. The development would therefore satisfy the requirements of Policy SP5 by creating an energy efficient development

Trees: A tree survey and Arboricultural Impact Assessment indicates there would be 4 no trees proposed to be removed. These trees are Category C trees which are rated as having low amenity. To compensate against these losses and to provide green streets and a verdant environment, there is a high level of new native tree planting proposed.

Education and GP Surgeries: Some neighbour objections refer to a strain on education and GP surgeries. The Schools Planning Team have confirmed that they would not assess the application for school places if the age was restricted through condition. There is no evidence that GP practices will have insufficient capacity for new patients. An objection to the proposed development on this basis could therefore not be sustained.

Conclusion:

The proposal seeks to develop a site that is allocated for housing in Burnley`s Local Plan which will make an important contribution to housing supply by catering for the needs of older people. The proposed scheme has been amended since first submitted such that it meets the high standard of design as required by the Local Plan. The scheme would also provide highly energy efficient homes and provide a degree of affordable housing with all properties designed to achieve Part M4(2) as accessible and adaptable homes. Issues relating to the impact of the development on residential amenity, traffic and highway safety; flood risk and drainage; ecology and biodiversity; and ground conditions have been assessed and can be adequately addressed by conditions. The applicant has also indicated their willingness to enter into legal agreements to secure the provision of additional or improved infrastructure need to support the development. Objections to the proposal have been considered and have been addressed in the report. 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.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into Legal Agreements to restrict the occupancy; secure contributions to public open space and to provide affordable housing.

Conditions and Reasons:

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

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.

1. The development hereby permitted shall not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved plans are as follows:

- HT-AB-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22
- HT-AR-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22

- HT-BB-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-BR-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-CB-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-CR-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-SG-01 (Proposed Single Garage Floor Plan and Elevations) received 22.09.22
- 21-01-SS01 C (Indicative Street Scenes and Sections) received 15.09.22
- 21-01-PO8 G (Proposed Site Layout Affordable Housing) received 16.08.22
- 21-01-PO7 G (Proposed Site Layout Photovoltaic Locations) received 16.08.22
- 21-01-PO6 D (Proposed Site Layout Public Open Space) received 16.08.22
- 21-01-PO5 G (Proposed Streetscenes/Cross Sections) received 16.08.22
- 21-01-PO4 G (Proposed Site Layout Refuse Management) received 16.08.22
- 21-01-PO3 G (Proposed Site Layout Materials at 1:500 Scale) received 16.08.22
- 21-01-PO2 G (Proposed Site Layout Boundary Treatments) received 16.08.22
- 21-01-PO1 G (Proposed Site Layout General Arrangements) received 16.08.22
- 20008/04/1 (Flood Exceedance Plan) received 02.08.22
- 6515.03 E (Landscape Proposal Sheet 3 of 3) received 12.04.22
- 6515.04 E (Landscape Proposal Sheet 2 of 3) received 12.04.22
- 6515.05 E (Landscape Proposal Sheet 1 of 3) received 12.04.22
- 6515.06 (Landscape Proposal Full Site Plan) received 03.10.22
- 6515.01 (Tree Survey and Root Protection Areas) received 10.06.21
- 20008/05/1 (Overland Flow Catchment Plan) received 28.09.22
- 20008/02/1 C (Drainage Feasibility) received 10.05.21

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

2. Prior to the commencement of development, details and representative samples of the external materials (stone, render and grey tiles) 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 details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

3. All planting, seeding or turfing comprised in the approved landscaping scheme (Drawing No. 6515.06) shall be carried out in the first planting and seeding seasons following the first occupation of the approved 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.

Reason: In order that the landscaping works are carried out at the appropriate stage of the development; and that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

4. The boundary treatment indicated on the approved plans (drawing number 21-01-P02 REV G) shall be carried out and completed prior to the completion of the development or the occupation of the first dwelling (whichever is the sooner). The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

5. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

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). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

6. Prior to the commencement of development, a Construction Environment Management (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall include a method statement including working practices to be adopted during clearance and excavation works to ensure no harm comes to species such as hedgehogs and badgers on the site. The CEMP shall also set out, as a minimum, site specific measures to control and monitor impacts on the immediate and wider environment with particular regard to Rowley Lake and Brun Valley Forest Park in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of minimising potential adverse impact on the environment and safeguarding wildlife during the construction period in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of development to ensure that the measures are implemented prior to any works taking place.

7. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:- a) description and evaluation of the features to be managed; b) ecological features and constraints that may influence management; c) aims and objectives of management; d) appropriate management options and prescriptions for management actions; e) a work schedule (including an annual work plan capable of being rolled forward over a five year period); f) details of the body or organisation responsible for implementation of the plan; and, g) on-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the biodiversity benefits of the landscaping scheme and biodiversity enhancements for the site are appropriately managed to ensure their long

term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

8. 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 are located on or close to boundaries and should be retained in the interests of the visual amenities, 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.

9. Prior to commencement of development, a detailed external lighting plan to minimise the intensity of lighting in wildlife sensitive areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
 - 24 Hour emergency contact number
 - Details of the parking of vehicles of site operatives and visitors
 - Details of loading and unloading of plant and materials
 - Arrangements for turning of vehicles within the site
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
 - Measures to protect vulnerable road users (pedestrians and cyclists)
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes
 - Measures to control the emission of dust and dirt during construction
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
 - Construction vehicle routing
 - Delivery and construction working hours
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison. All residents that could be affected by construction impacts should be consulted prior to submission of the CMP setting out the likely construction impacts and how they will be addressed and mitigated; communication should also continue during the works with neighbours being regularly updated on any major programmed works and changes due to unforeseen circumstances. The approved Construction Management

Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, and to minimise the risks of adverse impacts on factors such as air, land quality and noise and land pollution 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.

11. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including deliveries to and removal of plant, equipment, machinery and waste from the site must only be carried out only between 08:00 hours and 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 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 manage traffic and protect the amenities of local residents in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

12. 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).

13. The approved new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on site.

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

14. No part of the development hereby approved shall commence until a scheme for all highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 Agreement, under the Highways Act 1980. The scheme shall include new vehicle accesses and upgrading of both bus stops located on Brownside Road to the North East of the junction with Townfield Avenue to full EA compliant status. Thereafter the highway works shall be constructed and completed in accordance with the agreed scheme prior to first occupation of the development hereby permitted.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be constructed in accordance with the approved details and maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality 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.

16. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), 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 and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

18. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.

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).

19. 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 the approved plans. 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).

20. Due to the potential for noise being generated during the construction phase of the development, a Noise Assessment shall be submitted for written approval to the Local Planning Authority which details the levels of noise likely to be generated from the proposed development and use of plant on the site. This assessment shall be used to identify and determine appropriate noise mitigation measures (such as soundproofing)

required to protect the amenity of adjacent noise sensitive properties and shall include hours of working. The approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained throughout the period of construction.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts in accordance with Policy NE5 of Burnley's Plan.

21. The development hereby permitted shall be carried out in accordance with the principles set out within the flood risk and drainage impact assessment (Report No: 20129, Date: 25/03/2021) The measures shall be fully implemented prior to first occupation of any dwelling (of each phase) and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory drainage facilities in accordance with Policy CC5 of Burnley's Local Plan (July 2018).

22. The development hereby permitted shall not be commenced until a detailed, final surface water sustainable drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details shall include, as a minimum:

a) An investigation of the hierarchy of drainage options in the NPPG (or any subsequent amendment thereof) including evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

b) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

c) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i). Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary; ii). Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii). Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv). Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v). Finished Floor Levels in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL; vi). Details of proposals to collect and mitigate surface water runoff from the development boundary; and vii). Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

The development shall thereafter be carried out in strict accordance with the approved final surface water sustainable drainage strategy and maintained thereafter for the lifetime of the development.

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.

23. The development hereby permitted shall not be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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).

24. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

25. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The drainage scheme must include levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and incorporate mitigation measures to manage the risk of sewer surcharge where applicable. The approved scheme shall be

implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

26. The development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes to all 38 dwellings. None of the dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

27. The development shall be constructed to achieve a betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Energy Efficiency Statement (dated September 2021). A verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

28. Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for 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). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

29. No development shall be commenced until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. The identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: To minimise the risk of pollution to occupiers of nearby buildings, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).