

**Application Recommended for Delegation to  
approve subject to s106 Agreement**

**FUL/2022/0149**

**Coal Clough with Deer Play**

Hollins Cross Farm, Woodplumpton Road, Burnley

Town and Country Planning Act 1990

Full planning application for the erection of 200 no dwellings and associated works

Hollins Cross Farm, Woodplumpton Road, Burnley

Applicant: Prospect Homes

**Background:**

The application is before planning committee due to the number of objections that have been received (5no).

**Site location:**

The site is situated to the south of the town of Burnley and is bound by Burnley Golf Club to the west, Woodplumpton Road to the east, New Road/Glen View Road (the A646) to the north and Hollins Cross Farm to the south. The site extends to approximately 8.65ha, is roughly rectangular in shape, and is currently in use as arable and pastoral agricultural land. The site is immediately adjacent to existing dwellings which are situated south of the A646 and off Wilkie Avenue, with these houses and the wider area being characterised by two storey semi-detached residential buildings, with some detached dwellings and terraces.

The only current vehicular access routes to the site are agricultural, along a track off Wilkie Avenue to the north-west of the site, and via a field gate off Woodplumpton Road to the east. The gate off Woodplumpton Road also provides access to the only public right of way crossing the site; footpath reference '12-6-FP 13' which continues westwards, passing south of the Hollins Cross Farm buildings. (See the Fig 2 later in the report which shows all the immediate Public Rights of Way)

The application site lies on the edge of the built-up area of Rose Hill, within the ward of 'Coal Clough with Deer Play'.

The site slopes down at a consistent gradient with a total drop of 25m over the 420m from the south-western corner of the site to the north-eastern corner adjacent to the A646. The only area on the site where the existing site levels change significantly lies immediately west of Woodplumpton Road where the site drops down to meet road level.

An EIA Screening opinion was submitted in July 2021 which concluded that the proposed development of 200 homes on the site did not constitute EIA development.





Fig 4: Proposed Street Scene

The application proposes a gross density of 23 dwellings per hectare. The adopted approach to the layout is an avenue-type approach with linear areas of public open space situated to the north of the site and also bisecting the centre of the site to account for the required change in levels.

The site is broadly split into two halves, with the northern residential area at a lower level to relate to the existing dwellings on New Road / Glenn View Road, with a large area of landscaped Public Open Space covering the change in gradient towards the southern part of the site which is at a higher level.

The properties would include two, three and four bedroomed homes, with these ranging from 693 sq ft to 1563 sq ft, the majority being detached.

In addition to the above, all properties will benefit from designated private amenity space in the form of gardens. Parking is integrated into the layout with properties benefitting from driveways with some integral and detached garages.

The houses would be built using artificial stone and concrete roof tiles.

The proposal includes provision of 20 no affordable dwellings on the site, which equates to 10% of the homes to be delivered. These would be provided as a mixture of 2 and 3 bedrooms semi-detached mews dwellings. The affordable homes would be built indistinguishable in standards from the market cost housing.

The proposed public open space would be provided as three large areas located as follows:

- At the east of the site adjacent to Woodplumpton Road, incorporating pedestrian links and play area;
- Across the centre of the site, again incorporating pedestrian permeability;
- Around the attenuation basin at the north of the site and at the site entrance adjacent to New Road including play area, and usable space for residents.

Relevant Policies:

## **Development Plan**

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  
HS1/2 –Housing Allocations (Hollins Cross Farm)  
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

### **Material Considerations**

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) (Adopted December 2020)

The National Planning Policy Framework (2021)

Chartered Institution of Highways & Transportation ‘Planning for Walking’.

Institution of Highways and Transportation (IHT) document, “Guidelines for Providing for Journeys on Foot”,

‘Burnley Council’s Climate Change Strategy’ 2022-2026

### **Relevant Planning History:**

FUL/2022/0522 Formation of temporary access road off Woodplumpton Road to Hollins Cross Farms for duration of construction phase- ref FUL/2022/0149 Ongoing. This application was submitted in response to the early comments received from the Highways Authority. It is expected that this will be withdrawn if the application is approved, as the access to the farms will be dealt with by the conditions set out below.

Pre application advice was sought prior to the submission of this application.

### **Consultation Responses:**

**LCC Highways:** Initial response received 26<sup>th</sup> May 2022:

No objections raised however a number of concerns raised regarding the layout of the application, the parking allocation, and the access to the site. Advice was given in relation to how these can be addressed.

Ongoing discussions have resulted in a final scheme being submitted, to address matters raised. The following final comments have been received and are summarised below:

- Some of the garage plots are not shown as being built to standard 3m x 6m (approx. 20%) and these plots may not be provided with a clear 0.8m for pedestrian access.
- The submitted Phasing Plan is a concern as residents from the second phase will have to access the adopted highway via the unbuilt phases 3 and 4. (
- The general details of the site access showing a right turn lane and 2 pedestrian islands are acceptable and will need to be progressed as part of a section 278 agreement this will also include an alteration to the position of the change in speed limit.
- The general layout of the development is acceptable, it is noted that there are some junction tables and rumble strips. The exact details and frequency of these road traffic calming features and other pedestrian facilities such as lowered kerb with tactile paving tiles will need to be addressed as part of the detailed Section 38 agreement. A 20mph speed limit will be implemented as part of this agreement.
- There is requirement for a contribution for improvements to the signal junction at Glen View Road – Manchester Road (£70000) and a contribution to support improvements to the local bus services is required (£30000 bus stop improvements, £60000 service improvements).
- A charging point for electric vehicles shall be included with-in the development for every dwelling to promote sustainable modes of transport.
- The current farm access from Wilkie Avenue will need to have the kerb reinstated and the redundant access removed, and the area returned replanted as a grassed area.
- The plans provided are generally acceptable with some minor alterations to the housing plots to adhere to the parking standards, the discrepancies are on the larger plots where they will only become an issue if there are more than 2 cars at the dwelling.
- The construction management plan has been provided and is suitable.

Should the application be approved the following conditions and notes are likely to be requested to be included in the decision notice

- Garage cycle storage.
- Highway access works constructed prior to start of development.
- Completion of vehicular access.
- New road built to base course level.
- Wheel washing / mechanical road sweeping.
- Car Parking.
- Submission of details – adoptable streets.
- Reinstatement of redundant access.

**Local Lead Flood Authority:** Initial objection was received in relation to the application as more information was required to assess the surface water drainage on the site. Following the submission of this information, the objection was removed, and conditions were requested relating to surface water flooding management.

**United Utilities:** No comments have been received.

**Greater Manchester Ecology Unit (GMEU):** Initial comments were received which required some extra information summarized below:

- Biodiversity Net Gain (BNG) calculations
- How certain habitats will be enhanced/created as part of the development.
- The mitigation hierarchy
- Address the marshy grassland on the site as appearing to qualify as the Habitat of Principal Importance for the Conservation of Biodiversity in England; 'purple moor-grass and rush pastures' within the ecology report
- Pond survey work
- Some low number of Snipe and Lapwing have been recorded on the site (more details of the desk top data should be presented – only a written summary is presented in the PEA).
- Further consideration to (preferably) retain and enhance habitats for this species on site should be provided, or off-site provision for grassland habitats which are suitable for the priority breeding farmland birds should be sought.

Following the submission of further information, further comments have been received which are summarised below:

**Validity of Ecological Surveys:** The original preliminary ecological appraisal is dated 2019 with follow up surveys in 2020. Since then, the site has been subject to walkover surveys in 2021 and 2022 primarily related to botany and biodiversity net gain. Satisfied given the detailed surveys for bats, great crested newts, water vole and breeding birds found no significant issues in 2020 and the PEA found no constraints relating to other protected species and because the site has been revisited in 2021 and 2022 that this information can be utilised. Condition recommended for updated reports.

**Great Crested Newts:** Four ponds were identified within 500m of the site, of which one was on-site, one just off site in a garden and two over 200m from the development. Two of these ponds were subject to eDNA survey in 2020, one was dry and the other in the private garden inaccessible. eDNA results for the pond on-site and the pond just over 200m from the development to the east came back negative. The dry pond was over 250m from the development. Agree that the ornamental pond is very unlikely to be a breeding site for great crested newts based on size and only one other semi-natural pond being ecologically linked, the pond on-site just 30m from this pond, which proved negative for great crested newts. No further information or measures are required at this time but as noted above the risk should be reassessed prior to determination.

**Bats:** There are no structures on-site and all trees assessed as having negligible bat roosting potential. Transect and static detector surveys were also carried out, which have demonstrated that the site is not of importance for foraging or commuting, the highest levels of activity located along the eastern boundary. Given the eastern

boundary is partly retained and to be part of the POS, satisfied that the overall impact of the development is very unlikely to negatively impact on bats. No further information or measures are required.

Water Vole: Ditches on the site were surveyed for water vole. No evidence of this species was found. No reason to doubt the findings of the report. No further information is required at this time.

Other Protected Species: The preliminary ecological appraisal scoped out other potential protected species and there is no reason to doubt these findings. Species such as badger are however highly mobile, and it would be expected that the updated ecological appraisal should resurvey for this species. No further information or measures are however required at this time.

Nesting Birds: Breeding bird surveys were carried out. One farmland bird species was identified, skylark for which one pair was recorded. Other priority species on site identified as breeding or probably breeding were house sparrow, starling, reed bunting, bullfinch, dunnock and song thrush, all in low numbers. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition is recommended to address this.

Other Mammals and Priority Species: No evidence of other priority species such as brown hare, common toad or hedgehog was recorded, though no specific surveys were carried out. Whilst habitats on site are suitable, the risks are likely low, with brown hare capable of displacement, habitats on-site sub-optimal for hedgehog and no large waterbodies on-site or nearby, where common toad prefer to breed. Satisfied that subject to the findings of an updated PEA prior to earthworks, subject to a condition.

Invasive Species: No schedule 9-part 2 species such as Himalayan balsam have been recorded on the site. The updated PEA should include invasive species, given the ability of these species to colonise new areas.

A biodiversity net gain assessment has been provided that has calculated and approximate loss of 20 biodiversity units, this seems a low figure and further information is requested.

No habitat is shown as retained which does not appear to be totally true as boundary trees are shown as retained on the Arboricultural report. These however also do not appear to have been included in the BNG calculations. Whilst potentially neutral if retained, they may also be an opportunity for on-site enhancement.

There are however potential issues with the post development habitat creation:

- All habitats created have a target condition of fairly good or good. This is somewhat ambitious given the small areas involved and dual use as public open space, which is likely to result in trampling etc. Regard moderate to fairly good as more realistic (A very robust LEMP and monitoring is expected if good condition was agreed);
- The are creating two high distinctiveness waterbodies a lake and priority pond. Assuming these are hydrologically the same i.e. the priority pond being the permanently wet part of the temporary lake. Technically, as this is actually a SUDs

pond it should be treated as such in the metric under Urban. I.e., a low distinctiveness habitat, though would be open to accepting the permanent water as a non-priority pond if it demonstrated that this is additional storage capacity is beyond the needs of the urban drainage system;

- Given the majority of habitats lost are of medium distinctiveness, the modified grassland and gardens would not technically count as mitigation as lower value habitat than are being lost (though as not yet mandatory there is some room for compromises) and:
- No mitigation is provided for the loss of the drain a linear habitat.

Accept that significant net gain can be provided for the loss of hedge.

With regards species mitigation, it appears likely that this can be achieved on-site, given the only identified impact is loss of bird nesting habitat.

In terms of the farmland birds, only one pair of Skylark was identified. This is not a reason for refusal and as off-site compensation is required for loss primarily of farmland, could be achieved theoretically off-site.

All other priority species identified, could be mitigated for on-site and would likely benefit. In particular, house sparrow, starling and dunnock can do well in urban and suburban areas. Provision of nest boxes or bricks on the housing for the first two and dense shrub planting in gardens for the latter should suffice. With regards reed bunting there is the potential within the SUDs ponds to create suitable habitat for this species. In terms of enhancement the most obvious choice is bats given they were demonstrated to be present in low numbers, but that roosting habitat was absent. Inclusion of bat brick in houses adjacent to boundary feature could be provided.

Recommend conditioning a bird nesting and bat roosting plan as part of any permission

A final agreement of £384,600 off site contribution is sought to mitigate the loss of biodiversity units on site as a result of the development. This will achieve the overall units of 43.87, which would be a total biodiversity net gain of 10%.

**The Coal Authority:** The application site falls within the defined Development High Risk Area; records also indicate that a thick coal seam outcropped across the site.

The Coal Authority notes the submitted Geo-Environmental Investigation Report (dated September 2021) from REFA Ltd, the content of which confirms site investigations comprising of rotary boreholes. In terms of the results, the Report confirms that no shallow coalmine workings or coal was encountered, and that coal mining legacy does not pose a stability risk to the development.

The Coal Authority is satisfied that the issue of the potential for coal mining legacy affect the proposed development has been adequately investigated.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded



on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site'.

The Coal Authority considers that the content and conclusions of the information prepared by REFA Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

**Parish Council:** Comments have been received which are detailed below:

The Parish Council comments are:

- Transport - the applicant has completed a transport survey and suggested a new access out on to the A646 New Road, a road which already attracts heavy traffic, is fast moving and leads onto and into the residential area of Glen View Road. The plan to allow traffic to feed into the A646 from the right appears dangerous considering the above factors. The transport plan does not make it clear how the applicant will ensure the new homeowners will use non traffic means of transport and there does not appear to be any allowance for bus users.
- The design of the houses is out of keeping with the character of the parish and there seems to be no provisions for the elderly or disabled. The affordable housing aspect is the minimum the developer has to provide under the National Framework and should be encouraged to increase considering Burnley's need for more affordable housing.
- Re the community involvement statement, following the online consultation, the parish council invited the developer's representative to attend a parish council meeting to discuss the concerns, but this was not taken up, which was disappointing considering the impact of this development on the community and the parish council's role in speaking on behalf of the community.
- Although the developer has pledged to include two hectares of public open space for existing and new residents, it seems the actual area may be less than this, as the attenuation pond does not seem like a suitable feature for recreational use, nor do the other areas sown with grassland wildflowers; it is unclear how the recreational value of the areas to be sown and managed as amenity grassland will be maximised.

- We request that consideration is given to the provision and on-going maintenance of outdoor benches and children's play equipment (which needs to be fenced to prevent dog fouling)
- There needs to be more indication as to how the developer will bring in renewables, such as electric charging points.

### Ecological Impacts

The proposed development site is in a quiet, rural location not far from the moorland area of Crown Point and Dunnockshaw Reservoir. It is a valuable wildlife asset, which will mostly be transformed for house building, gardens, access roads and the construction of a large attenuation pond, the primary purpose of which is to deal with storm surface water. Despite the advice, findings and various recommendations in the Ecology/Biodiversity Net Gain reports, it is evident that only limited provision has been made to provide appropriate mitigation to address likely impacts on key aspects of the biodiversity associated with the site. The BNG assessment clearly demonstrates that the development will result in a large loss of habitat units (calculated as a 45% net loss), whereas the development is obligated to provide a net gain in biodiversity (see below), and further losses are expected when specific species of conservation importance are taken into account (as detailed below).

We consider that this is unacceptable and contrary to the National Planning Policy Framework (2021) and Burnley Borough Council Policy NE1 derived from this. Current guidance requires all development to demonstrate Biodiversity Net Gain. The National Planning Policy Framework (2021) refers to minimising impacts to biodiversity and providing enhancements in Paragraph 174 (planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity), and also in Paragraph 180 (which includes a number of principles that local authorities should apply when determining planning applications, including ensuring that "opportunities to improve biodiversity in and around developments ... be integrated as part of their design, especially where this can secure measurable net gains for biodiversity". The Environment Act (2021) requires that developments demonstrate they will achieve at least 10% Biodiversity Net Gain, as calculated by the Defra Biodiversity Metric.

Our view is that it is insufficient to say that discussions are underway with the Greater Manchester Ecology Unit in relation to appropriate off-site mitigation for this large loss of biodiversity units and appropriate financial compensation levels. Full consideration of biodiversity should be made available and open to scrutiny; it should form part of the planning application. We request that this information is made available before any planning decision is made.

### Specific concerns are set out below:

- The significance of the wettest low-lying part of the site and associated pockets of flushed ground/springs that feed into this (marked as marshy grassland in the Ecology Report) are not properly addressed. This is a locally important wetland feature; it supports a large population of common frogs and common toads, which use the pond for breeding and the adjacent rushy vegetation as a terrestrial habitat during the remainder of the year. This is not mentioned in the Ecology assessment. It is also an important location for over wintering snipe

(listed as a Bird of Conservation Concern), with up to 25 individuals having been sighted here during the winter (this would have been identified if winter bird surveys had been undertaken; records of wintering snipe were evidently provided to the Ecological consultants by LERN). The vegetation cover and structure in this areas also provides habitat for other species, including ground nesting birds and hunting long-eared owl, barn owl and kestrel.

- The plan appears to be to clear/excavate this entire low-lying wetland area to form a large attenuation pond, which will destroy the existing habitat and any amphibians present. We request that a sizable section of this area is left undisturbed to act as a refuge/source for re-colonisation of the attenuation pond, noting that the Ecology Report also recommends retaining as much of the existing habitat as possible and that existing areas of habitat to be enhanced should be fenced off during development. It is also advisable that a search is carried out before the wetland area is cleared to remove any adult amphibians to the refuge area; and that the area is not cleared during spring and summer period when in use by breeding and juvenile amphibians, which would be highly damaging.
- In addition, the Drainage & Levels Statement says that the proposed attenuation pond will be designed as a 'dry area' to offer possible amenity to the development with it only being utilised during rainfall events; and the landscape plans shows the central section is to be sown with EM8 Meadow seed for wetlands, which is a mixture suited to seasonally wet soils not periodically submerged conditions. Treating this area as 'dry feature' and allowing free-access will minimise its potential value for biodiversity. It also fails to appreciate that the water-table in this area generally remains high, as demonstrated by the rush-dominated vegetation that is currently supports. We request that the design of the treatment of this low-lying wetland area and the planned attenuation pond is considered further; it could easily be designed as a valuable feature to help offset the large loss of biodiversity units. To act as a valuable feature, we would like the plans revised recognising that this area should retain a reasonably high water-table, with areas of open water for amphibians to successfully breed in, a sizeable area of marshy vegetation (rather than grassland), adjacent terrestrial refuge for amphibians, small mammals, etc, and that secure metal railing is ensure that disturbance to wildlife and littering and dumping of garden waste are minimised.
- The main ditch supports a reasonably diverse invertebrate fauna and is partly flanked by semi-natural vegetation and native hedgerows. It should be treated as a locally important feature, which is retained with a 5 m wide buffer strip either side and developed for biodiversity, rather than simply being destroyed by burying it in an underground surface water sewer (the Drainage & Levels Statement states says that all surface water will be accommodated within oversized pipes). This is also advocated in the Ecology Report, which recommends that ditches and hedgerows on-site should be retained where possible to do so and that and that existing areas of habitat to be enhanced should be fenced off during development.
- The bird survey failed to identify breeding lapwing, which have successfully bred on the upper section of the site throughout 2018-2022. The whole site is also regularly used as a feeding area by long-eared owl, barn owl and kestrel,

which are known to breed in the area and use the fields for foraging throughout the year. The bird survey confirms that at least seven other bird that are listed in under the NERC Act (2011) as Species of Principal Importance for conservation will be impacted by the development, several of which are Red-listed on the latest list of Birds of Conservation Concern. The whole point of listing these species is that special attention should be given to their conservation, which is not apparent in the proposals that have been submitted. The Ecology Report recognises that the development will negatively impact on several bird species listed as being of conservation concern at the national level. There is some potential to provide for these species within the site – however, targeted measures are required off-site to provide effective enhancements for breeding lapwing, over-wintering snipe, and foraging long-ear owl and barn owl.

- The Biodiversity Net Gain calculation indicates there will be loss of 45% of habitat units, whereas it should be providing a net gain. We have tried to understand the BNG assessment and have has several queries. Foremost is that the assessment does not include a map of showing the status of the site after the development has been completed (post-intervention); this is a serious omission as it makes it impossible to tell if the calculations for habitat retention and creation are correct. We do not understand which sections of ditch are to be retained and enhanced (as far as we can make out, no ditches are to be retained), nor how they will be enhanced to achieve 'good' condition. Similarly, we do not understand where 0.27 km of new ditch will be created and how this will attain 'good' condition. Nor why the condition target for the attenuation pond is set as 'good', which again seems unrealistic, is not backed up by an adequate explanation, and given that this feature is primarily designed to store surface flood water and does not appear to have been designed to maximise its value for biodiversity (see discussed above). The BNG calculation also shows that the BNG Trading Rules have not been satisfied. We respectfully request that sufficient details are provided to properly assess the Biodiversity Net Gain assessment and associated calculations.
- The management needs of all areas of green space designed for biodiversity mitigation need to secured through a suitably detailed and funded ecological management plan, which also needs the input of a suitably informed ecologist, something that is lacking in the current landscape management plan. Without this plan, there is no assurance that the habitat target condition for the BNG assessment will be achieved.

**LCC Public Rights of Way Officer:** No comments have been received

**Electricity Northwest:** No comments have been received

**Cadent:** No comments have been received

**Burnley Borough Council Environmental Health:** No objection raised, a condition relating to a site-specific construction and Environmental Management Plan has been requested.

**Contaminated Land Officer:** No objection subject to a condition relating to contamination and mitigation/verification.

**LCC Schools Planning Team:** Initial objection was made to the scheme which would be withdrawn if the applicant met with the request to fund school places. The request was made for funding for 22 school places at £544,566.00, this was agreed with the agent.

Due to the timeframe from the initial request to the application being before planning committee, this was updated to £24,753 x 23 places = £569,319.00, this has been agreed with the agent.

**LCC Historic Environment Team (Archaeology):** Do not consider any further archaeological investigation or recording is justified on this site.

**Burnley Civic Trust:** Objects to the application, agreeing entirely with the comments of the Parish Council and agree entirely with their statements. Object to this application.

**Burnley Greenspaces and Amenities:** Initial comments were received which are summarised below:

- For this development, where there are going to be 200 houses, there should be at least 1.2 hectares (2.97 acres) of recreational public open space.
- The plan shows 3 large areas of Public Open Space amounting to 2 hectares across the housing development site. Although, there is sufficient POS contained within the application, it should be noted that the POS must be usable and of good value that can be used for informal recreational purposes.
- The attenuation basin takes up most of one of the large open space areas and as such will not be accessible for informal recreational purposes.
- The POS to the Woodplumpton Roadside of the development is split in two by the footpath. It would be good to see an area large enough to accommodate a small kickabout area for an informal game of football, etc. but this would be difficult the way the development is currently laid out.
- There should be 0.36 Ha/0.89 acres (3,600 m<sup>2</sup>) of equipped children's play space within the recreational POS.
- There is no provision provided at all within the proposal for any children's play facilities within the development.
- For a development of this magnitude and with a high percentage of these homes being filled by families with a wide range of different aged children, it is reasonable to expect that there should be a NEAP (to cater for 4 - 14 year old children) standard play facility provided in the middle of the housing site along with a LAP provided for younger children (Under 6's).
- 2NEAP's must have a minimum area of 1,000m<sup>2</sup> with at least 8 activities and can include additional facilities such as a ball court, skate park or gathering area.
- LAP's are at least 100m<sup>2</sup> in size with up to 3 activities provided for under 6's.
- So, for this site we would expect a NEAP play area with at least 8 activities as well as a small ball court for football, basketball, etc. In addition, there should be some provision for under 6's and a large, grassed area suitable for informal recreation and free play.
- The nearest play area sites (within 1km of the site) are Creswick Avenue and Rosehill Gardens with a small ball court located at Healey Heights but these

can only be accessed by crossing the busy Glen View Road and children living within the new housing development shouldn't be expected to travel to these sites as facilities should be provided within the new development.

- We would also ask that there are new footpath and cycle links into the new housing development site from Glen View Road and Wilkie Avenue.

Following further submissions, the following response was received:

- The POS which incorporates the land either side of the two LAPS (at the New Road and Woodplumpton Road ends of the development) and the water attenuation basin areas do not provide any recreational value at all as it is a mixture of SUDS, Amenity and Amenity Grassland areas and not turfed areas that could be used for informal recreation, for example an informal kickabout.
- The land to the right of the LAP at New Road should be turfed grass and a higher specification than what is currently proposed to allow informal recreation to take place close to the LAP (or as part of it).
- How much of the 1.79 hectares of POS is actually usable POS.
- The banking area between the two levels of the housing development is still being classed as POS but this provides no recreational use at all.
- Comments from the 18th August 2022 email remain pertinent
- Having looked at the plans again for the development, the amount of usable and good value POS is fairly minimal and ask that this is looked at again.
- The thin strip of POS is a sloped bank that connects the northern and southern plateaus and as such this will provide no use for informal recreation purposes leaving only the POS to the Woodplumpton Roadside of the development (which is again sloped and is proposed to have a mixture of wildflower areas and tree planting).
- The inclusion of 2 LAPS in the scheme is not adequate and will not provide the requisite formal play space that a development of this size should have which will cater for a wide range of young people.
- At least a fenced off LEAP standard play area is requested to be provided at the New Road entrance POS with the additional LAP on the Woodplumpton side of the development as proposed. There should be a grassed area ideally to the side of the LEAP for informal play.
- NEAP standard play area at this location previously to the value of £75,000. As such, the two play areas value should amount to this as well, with the majority of the money being attributed to the LEAP play area. We would want to see the specifications for both the LAP and the LEAP play areas and have the opportunity to advise on equipment, etc.
- There are no recreational facilities provided for older children and teenagers, e.g. a ball court, pump track, etc. and as such we would want an off-site contribution of £75,000 towards informal recreational provision at Scott Park which is the nearest District Park to the housing site.
- The banking that is identified as POS, there are two proposed cycle and footway access points between the northern and southern plateaus, but I noticed that these have three lots of steps (which implies it is a steep drop). These are not very accessible, particularly for cyclists and wheelchairs/prams, and we would ask that some provision is made to enable smoother wheeled access between the two plateaus.
- On the new plan, it looks like there is only one footpath now at the far end towards Wilkie Ave and the path still has steps. This is not very accessible for

cyclists, parents with strollers and wheelchairs, etc. It needs to be a smooth surface to allow greater accessibility between the two plateaus.

- Essentially, access has been reduced from 2 footpaths in the original plan to 1 footpath which is not accessible and thus not acceptable.

Following further amended plans and discussions, the new amended plans are agreed, and the requests have been incorporated. £75000 of site contribution is agreed for Scott Park and 1 LAP and 1 LEAP provided on site.

***Penny Bennet, Landscape Architect:*** Following the submission of a Landscape and Visual Assessment, the following comments have been received:

‘While I still disagree with the way some of the assessments have been arrived at, ultimately the appraisal is a means to an end in identifying where the adverse effects are and informing the landscape design process to achieve a satisfactory scheme which addresses these.

I am satisfied that in relation to footpaths 13 and 14 the landscape proposals would provide satisfactory mitigation incorporating native trees and hedgerows to the southern and western boundaries that would be appropriate in this edge of upland landscape.

The attenuation basin has been redesigned to become more multifunctional, increasing public access and will provide an effective landscape buffer between the main road and the core of the development.

In respect of Wilkie Avenue I accept that residents have no right to a view and that the loss of long views is unavoidable. The replacement of the proposed fence here with a native hedge is an improvement on the original scheme, although a more comprehensive enhancement scheme which addressed the overall layout would have been better’.

***Publicity:*** 5 no letters of objection have been received following statutory consultation for this application, they are summarised below:

- The property to be built adjacent to 61 Wilkie Avenue would be built too close to the boundary and would contradict Policy SP5 in terms of being loss of outlook, overshadowing and overbearing
- Drainage matters / flooding
- Prominent greenfield location which is in agricultural production
- This would result in unacceptable urban sprawl in an important part of the Pennine Upland Landscape
- Impact on wildlife habitat comprising natural grassland, wet ditches and ponds, together with wildflowers, grass and flora species.
- Breeding and foraging ground for upland birds,
- Local highway infrastructure would be overwhelmed.
- No access to public transport
- Wilkie Avenue is unsuitable for access and it can be difficult to find parking
- Question whether the plan meets the criteria for the Burnley Council Climate Change and Water Neutrality Strategy

## Planning and Environmental Considerations:

- **Principle of Proposal**

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

Policy SP2 sets out the Housing Requirement for the Borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites have been chosen through the local plan process to meet this requirement. The application site is one of the sites identified for housing, identified as HS1/2- Land at Hollins Cross Farm, and is identified as a Greenfield site.

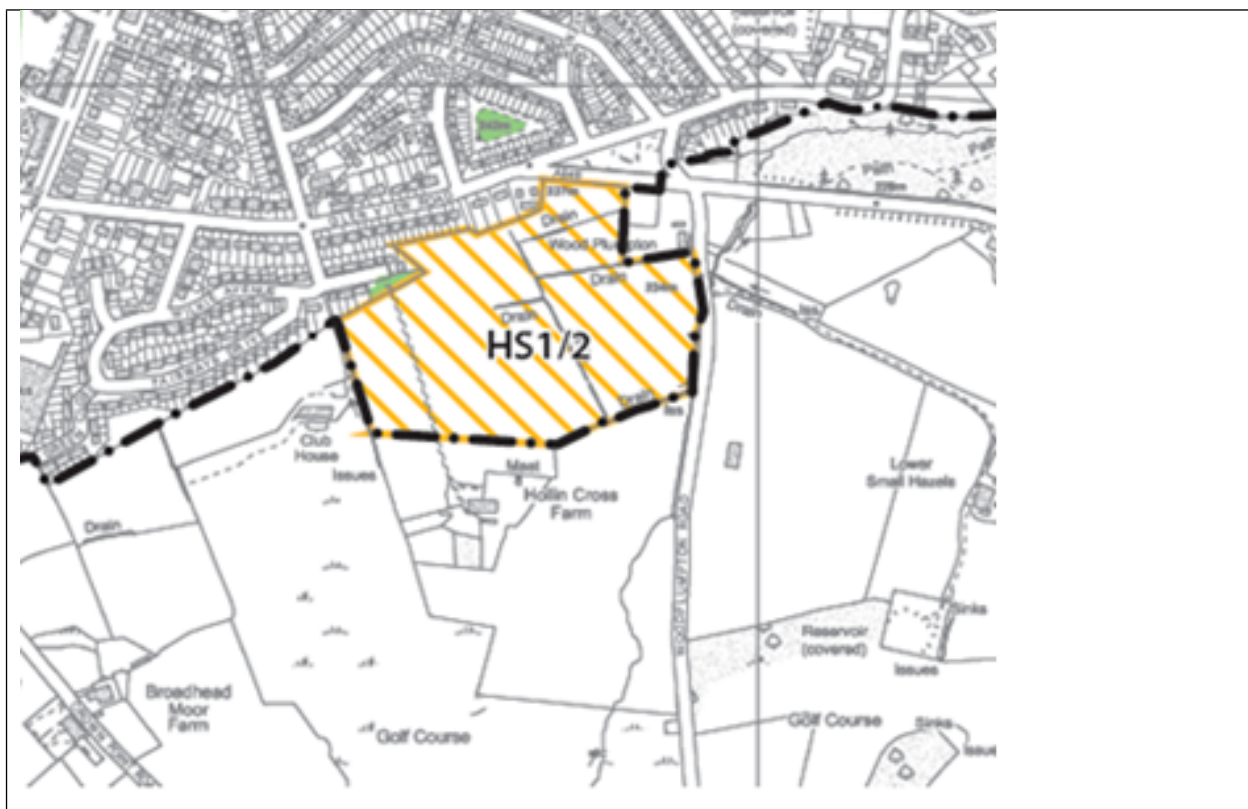


Fig 5: Extract from Burnley Local Plan showing the housing allocation HS1/1

Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the



site-specific requirements set out in HS1/2, together with the requirements of other policies elsewhere in the plan.

The principle of developing the site for residential purposes is therefore established through the Local Plan, taking into account the economic, social and environmental objectives of sustainable development.

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.

Policy HS1/2 states that the site is acceptable for around 184 dwellings.

<b>HS1/2 – Hollins Cross Farm</b>	
<b>Housing Delivery</b>	The site is acceptable for around 184 dwellings.
<b>Additional and Site Specific Policy Requirements and Design Principles</b>	
<ol style="list-style-type: none"> <li>1) A mix of dwelling types, including a minimum of 40% 4+ bedroomed detached and 30% 3+ bedroomed detached or semi-detached houses will be expected;</li> <li>2) Vehicular access should be from a single point onto New Road. Contributions may be sought for off-site highway improvement work in the vicinity;</li> <li>3) No vehicular access will be permitted from Woodplumpton Lane;</li> <li>4) Protected Species have been recorded on the site which also includes Priority Habitat (lowland fen). An ecological survey will be required to accompany any planning application which addresses these issues in accordance with Policy NE1;</li> <li>5) Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3; and</li> <li>6) The presence of known heritage assets (Medieval and earlier) within close proximity of the site would suggest some limited potential for unknown archaeology of local-regional significance and suitable provision will need to be made for archaeological desk based assessment and field evaluation consistent with Policy HE4; and any further investigation or recording works that may be necessary as a consequence of development.</li> </ol>	
<b>Supporting Information</b>	
<ol style="list-style-type: none"> <li>1) This is a prominent greenfield site in the open countryside. A scheme of high quality is expected in line with Policy SP5 and lower density detached housing preferred not only to increase/ provide quality and choice, but lower density development would provide greater opportunity for landscaping, planting and minimising impact.</li> <li>2) Lancashire County Council Highways has advised that access via Woodplumpton Lane would not be considered appropriate as there is no footway provision.</li> <li>3) Contributions may be sought for off-site highway improvement works in the vicinity, both to Glen View Road and for traffic management works to the A646 and Manchester Road signal junction as development is likely to have cumulative impacts on this junction.</li> </ol>	

Fig 6: Policy HS1/2 Burnley Local Plan

The requirements set out in the policy above are considered in the relevant sections of the following report.

In conclusion, officers consider, that the proposed development is acceptable in principle subject to the consideration of other relevant local and national planning policy which is discussed in more detail in the remainder of this report.

- **Landscape Character**

Policy NE3 of the adopted Burnley Local Plan states that the Council expects development to respect and where possible, enhance and restore landscape character as appropriate to their nature and scale and sets out a list of criteria which should be met. The policy also requires that a landscaping scheme is submitted which supports the criteria set out in the policy and includes new landscaping measures which will positively integrate the development into the landscape character of the area.

The site-specific Policy HS1/2 in the adopted Burnley Local Plan specifically states:

*‘Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact of the wider landscape. New planting on the site will need to accord with Policy NE3’.*

Paragraph 174 of the NPPF states that

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological values and soils (in a manner commensurate with their statutory status or identified quality in the development plan)’

Impact on landscape character:

On the submission of the planning application, it was agreed with the applicant that a Landscape and Visual Appraisal (LVA) should be submitted to be considered independently by a suitably qualified Landscape Architect. This enables the consideration of the impact the development would have on the landscape character of the site. The review was undertaken by ‘Penny Bennet Architects’ (PBA). She has considered it in relation to the ‘Guidelines for Landscape and Visual Assessment’ (GLVIA). This document states that LVA’s should *‘fully and transparently address both the positive and the negative effects of a scheme in a way that is accessible and reliable for all parties concerned’* and that those carrying out the appraisal should take an independent stance.

The initial LVA was considered, and it was found that some parts of the appraisal needed to be reassessed to address the issues which have been identified in the assessment, partly due to the standard methodology not being followed. As such, the applicant has carried out the additional PBA work and has addressed this. The updated LVA has been considered in full by PBA.

It is recognised that further work has been undertaken by the applicant’s landscape architects to improve the landscape proposals and enhancements. More appropriate planting and treatment to boundaries are now proposed along the southern boundary and the attenuation area has been redesigned to make it more useable as a public

space. The native tree and hedge planting along the western boundary now replaces the proposed fencing alongside the golf course, which is welcomed, as it softens the impact of the development on the landscape. Officers have noted that some of the planting to be incorporated into the submitted landscaping scheme does not include species which are hardy enough to survive on the hillside and as a result, it is considered necessary that a condition is attached to ensure that a final suitable scheme, in line with the submitted in relation to quality. This will ensure the longevity and survival of the plants and trees planted.

Some of the proposed hedgerow along the properties between plots 56 and 49 will be within residential gardens which is not ideal as residents could opt to remove this planting and replace it with a solid fence. As such, the Permitted Development rights in relation to fencing in gardens is removed using a planning condition for these dwelling units. This in turn removes the pressure of these hedgerows being removed by residents as they will be required to maintain screening.

A condition is also included to ensure that the landscaping will be implemented within the first planting season following the occupation of the development for each phase of the development and retained as such. Any dead, dying or diseased planting will be replaced accordingly. There is also a provision within the S106 for an open space management and maintenance company to be put into place which will ensure that the landscaping in public areas across the site will be retained and looked after. The quality of landscaping within the scheme on the whole is considered to be to a good standard and welcomed by officers. The impact on the landscape reduced significantly as a result of this negotiated quality landscaping.

Archaeological recording on the site:

Burnley Local Plan Policy HE4 relates to archaeological assets and their consideration in developments. The site-specific Policy HS1/2 in the Burnley local plan states:

*‘The presence of known heritage assets (Medieval and earlier) within close proximity of the site would suggest some limited potential for unknown archaeology of local – regional significance and suitable provision will need to be made for archaeological desk-based assessment and field evaluation consistent with Policy HE4, and any further investigation or recording works that maybe necessary as a consequence of development’.*

The applicant submitted a desk-based study with the application for consideration, as was required. This has been considered in turn by officers and the LCC Archaeology Service and they have confirmed that after researching the site and the submitted information, they are not convinced that the cropmarks identified within the site boundary indicate early activity or settlement, but instead consider that they are more probably related to 19th or 20th century farming and represent former field boundaries and/or drains. In turn therefore, they do not require a phased scheme of archaeological investigation to be submitted.

They go on to state that in a pre app response, it was suggested that some recording of the field boundaries may be appropriate. However, on further consideration, they do not appear to be of particular significance.

We would however agree with the suggestion in the archaeological assessment that thought should be given to retaining some or all of the pattern of historic field boundaries within the development layout and thus provide some historical continuity for the new residents. However, on reflection, it has not been possible to do this due to the restraints of the site and the layout of the development that is required.

The Lancashire Archaeology Service conclude that: *'In conclusion, we do not consider that any further archaeological investigation or recording is justified on this site'*.

Therefore, on the advice of the consultee, officers are satisfied that there would not be a significantly detrimental impact on archaeological assets because of this development and there is no requirement for archaeological recording prior to commencement of development. It is therefore considered that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

In conclusion, officers consider that the development proposals respect the landscape and, with the quality landscaping scheme, meets the requirements of Policies NE3 and Policy HS1/1 of the Local Plan and the provisions of the NPPF in this regard. As such with the inclusion of the relevant conditions, the proposal is considered acceptable and in accordance with the relevant local and national planning policy.

- **Design, Layout and Scale**

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. Paragraph 126 of the NPPF states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'*. As such design is a key consideration in any planning application.

Policy HS1/2 states that *'This is a prominent greenfield site in the open countryside. A scheme of high quality is expected in line with Policy SP5 and lower density detached housing preferred not only to increase/provide quality and choice, but lower density development would provide greater opportunity for landscaping, planting and minimising impact'*.

Objections have been received to the proposal in relation to the design of the houses not fitting in with the local area.

The application was initially submitted with the inclusion of facing brick being the main material across the site. However, following consideration of this, officers have advised that a more suitable material would be stone across the site and also that the roofs should be changed to be pitched roofs. This has been agreed with the applicant. Although real, natural stone would be the preferred material, it is recognised that this would be extremely expensive, and as such it is agreed that a good quality Artstone

can be used, with small sections of render. It has been stressed to the developer that high quality Artstone is required as this is key to its acceptability in this development. As such a suitable condition is included to ensure that this material is agreed prior to its use in the development. Some render elements will be included (although not on northern elevations where modern render products will weather poorly), and the houses will also benefit from the detail of cills and lintels also in Artstone.

There are also changes to the porch designs, replacing the flat porches which extend over adjacent windows with pitched porches and alterations to window and garage designs. This amended detail is welcomed by officers. Below is an example illustration of some of the 3 and 4 bedroomed detached house types. The dwellings are considered by officers to be a modern interpretation of the local style which, when built in quality Artstone will be able to integrate better into the landscape than brick equivalent. The roof shapes have also been changed from hipped roofs, which are more traditional to Burnley. The use of cills and lintels on well-proportioned windows is also welcomed by officers. A suitably worded condition will be used to ensure samples and details of the external facing materials, roofs, windows, boundary treatments and rainwater goods will be agreed prior to them being used in the development.



Fig 7: Examples of typical houses proposed

The site is split at approximately 30/70% to the north and south of the open space area in the middle. This will allow for the land changes to be less intensive for the users for the development, and additional paths/steps have been incorporated into the design, to ensure that the accessibility is improved. Two play areas, one LAP and one LEAP, have been provided for younger children; one towards the entrance of the site, with useable open space surrounding the drainage pond feature to benefit the residents in this area of the development and one to the east of the site with access to and from Woodplumpton Road. Both areas benefit from surveillance from the surrounding houses and detail is provided for the LEAP/LAP, with a condition for detail of the equipment for the other, which will be agreed with the Council's Green Spaces and Amenity Manager when the condition is discharged. Conditions are also control the timing of availability of these areas and the standard to which they are constructed. They will be managed as part of the Management and Maintenance Plan for Open Space secured through the s106.

Pedestrian permeability is provided via the access to the site to the north on Glen View Road and to the east onto Woodplumpton Road. Unfortunately, although there is

an area of land at the end of Wilkie Avenue which would make an ideal link to the northwest of the site, this has not been achievable due to ownership of this area of land; it not in the control of the developer to create an access to the site at this point.

A letter was received from a resident of Wilkie Avenue in relation to the proximity of the proposed dwelling boundary of his property. Officers have negotiated with the developer to move the proposed property away from the boundary to reduce the impact in terms of proximity to the boundary. This is shown on the current Site Layout.

Housing density and mix:

Policy HS3 of the Burnley Local Plan provides generic policy in relation to housing mix across Burnley. However, as this site is an allocated housing site there is site specific policy which relates to this development. Policy HS1/2 states that a mix of dwelling types, including a minimum of 40% 4+ bedroomed detached and 30% 3+ bedrooms detached, or semi-detached houses will be expected.

The proposed number of four plus-bed detached properties equates to 50% of the proposal, which is in excess of the 'minimum of 40%' required by Policy HS1/2.

In terms of three plus bedroom detached and semi-detached properties (which is interpreted as three bedrooms given the wording of the policy), the four house types which meet this criteria are the Overton (detached), Croston (detached), Barton (semi-detached or Mews), and Aughton (semi-detached or Mews). In total these house types make up 35% of the development, which is also in excess of the minimum 30% sought by Policy HS1/2.

Officers are therefore satisfied that this policy in relation to housing mix is met and superseded in terms of the provision on the site. This weighs in favour of the development in the planning balance.

Adaptable homes:

Policy HS4 of the Burnley Local Plan requires that 20% of dwellings should be designed to be adaptable to support the changing needs of occupiers over their lifetime, including people with disability complying with the operational technical standards of Part M4 (2) of the Building Regulations 2010.

The applicant has demonstrated that 65.5% (131 units) of the properties are adaptable Part M4 (2)

As such officers are satisfied that the provision of 65.5% of the homes to adaptable standards is over that required by the policy, this weighs in favour in the planning balance and is welcomed by officers.

Carbon reduction:

Policy SP5 states that the Council will seek high standards of design, construction and sustainability in all types of development and highlights standards that should be met. For a residential development such as this points a and c are relevant. The following standards are expected to be met in relation to Energy Efficiency:

- a) Incorporate measures to minimise energy and water consumption
- b) Seek opportunities for on site energy supply from renewable and low energy sources, and

The applicant has confirmed that the site will be constructed under the new Approved Document L (2021). These new regulations have imposed four separate compliance metrics that need to be demonstrated in the SAP calculations methodology to show compliance, these metrics are as follows:

- Dwelling Emission Rate (DER/TER)
- Dwelling Primary Energy Rate (DPER/TPER)
- Dwelling Fabric Energy Efficiency (DFEE/TFEE)
- Limiting Fabric U-values.

The new Dwelling Emission rate (DER/TER) is equal to a 31% reduction over Part L 2013 and SAP 2012.

They have also confirmed that upgrades will be made in order of the Governments Energy Hierarchy, following the principals of 'Be Lean, Be Clean, Be Green'.

To summarise, methods to reduce Carbon Emissions up to 2025 (interim period) include:

- Review of the proposed space and hot water heating system;
- Waste Water Heat Recovery;
- Solar Panels;
- Fabric Energy Efficiency upgrades;
- Vehicle Charging Points (meeting the standards required by LCC Highways);

The above methods will result in 31% emission reduction

Subject to build rate, the applicant expects that circa 50 dwellings will be built with the aforementioned energy improvements.

Beyond 2025, methods to reduce Carbon Emissions for the remaining 150 dwellings will include all of the above features, and in addition, gas boilers will be replaced with air source heat pumps – This will result in a 70% emission reduction.

For members information, in relation specifically to solar panel provision, the following information has been provided:

The panel provision per house type is listed below.

Panels Required	
Aughton	5 & 3
Cleveley	7 & 6
Croston	6 & 6
Whalley Gabled	10 & 8
Whalley Hipped	10 & 8
Sawley	8 & 7

The panel sizes are 1600mm by 900mm. They can be installed either landscape or portrait in order to maximise the roof area. The product is lightweight, offers fire protection, whilst giving the best wind uplift performance. The integrated system is totally maintenance free and very simple to install.

The product itself can be recycled and has a working life span of 25 years plus. In addition for or every panel installed, the Marley Group (proposed supplier) plants one tree.

The applicant has therefore demonstrated significant carbon reduction measures within the development, and these are welcomed by officers.

Officers are therefore satisfied that the development is acceptable and in accordance with the relevant local planning policy in this regard.

In conclusion, officers consider that the development proposals provide a high quality, lower density development which includes a provision of more 3 and 4 bed houses and adaptable homes than is required by the relevant planning policy and includes excellent carbon reduction measures which are welcomed by officers. As such with the inclusion of the relevant conditions, the proposal is considered acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Traffic and Highway Safety**

The NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport. Policy IC1 of the adopted Burnley Local Plan states that development scheme should promote sustainable travel, provide a safe and convenient access and provide/contribute to off and on-site infrastructure where necessary to ensure the development does not materially add to highway safety concerns or reduce the efficient use of the highway network. Policy IC2 of the same plan requires this level of development to be accompanied by a Transport Assessment (as it has been), and Policy IC3 relates to car parking standards within new developments specifically.

Objections have been received to the scheme following public consultation in relation to traffic and highway safety and other highway matters (summarised above in the consultation section of the report). No objections have been received from the statutory consultee.

- Access into the development:

Vehicular access into the site will be provided for in the form a new priority-controlled junction off the A646 New Road. The proposed vehicular access into site will incorporate a formal right-turn lane on the A646 New Road. This necessitates the slight widening the A646 Road into the site frontage but does not require the acquisition of third-party land to implement, as all additional land is within the existing limits of adopted highway or the application boundary. These works can be carried out as part of a s278 agreement with the Highways Authority.



As part of the vehicular access arrangements, it is proposed that the existing 40mph speed limit be replaced with a 30mph speed limit, which will be introduced around 90 metres from the eastern boundary of the application site. This will be achieved by the creation of the access to the site as part of the s278 works. The highways officer has confirmed it can be achieved.

The following measures have also been incorporated into the design and will be implemented through a s278 Agreement with the Highways Authority:

- Pedestrian islands with associated dropped kerbs and tactile paving located on the A646 New Road.
- Tactile paving at the following adjacent junctions;
  - A646 New Road/Glen View Road;
  - A646 New Road/Woodplumpton Road (n)
- Advanced warning signage on the Glen View Road arm of the A646 New Road/Glen View junction.

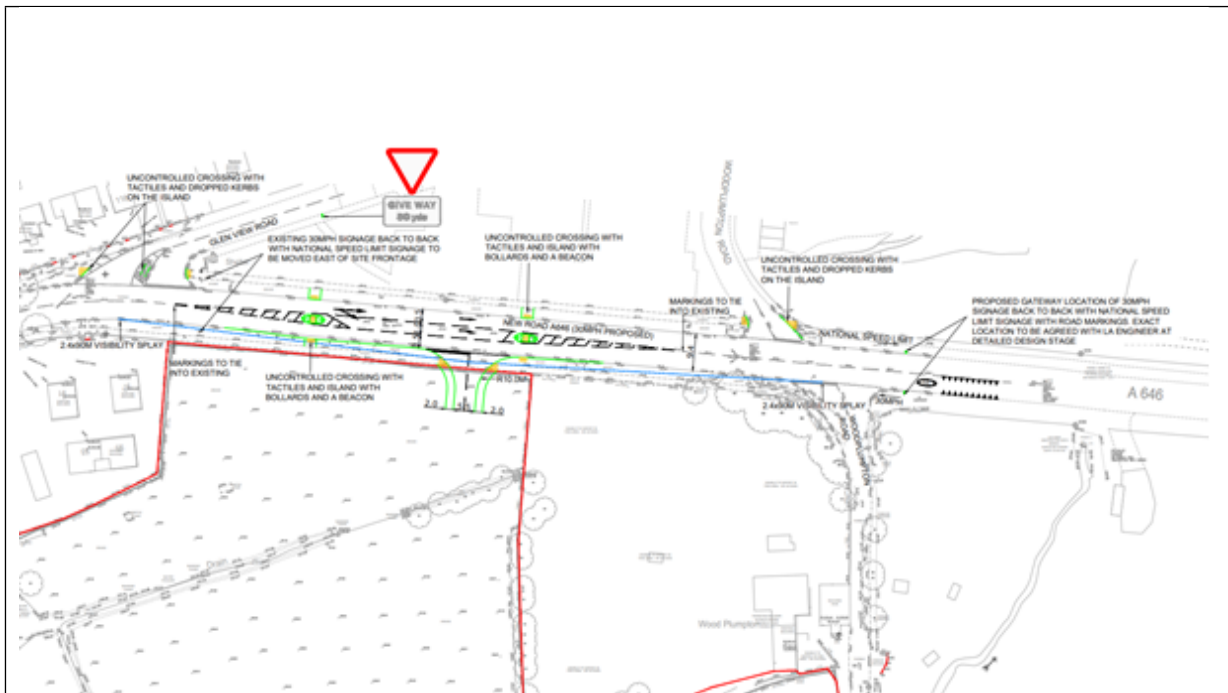


Fig 8: Proposed Access Plan which will be secured as part of a S278 Agreement with Lancashire County Council as Highway Authority

The Highways Authority have considered the detail provided in relation to the access and have no objections. Conditions are also included which relate to the timing of these highways works.

With the agreement in relation to the required of the S278 works, the conditions relating to the access to the site, and no objection from the statutory consultee, officers are satisfied that the access to the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

- Accessibility of the site

Walking:

Pedestrian footways with widths of at least 2 metres are located on either side of the A646 New Road carriageway along the frontage of the site. The footway located on the northern side of the carriageway is provided for its entirety. Whilst the southern footway ends at the A646 New Road/Woodplumpton Road junction, approximately 70 metres east of the application site. Pedestrian and cycle access into the site will be afforded via the proposed vehicular access point off the A646 New Road which will link with the existing and proposed pedestrian infrastructure located within the vicinity of the site. The internal layout of the site has been designed to provide linkages between the site and the existing footway and footpath infrastructure.

To enhance safe pedestrian movement in the vicinity of the application site it is proposed to provide pedestrian refuges with associated dropped kerbs and tactile paving on the A646 New Road on either side of the proposed site access junction. In addition, tactile paving is proposed at the A646 New Road/Glen View Road and A646 New Road/Woodplumpton Road (North) junctions.

The Chartered Institution of Highways & Transportation (CIHT) document 'Planning for Walking' from 2015 states, in paragraph 2.1, that in 2012 that 79% of all journeys made in the UK of less than a mile (1.6 kilometres) are carried out on foot. Within the Institution of Highways and Transportation (IHT) document, "Guidelines for Providing for Journeys on Foot", Table 2.2 suggests distances for desirable, acceptable and preferred maximum walks to 'town centres', 'commuting/schools' and 'elsewhere'. The 'preferred maximum' distances are shown below in the figure below:

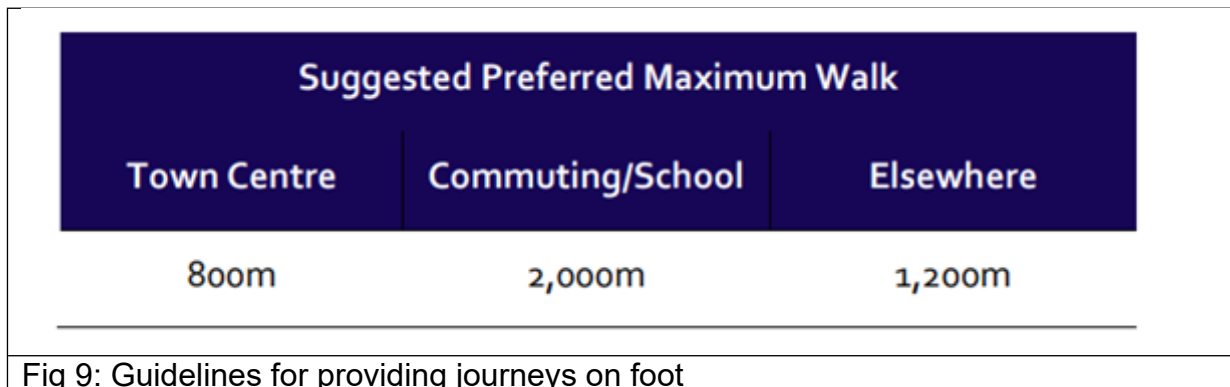


Fig 9: Guidelines for providing journeys on foot

The applicant has demonstrated that a pedestrian catchment of 2km of the centre of the site allows good access to areas shown on fig X below. In addition to this they have provided a review of the proximity of local facilities such as local shops/retail outlets and leisure facilities which are also shown on this plan.

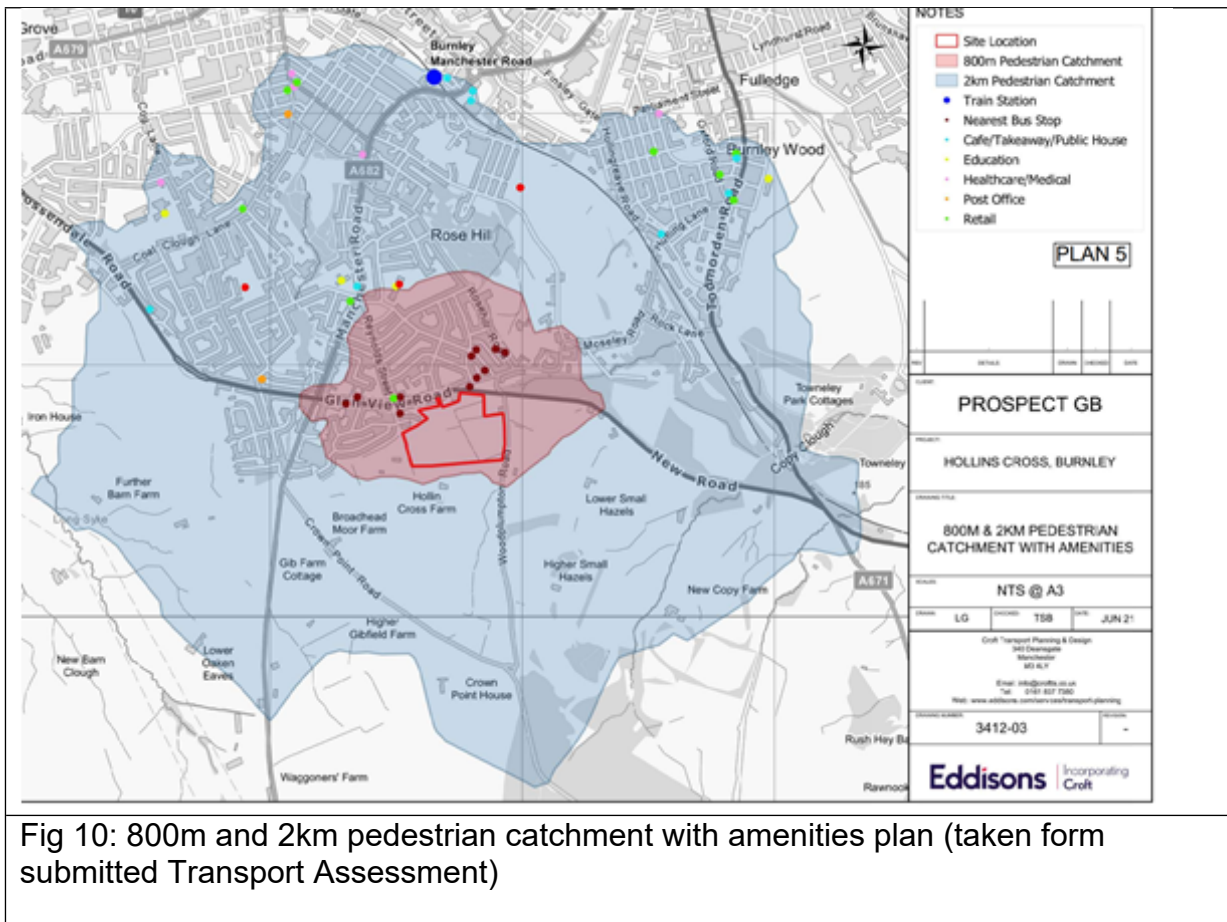


Fig 10: 800m and 2km pedestrian catchment with amenities plan (taken from submitted Transport Assessment)

The 800 metre and 2,000-metre pedestrian catchment illustrates that the majority of Burnley can be accessed, such as, Burnley Golf Club, Creswick Playground and Park, Londis, Rose Hill Post Office, The Pendle Grill, Rosewood Primary School, Rose and Crown, Christ the King Roam Catholic Primary School, Scoot Park, Burnley Group Practice and Hameldon Community College.

Officers are therefore satisfied that the site is accessible by foot to the main local facilities.

#### Cycling:

It highlights that a distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass the large areas of Burnley including the town centre as well as surrounding areas of Hapton, Worsthorne and Padiham.

To the east they provide access to the National Route Cycle Route 68, this route runs through Townley Park as well as providing access into Burnley town centre and connect with National Cycle Route 604. National Route 604 is partially completed and open between Rose Grove and Burnley centre. When completed it will connect Church near Oswaldtwistle with Burnley via Clayton-Le-Moors.

Officers therefore agree that the site can therefore be considered as being accessible by cycle

## Bus:

The Transport Statement considers accessibility of the site by bus. The nearest bus stops to the site are located on Glen View Road and Moorland Road which are located approximately 400 metres north of the centre of the application site. They provide 2 peak hour services throughout the day to destinations such as around Burnley, including the town centre, which is likely to be the main destination of future residents of the development.

The Highways Authority has considered the accessibility of the site in terms of bus services and have considered that a contribution of £90,000 is requested for the bus services to be split as a £30,000 payment for stop improvements and £60,000 for an enhanced am and pm peak provision over a 5-year period. These sums can be provided as part of a Section 106 agreement and have been agreed with the agent.

With the inclusion of this provision in the s106 agreement, officers consider that the site is accessible by bus and that the existing bus provision will be improved as a result of this contribution.

## Rail:

The most accessible train station to the site is Burnley Manchester Road. Although this station is located outside of the 2 kilometre walking distance, it can be accessed by via the No. 15 Bus service which is a 6 minute journey. The rail station offers approximately 4 services an hour to destinations such as Manchester Victoria, Leeds, Blackburn, York, Colne and Preston.

Officers agree that the proposed development site is accessible by rail

In conclusion, it is considered the site is accessible by non-car modes and will cater for needs of the development's residents and assist in promoting a choice of travel modes other than the private car in line with the relevant local and national planning policy in this regard.

- Travel Plan:

For proposals over 80 units, the Burnley Local plan requires a Travel Plan to be submitted for consideration. These are the key management tools for implementing any transport solutions highlighted by the Transport Statement submitted in support of the planning application. They are also one of the key tools for mitigating negative transport impacts of development proposals.

A Framework Travel Plan has been included by the applicant which has been considered in detail by the Highways Authority. The objective of the Travel Plan is the delivery of the objectives of National Planning Policy, i.e. to encourage residents and employees/visitors of the local centre/extra care facility to travel by non-car modes of travel. The Travel Plan outlines physical and management measures that are designed to achieve this objective.

The effectiveness of Travel Plans in assisting the use of non-car modes for journeys is accepted to be intrinsically linked to the accessibility of a given site by means other than the private car. As the proposed development has been demonstrated to benefit

from good non-car accessibility it should therefore be expected that the adoption of a Travel Plan would be effective.

The aim of the travel plan is set out below:

To encourage residents and visitors to use alternatives to the private car;

- To increase the awareness of the advantages and potential for travel by more environmentally friendly modes; and
- To introduce a package of management measures that will facilitate travel by modes of transport other than the private car.

The following Travel Plan measures will be implemented:

- i) Appointment of Travel Plan Co-ordinator
- ii) Resident's Travel Pack
- iii) Travel Awareness and Information
- iv) Promotion of Lift Share Scheme
- v) Encouraging Walking/Cycling
- vi) Encouraging Home Working and Delivery Services
- vii) Encouraging Travel by Public Transport
- viii) Marketing and Promotion

The Highway Authority have considered the details and have no objection to the Travel Plan as submitted. This will be included under condition 2 to ensure that the Travel Plan is an adopted document and is adhered to in full. With the inclusion of this condition, it is considered that the development is acceptable and in accordance with the relevant local and national planning policy in the regard.

- Road capacity:

Full assessments in agreement with the Highway Authority have been undertaken in relation to the road capacity and traffic flows to and from the proposed development. It is accepted that there are issues in relation to the traffic signals close to the site and that the road suffers as a result of the poor signalling junction. Objections have been received to the application on this basis.

It is stated within the Transport Statement that, in summary, the capacity assessment undertaken as part of this traffic impact analysis has demonstrated the following:

- *The proposed access junctions off the A646 New Road have been designed to accord with highway design standards and will have sufficient capacity to accommodate the proposed development traffic.*
- *The A646 New Road/A671 Todmorden Road/A646 Bacup Road signal controlled junction will be able to accommodate the traffic likely to be generated by the proposed development.*
- *The proposed development will have a minimal impact on the A682 Manchester Road/A646 Rossendale Road/A674 Glen View Road signal-controlled junction based on the existing signal staging. In addition, a potential mitigation scheme can be provided at the junction which will further reduce the impact of the proposed development on the junction.*

The applicant's highways consultant therefore concludes that:

*'It is therefore concluded that the development proposals will result in a minimal impact and can be accommodated on the local highway network'.*

The Highway Authority have considered the impact of the development on traffic flows and agree that the traffic signals at the top of Manchester Road with Glen View Road need to be upgraded. The existing controller on the signals has not got the capacity to accept any more modern additions.

The applicant has agreed that a sum of £70,000 will be provided through the S106 for these works. Monies have also been requested from Barratt's, Seddon's and Barnfield's developments which are all off Rossendale Road to contribute to this. The monies pooled will be enough to effectively remove these old signals and reconfigure new signals with pedestrian phases and updated timings. The Barratts scheme has also paid to improve two bus stops at this junction.

It is expected that the improvements to the signalling of this junction will have a significant impact on improving traffic flows in the area and will provide a much better travelling experiences in terms of congestion. This is welcomed by officers at the Council and the Highway Authority alike.

With the inclusion of these s278 works and the contribution towards the signal works, officers consider the development is in accordance with the relevant local and national planning policy in this regard, with significant improvements resulting to traffic flows in the area.

- Parking

Policy IC3 requires that car parking is provided in accordance with the standard maximum and minimums set out at Appendix 9 of the Burnley Local Plan. All House types proposed meet the standard, being within the minimum and maximums set out within policy, as detailed below

- Two-bed homes: 2 spaces
- Three-bed homes: 2 spaces
- Four-bed homes: 3 spaces including a single garage.

The Highway Authority have confirmed that parking is provided in line with the relevant policy in the local plan they have also requested that the Permitted Development Rights be removed in relation to the garages, this way they are retained for parking spaces for the duration of the development. Should someone for example was to convert their garage, they wouldn't be able to without a planning application. This condition has been added.

As such it is agreed that the proposal meets the requirements of Policy IC3 in relation to car parking provision and is considered acceptable.

- Electric vehicles/cycle provision

Policy IC3 requires that charging facilities for electric vehicles are provided where possible. A condition is included to ensure that each house unit has this provision

incorporated. A further condition is also included to ensure cycle provision is made in the development.

As such it is agreed that the proposal meets the requirements of Policy IC3 in relation to electric vehicle charging provision and this is considered acceptable.

Total S106 agreement requirements in relation to traffic and highways:

- A contribution £60,000 for an enhanced am and pm peak bus service provision over a 5-year period
- A contribution of £70000 for traffic signal improvements Manchester Road with Glen View Road

These have been agreed with the applicant.

S278 agreement requirements in relation to traffic and highways:

- The new access construction
- Bus stop improvements to a total of approximately £30000 cost to the developer.

It is noted by officers that the works to the traffic signals and the bus service in the vicinity are positive and will have a significant impact on both car and bus travel and traffic flows in the immediate area, benefitting local residents from these improvements.

Officers consider that the development is acceptable and, with the inclusion of the contributions to bus services via a s106 agreement, the S278 agreement (including the access works, and improvements to bus stops and signalling), the conditions noted at the end of the report, and in the absence of an objection from the statutory consultee, it is in accordance with the relevant local and national planning policy in this regard.

- **Affordable housing**

Policy HS2 of the adopted Burnley Local Plan sets out the Council's approach to affordable housing within development as set out below:

- 1) The Council will work with public and private sector partners to seek to ensure that there is a sufficient supply of good quality affordable housing, particularly in the areas of highest need by:
  - a) Supporting and facilitating the acquisition and adaptation of existing housing by registered providers;
  - b) Working proactively with registered providers to identify sites and deliver schemes to provide affordable housing; and
  - c) Requiring the provision of affordable housing through all housing developments of over 10 units, unless the applicant can demonstrate that a site, which would otherwise be supported by the policies in the Plan and meets the requirements of Policies SP4 and SP5, would not be viable with affordable housing provision on-site or off-site by way of a contribution.
- 2) The exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to individual site and market conditions.
- 3) Any affordable housing required should be provided:
  - i) on-site where this can be achieved without compromising other important policy considerations<sup>42</sup> or viability; or
  - ii) off-site where on-site provision has been satisfactorily demonstrated not to be justified under i) and where it can be demonstrated that the contribution would facilitate the delivery of affordable housing of an appropriate type at a suitable policy-compliant site.
- 4) All new affordable housing should be designed to minimise indications of its tenure in order to facilitate inclusive communities.
- 5) Where affordable housing is being delivered, the Council will seek to ensure an appropriate tenure mix using the following percentages as a guide (and sizes and types as set out in Policy HS3).
  - Affordable Rent or Social Rent: 80%
  - Intermediate tenure: 20%

Fig 10: Policy HS2 Affordable Housing

The Council's adopted 'Developer Contributions' Supplementary Planning Document sets out the requirements for the different types of housing sites in terms of affordable housing provision. This site has a requirement for 5% affordable housing provision.

The developer is however providing 10% affordable across the site; 11 x 3 bed houses and 9 x 2 bed houses are proposed to be affordable. As such this provision is in excess of the policy requirement.

The amended Site Plan, which would be conditioned as part of the planning approval, shows the location of the proposed affordable housing. All affordable housing is required to be built to the same standard as market housing. This is to ensure that the affordable housing is incorporated into the development seamlessly, without it 'standing out' or appearing a different type of accommodation/built to a lesser standard.

Amendments have been made in relation to the site layout to ensure there is a footpath serving the affordable homes, as these are likely to have small children living there.

Officers have agreed with the agent that the affordable housing details will be included as part of the S106 agreement.

With the inclusion of the S106 agreement in relation to affordable housing therefore, officers conclude that the provision for affordable housing on this site is over and



above that that is required by the local planning policy. This is welcomed and weighs in favour of the development in the planning balance.

- **Residential Amenity**

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development. This is supported by the provisions of the NPPF.

Amendments have been made to the scheme since first submitted to ensure full compliance with the minimum separation distances between properties as set out in Policy HS4 (20m between elevations with habitable windows and 15m between habitable windows and a blank gable). The proposed development is low density housing which has allowed for these distances to be maintained throughout. As such it is not considered that the future occupants would not be at risk of significantly detrimental impact due to loss of light or overlooking/overshadowing. The proposed development is therefore considered acceptable in this regard.

Policy NE5 requires that development proposals should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risk of adverse impacts to air, land and water quality, vibration heat, energy, light and noise pollution both during construction and in operation.

A Phase I and II Geo-environmental Ground Investigation has been submitted that identifies no viable sources of pollution or ground contamination. There are however potential pollutants from past coal mining activities, including mine gas, which will require further assessment and appropriate remediation. See Coal section at the end of the report.

An air quality assessment has been submitted that indicates that there would be no significant adverse impact on air quality resulting from the proposed development. In accordance with the Air Quality Management SPD, electric vehicle charging points will be required as standard mitigation. A condition is recommended to require a Dust Management Plan to mitigate against potentially higher levels of dust and air pollutants during the construction period.

The Council's Environmental Health officer has been consulted and has not objected to the proposals. However, they have highlighted that a condition should be included in relation to potential contamination on the land and also in relation to nuisance during construction- relevant conditions are included at the end of this report in this regard. Their comments are provided in the consultation section of this report.

As such, with the inclusion of the conditions listed at the end of the report and in the absence of an objection from Environmental Health officers, officers consider that, that the development is acceptable and in accordance with the relevant local and national planning policy in terms of residential amenity.

- **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. HS1/2 highlights that protected species have been recorded on the site which also include priority habitat (lowland fen). In all cases measures should be taken to safeguard protected and priority species and habitats before any development commences. Paragraph 174 of the NPPF states that

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- c) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*

Paragraph 180 of the NPPF states that when determining planning applications local planning authorities should apply certain principles, the relevant one to this application is:

*'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused'.*

Objections have been received to the proposal in relation to the impact on ecology and biodiversity, these are set out in full in the consultation section of the report.

Survey results:

An ecological survey has been submitted with the application which addresses the proposal in accordance with local and national planning policy.

Great Crested Newts: Four ponds were identified within 500m of the site, of which one was on-site, one just off site in a garden and two over 200m from the development. Two of these ponds were subject to eDNA survey in 2020, one was dry and the other in the private garden inaccessible. eDNA results for the pond on-site and the pond just over 200m from the development to the east came back negative. The dry pond was over 250m from the development. GMEU agree with the applicant's ecologist that the ornamental pond is very unlikely to be a breeding site for great crested newts based on size and only one other semi-natural pond being ecologically linked, the pond on-site just 30m from this pond, which proved negative for great crested newts.

Bats: GMEU have confirmed that there are no structures on-site and all trees assessed as having negligible bat roosting potential. Transect and static detector surveys were also carried out, which have demonstrated that the site is not of importance for foraging or commuting, the highest levels of activity located along the eastern boundary. Given the eastern boundary is partly retained and to be part of the Public Open Space, they are satisfied that the overall impact of the development is very unlikely to negatively impact on bats. No further information or measures are required.

Water Vole: Ditches on the site were surveyed for water vole. No evidence of this species was found. I have no reason to doubt the findings of the report. No further information is required at this time.

Other Protected Species: The Preliminary ecological appraisal scoped out other potential protected species. GMEU have confirmed that that have no reason to doubt these findings. Species such as badger are however highly mobile, and they would expect the updated ecological appraisal to resurvey for this species. No further information or measures are however required at this time.

Nesting Birds: Breeding bird surveys were carried out. One farmland bird species was identified; skylark, for which one pair was recorded. Other priority species on site identified as breeding or probably breeding were house sparrow, starling, reed bunting, bullfinch, dunnock and song thrush, all in low numbers. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. They recommend a condition be applied to any permission. In terms of the farmland birds, only one pair of skylark was identified. This is not a reason for refusal and as off-site compensation is required for loss primarily of farmland, could be achieved theoretically off-site

Other Mammals and Priority Species: No evidence of other priority species such as brown hare, common toad or hedgehog was recorded, though no specific surveys were carried out. Whilst habitats on site are suitable, the risks are likely low, with brown hare capable of displacement, habitats on-site sub-optimal for hedgehog and no large waterbodies on-site or nearby, where common toad prefer to breed. GMEU are therefore satisfied that subject to the findings of an updated PEA prior to earthworks, subject to a condition include the condition in response

Invasive Species: No schedule 9 part 2 species such as Himalayan balsam have been recorded on the site. The updated PEA should include invasive species, given the ability of these species to colonise new areas.

In order to consider the impact of the development on biodiversity, the Local planning Authority takes advice from the Greater Manchester Ecology Unit (GMEU). GMEU have confirmed that they are satisfied in relation to the information submitted, given that the detailed surveys for bats, great crested newts, water vole and breeding birds found no significant issues in 2020, the PEA found no constraints relating to other protected species, and because the site has been revisited in 2021 and 2022. They do however advocate that some of the surveys are updated prior to development if permission is granted. A suitably worded condition is included to ensure that this is done.

#### Biodiversity Net Gain:

BNG calculations have been submitted which note the baseline biodiversity units on the site as being 43.87. The applicant has shown he can accommodate 22.63 units on the site following development. As such there is a shortfall which needs to be addressed to ensure that biodiversity is actively enhanced in line with the relevant planning policy. The applicant has confirmed he will pay an offsite contribution to enable this of £384600. This has been agreed as a suitable way forward and provides an uplift of 10% in terms of BNG.

With the inclusion of the recommended conditions and the offsite contribution achieving a total of 10% net gain, officers consider that the proposal is acceptable as it results in a development which 'actively enhances' biodiversity in line with the requirements of the relevant local and national planning policy in this regard.

- **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. Detailed discussion has been ongoing with the Council's open space officers.

The topography of the site has meant it has been difficult to provide play equipment/area on the site for teenagers. This type of provision would usually be such things as football pitches or more formalised play areas. It has therefore been agreed that in this case, an off-site contribution of £75000 will be acceptable to provide for upgraded informal recreation provision at the nearby Scott Park which is located within a walkable distance to the site (1.2km or 15-minute walk). This will enable the Council to spend the money appropriately on equipment and provisions at that park which will benefit local residents both on this development and in the vicinity of the park. To ensure that there will be some space for informal kick about and picnics etc, it has been agreed with the applicant that some of the area close to the pond at the front of the site will be maintained and mowed as part of the open space management and maintenance plan secured through the S106.

The younger children have been provided for by the inclusion of two play areas which are equipped play areas targeted at primary aged children and younger. The scheme has already been agreed for what will be included on the play area close to the access to the site, and a condition is included for the detail of the area adjacent to Woodplumpton Road.

Distances to the houses have been carefully measured to ensure that there is not a significant detrimental impact on residents due to noise and disturbance created in these play areas. Conditions have been used to ensure that these areas will be provided and available for use in accordance with the phasing of the development. The areas will be maintained through the open space management plan included within the S106 agreement.

The applicant has also provided on request access between the north and south plateaus via the creation of an accessible path as well as a greater amount of turfed area next to the attenuation basin for informal recreation.

Officers are satisfied that the development provides good quality play provision on the site and also upgrades for older children at nearby Scott Park. The open space on the site has been well thought out and is well landscaped, with maintenance through an ongoing management company agreed as part of the S106. As such, officers consider that the development accords with the provisions of the relevant local and national planning policy in this regard.

- **Flooding / Surface Water 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. The NPPF also provides detail.

Objections have been received to the application in relation to the site flooding onto Wilkie Avenue and the current flooding issues in the area. The problem appears to be caused by poor drainage and run off from the fields and has been ongoing for some time.

As part of the process of consideration of the planning application, the attenuation basin to the north of the site has been altered to enable a portion of the basin to be dry for the majority of the year. It is considered that this will help to add to the provision of open space for the occupants, as well as providing a solution for sustainable drainage provision. (This is discussed in more detail in the open space section of this report).

Further technical work has been undertaken, at the request of the Lead Local Flood Authority, in respect of greenspace run off rates and pre and post development runoff volumes. The additional technical works submitted addressed the concerns of the Lead local Flood Authority and they have removed their objection to the proposal, subject to the inclusion of their requested conditions, which are listed at the end of this report.

Based on the work undertaken the proposal is likely to improve the current flooding situation and intercept, store and release water at the appropriate rate; water that currently flows uncontrolled from the agricultural land onto Wilkie Avenue. This is welcomed by officers.

In the absence of an objection from the statutory consultee in this regard, and with the recommended conditions, officers are satisfied that the applicant has demonstrated the proposal meets with the relevant local and national planning policy in this regard.

#### Other matters

Education: The lack of provision of school places has been raised as an objection to the proposal. Lancashire county Council Education Authority have requested £569,319 contribution towards child school places. This has been agreed with the agent and is to be incorporated into the S106 Agreement.

Coal Mining: There has been some concerns raised in relation to existing coal mines in the area and associate instability of the land. Extensive work has been carried out by the applicant to demonstrate that this is not a matter for concern and comments received from the Coal Authority that confirm this (see the consultation section of the report for details). A condition they have requested has been included, as set out at the end of the report.

Bins: The applicant has agreed to provide funds for the bins at each unit on the development prior to occupation. This is secured through the S106 in accordance with Policy IC4. Total cost for 200 houses is £26,140. This has been agreed with the applicant. A condition is included to ensure bins are stored at the rear of the properties (or suitably hidden from view), and only brought to the kerbside on collection day.

Objections have been raised in relation to whether the proposals meet the criteria for the Burnley Council Climate Change and Water Neutrality Strategy. This is not a planning consideration. The comments appear to refer to 'Burnley Council's Climate Change Strategy' 2022-2026 which sets out targets for the Council to work toward in relation to Climate Change. This development incorporates measures in accordance

with this which are those such as: Electric vehicle charging points, bus service improvement, cycle provision, carbon reduction measures, adaptable homes, natural environment enhancements, flood risk improvements. As such officers consider that the development is benefiting from various 'green' improvements.

## Conclusion

The proposal seeks to develop a site that is acceptable in principle as it is allocated for housing purposes in Burnley's Local Plan. The proposed scheme has been amended since first submitted and proposes a high-quality scheme, in line with the requirements of local and national planning policy as set out in the report. Specifically, the following is delivered as part of the development

- Low density housing with a housing mix providing excess of the policy requirements in terms of 4 plus beds and 3 bed housing (weighing in favour of the development in the planning balance)
- Protection of the amenities of neighbouring properties in terms of distances and overlooking.
- A safe access and egress to and from the site, with a resultant reduced speed limit and safe pedestrian links
- Contribution towards the upgrading of an under functioning junction in the vicinity which will provide improvements to traffic flows
- Contribution towards improved bus services within the area and upgraded bus stops for local people
- Provides 2 play areas for younger children within the site and additional functional open space for use by residents
- Contributions towards facilities for older children at Scott Park
- Improvements to the design of the houses, including the proposed materials
- Significant carbon reduction measures
- High quality landscaping throughout the site
- Adaptable housing in excess of policy requirement (weighing in favour of the development in the planning balance)
- Affordable housing in excess of policy requirement (weighing in favour of the development in the planning balance)
- Education contribution which will provide the uplift in secondary places required as a result of this development.
- Contribution to Biodiversity Net Gain off site £384,600, with overall net gain across the development of 10% uplift

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 fully with the development plan and there are no material reasons to outweigh this finding in which case the application is recommended for approval.

**Recommendation:** Delegate to the Head of Housing and Development Control to approve subject to the conditions listed below and the applicant entering into a section 106 Agreement to secure the following:

- Education £569,319

- 10% affordable housing
- Public Open space off site contribution £75,000 Scott Park
- Biodiversity off site contribution: £384,600
- Highways off site contribution £60,000 towards bus service improvements
- Highways off site contribution £70,000 towards upgrade of junction
- £26,140 Bin provision
- Open Space Management and Maintenance Plan
- Management and Maintenance Plan for any sections of highways within the development which are not to be adopted.

## Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

Application form received 13th May 2022

Topographical survey sheets 1,2,3

Site Location Plan WD20 90 LP01A

Existing site Plan HCB ESP 001

Planning Layout WD20-90-DL01 Rev H

Landscaping proposals GL1942 01, GL1942 02GL1942 03 and GL1942 04  
Revisions F

Boundary Treatments WD20 90 BT01 Rev H

Material finishes WD20 90 MF01 Rev H

Drainage Strategy 21061- 100- 1B

Drainage Strategy 21061-100-2-B

Drainage Strategy 21061 100 3 A

Affordable Housing plan HCB AHP01

Refuse Layout WD20 90 RL 01 Rev H XXX

Garages SG 001

House Type Booklet Dated Aug 2022

Management and Maintenance Plan WD20-90-MP01 Rev H

Arboricultural Impact Assessment

Ecology Surveys

Energy Efficiency Statement

Flood Risk Assessment

Geo Environmental Investigation Report

Noise Impact Statement

Transport statement inc Travel Plan

Water Vole Survey Report

Construction Method Statement

Amended Planning Statement Addendum

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

#### Phasing plan

3. Prior to the commencement of development, detailed phasing plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved phasing plan.

Reason: To ensure a satisfactory development in accordance with the provisions of the Policies SP5 and IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Floor levels

4. Prior to the commencement of development, full details of finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

Reason: To ensure a satisfactory development in accordance with the provisions of the Policies SP5 and IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Materials



5. Prior to their use in the development hereby approved, details of the materials to be utilised shall be submitted to and approved in writing by the Local Planning Authority for the following:

External walls and roofs of the dwelling houses and garages  
Rain Water Goods  
Windows and doors  
Boundary walls  
Driveway surfacing

The development shall be built in accordance with the approved details only.

Reason: In the interest of a high-quality finished development and visual amenity in accordance with the provisions of Policy SP5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Highways

6. The garage(s)/parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles.

Reason: To ensure that adequate parking provision is retained on site in accordance with Policy IC3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development and scheme and programme for the access and egress from Hollins Cross Farm, Hollins Cross Farm Barn and Hollins Cross Cottage shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the development process.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 and the provisions of the National Planning Policy Framework.

8. Garage wall hanging cycle storage suitable for 2 bicycles shall be provided within each garage with a separate secure cycle storage facility, suitable for two bicycles being provided for units without a garage.

Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. No part of the development hereby approved shall be commenced until all the highway access works have been constructed and completed in accordance with a scheme that shall be prior submitted to and approved by the Local Planning Authority.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

10. Prior to the occupation of the first dwelling house hereby approved, drop kerbs shall be installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans. These shall thereafter be retained for the duration of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

11. The 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 other development takes place within the site.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will also be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

13. No building or use hereby permitted shall be occupied or the use commenced until the car parking area for that building has been surfaced or paved in accordance with a scheme prior approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times for the duration of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

14. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

15. Once the access to the existing dwellings at Hollin Cross Farm has become redundant the agricultural field access shall be reinstated to the pre-development arrangements and the track grubbed up and replanted as a grassed area, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

16. Prior to its occupation, each house shall be fitted with an electric vehicle charging point at in line with regulations at the time of installation.

Reason in the interest of encouraging sustainable travel in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

17. Notwithstanding the approved plans, prior to the commencement of development and scheme and programme for the final parking scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and available for use for each phase of the development and retained for the duration of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

#### Play provision

18. Prior to the occupation of any dwelling house hereby approved, a scheme and programme shall be submitted to and approved in writing by the Local Planning Authority for the approved LEAP and LAP areas to be provided on site. The scheme and programme shall include:

Play provision of the LEAP

Play provision for the LAP

Surfacing materials

Timing of installation and availability for the play areas.

Reason: To ensure adequate open space/play areas are provided on site for the proposed development in accordance with Policy HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Bins

19. Waste and recycling receptacles shall be kept at the rear of the dwelling units apart from collection days, unless otherwise prior approved in writing by the Local Planning Authority.

Reason: In the interest of a high-quality finished development and visual amenity in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Contamination

20. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority'.

Reason: In the interest of Environmental Protection in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

21. No development shall take place on each phase on each phase until a site specific Construction and Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Noise monitoring protocol
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 14 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours;
  - Control measures for dust and other air-borne pollutants, including on-site wheel washing facilities;
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interest of protecting residential amenity, in accordance with the provisions of Policies SP5 and NE5 of the Burnley Local Plan and the National Planning Policy Framework.

#### Surface Water drainage

22. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (14.12.21, 680259-R1(02)-FRA Issue 02, RSK). The measures shall be fully implemented prior to occupation of the development 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.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

23. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

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

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the existing on-site watercourse(s) to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

24. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- 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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

25. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

26. The occupation of each phase of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

### Ecology

27. Prior to any site clearance the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) an updated preliminary ecological appraisal and updated species surveys;
- b) any species survey updates determined as requiring an update and;
- c) additional mitigation and or measures provided for any new ecological value or constraint not identified in the original reports

Any additional mitigation shall be provided in accordance with the approved additional reports.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

28. Prior to the clearance of scrub or areas of rush pasture a reasonable avoidance measures method statement for mammals and common toad will be provided to and agreed in writing by the local planning authority. The measures identified shall be implemented in accordance with the approved method statement

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

29. Prior to the clearance of the site a bird nesting and bat roosting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan and any mitigation implemented in accordance to identified timings.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

30. No works to trees, hedge or shrub or earthwork shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to



clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

31. There shall be no garden fences erected within rear gardens of plots 49-56.

Reason: In the interest of protecting the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

32. The landscaping scheme approved under condition 2 shall be implemented in full in the first planting season following the occupation of each phase of the development to current British Standards. Should any plant, shrub, hedgerow or tree become dead, deceased or be dying, it shall be replaced within the first available planting season

Reason: In the interest of protecting the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

33. Prior to the commencement of development hereby approved, a biodiversity net gain plan will be submitted to and approved in writing by the local planning authority. This plan shall detail, in full, measures to protect and enhance retained habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 22.63 Biodiversity Units. Within the biodiversity net gain plan the following information shall be provided, but not be limited to:

- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary negative impacts on retained habitats and areas proposed for habitat creation;
- Planting schedules including proposed species, planting or sowing density, size of plant material and seed source(s) for both habitat creation and or habitat enhancement purpose;
- Proposed management prescriptions for all habitats created or enhanced including measures designed to enhance conditions, for a period of no less than 30 years.
- Timetable of delivery for all habitats both in terms of distinctiveness and condition.
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority;

- Information on organisations responsible for implementing, managing and monitoring

The development shall be undertaken and thereafter maintained in accordance with the approved biodiversity net gain plan

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

34. Notwithstanding the plans submitted, and prior to the commencement of development, a scheme and programme for the landscaping of the site, shall be submitted to and approved in writing prior to commencement of development for the landscaping planting across the site, to ensure hardy plants are used to improve chances of survival in this location. The scheme shall be implemented in accordance with a timing schedule for planting also submitted at the same time in line with the agreed phasing plan for the development. All planting shall be carried out in accordance with the approved details and current British Standards and maintained thereafter for the duration of the development. Should any planting die, become diseased or be removed, it shall be replaced within the same or if not possible, next planting season and be retained in accordance with the approved scheme.

Reason: In the interest of protecting the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Informative:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.
2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by  
6 telephoning the Development Support Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
3. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.