

**Application Recommended to Delegate
Approval to Head of Housing and Development
Control subject to a Section 106 Agreement
Cliviger with Worsthorne Ward**

APP/2017/0397

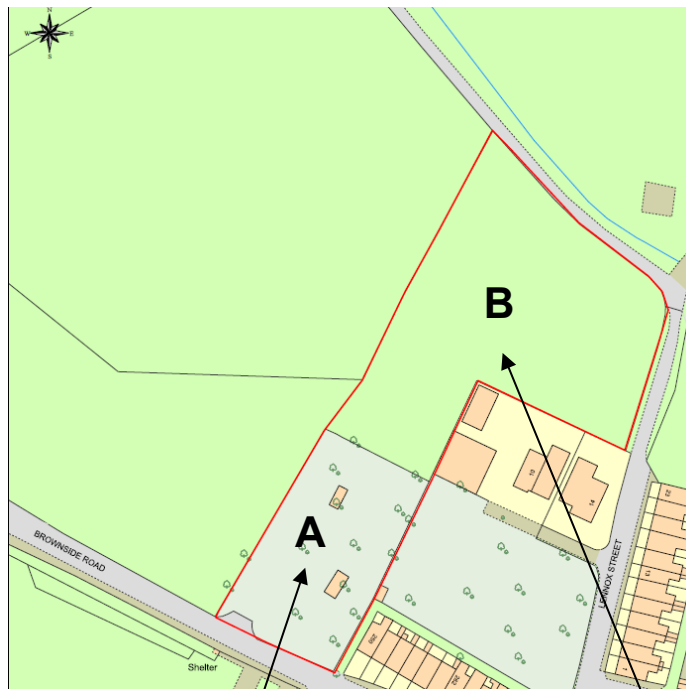
Outline Planning Application

Outline application for residential development for up to 18 dwellings including details of access (all other matters reserved for future approval)

LAND AT BROWNSIDE ROAD BURNLEY

Background:

The proposal is for outline planning permission for up to 18 dwellings on land amounting to approximately 0.73ha of land that on the western side of Worsthorne village. Approval is sought for the proposed vehicular access to the site from Brownside Road with all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval. The site is made up of two parcels of land that form



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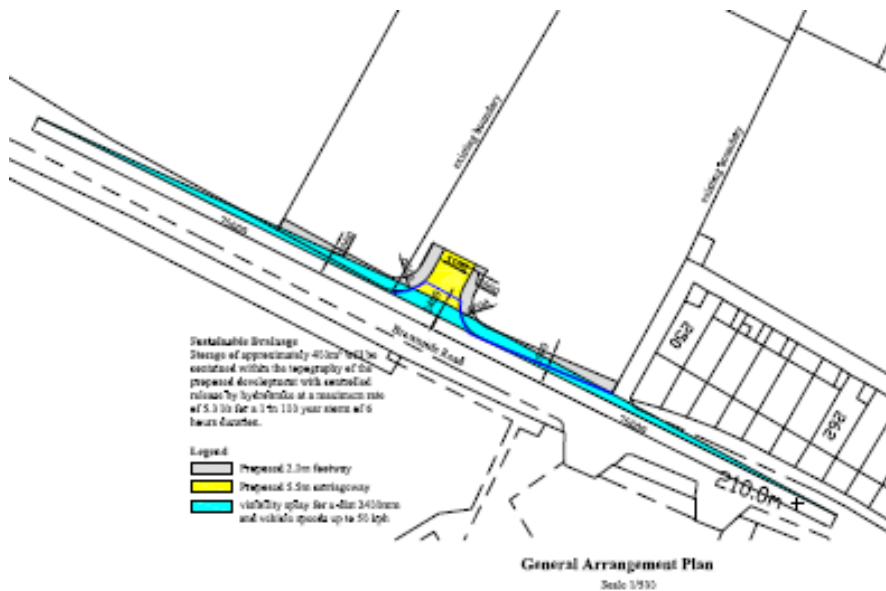
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an 'L' shape around the existing built-up edge formed by Brownside Road and Lennox Street. The south side of the site is bound by Worsthorne Primary School, the north side by the village recreation ground, and the west side by open fields that separate

Worsthorne from the suburban estate development at Brownside. The portion of the site labelled 'A' above was used as a transport depot until 1992 and is currently largely unused but contains a small polytunnel and an allotment. The site is partly under grass and partly a gravelled surface. The status of this part of the site has been accepted as brownfield due to its past uses and condition of the land. The land at 'B' is open grazing land. The amount of proposed development would create a density of up to 25 dwellings per hectare.

There is an existing gated access to the portion of land at 'A' from Brownside Road which would be improved by widening to form a 5.5m wide estate road with 6m junction radii and a 2.0m footway to one side. The proposed access plan below indicates visibility splays of 70m in each direction of the improved junction and a 2.0m wide footway to link the improved junction with the existing footway outside 250 Brownside Road. No indication has been given to the internal layout of the development.

Proposed Improved Access



A previous application (APP/2017/0200) for an outline application for up to 24 dwellings on a larger site, including a narrow band of the adjoining open field, was withdrawn by the applicant earlier this year.

Relevant Policies:

Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

GP7 - New Development and the Control of Pollution

GP10 - Developer Contributions

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H4 - Providing a choice of housing in new development

H5 - Local housing needs

H7 - Open space in new housing development

E4 - Protection of other features of ecological value
E5 - Species protection
E6 - Trees, hedgerows and woodlands
E8 - Development and flood risk
E12 – Development in, or adjacent to, conservation areas
E16 - Areas of traditional construction
E27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt

TM2 - Transport Assessments (TAs)
TM3 - Travel Plans (TPs)
TM4 - Transport hierarchy within development proposals

Burnley's Local Plan – Proposed Submission Document, March 2017

SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS1 – Housing allocations
HE2 – Designated heritage assets
HS2 – Affordable Housing Provision
HS4 – Housing Developments
IC4 – Infrastructure and Planning Contributions

Burnley Green Infrastructure Strategy 2013-2031
Burnley Green Spaces Strategy 2015-2025
Housing Land Supply Position: November 2016
National Planning Policy Framework
National Planning Practice Guidance

Site History:

74/0049 – Erection of detached and semi-detached bungalows. Approved.
77/0204 – ENF NOTICE – Use as a haulage and storage depot: Withdrawn
77/0329 – Parking of one cattle haulage truck with incidental maintenance. Approved.
78/0401 – Retention of brick building for use as a tool shed and for storage of spare parts. Approved.
80/0652 – Retention of wooden shed to garage one goods vehicle. Approved.
82/0475 – Retention of wooden shed to garage one cattle truck. Approved.
82/0620 – Erection of garage for commercial vehicles: Not determined
82/0650 – Outline application for the erection of a detached bungalow and garage: Not determined.
2005/0197 - Proposed residential development including means of access (all other matters reserved for future approval). Refused April 2005.
2006/0171 - Proposed residential development including (details of means of access) all other matters reserved for future approval. Refused April 2006. Appeal dismissed January 2007.
2017/0200 -Proposed residential development up to 24 dwellings including access and associated infrastructure (all other matters reserved for future approval). Withdrawn.

Consultation Responses:

LCC Highways

No objections with regard to the proposed access. A Reserved Matters application would need to provide a minimum 5.5m wide junction for a distance of 70m, reducing to no less than 4.5m; a kerb radius at the bell mouth of the junction of a minimum of

6.0m; estate road restricted to 20mph with traffic calming to achieve this; 2.0m footway on either side of the estate road; provision for a Traffic Regulation Order to limit parking on Brownside Road from the centre line of the estate road for a distance of 25m on the north west side of Brownside Road and for a distance of 20m into the new estate road; a pedestrian and cycle access from the site to the recreation ground/Lennox Street; and, provision of cycle storage and electric charging points within garages. In addition, recommend conditions to require a scheme for the construction of the site access and off-site works, to ensure the new estate road is constructed to the Lancashire County Council Specification for the Construction of Estate Roads; to require facilities for wheel washing during construction, as well as a Construction Method Statement.

LCC Highways has added the following to their initial comments: In an effort to improve sustainability we are actively seeking developer contributions and a commitment on their behalf to promote a sustainable site. To this end we would be seeking a contribution of £150 per dwelling, payable to the resident upon first occupation for the purchase of a cycle and also the provision of a prepaid bus ticket for a minimum period of 3 months. The site location is served by a single bus service which has recently been reduced in frequency. The County Council would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area. The contribution level will be decided based upon the number of dwellings proposed and will be assessed and clarified as part of a detailed matters application, should this application be approved.

LCC School Planning Team

When assessing the need for an education contribution from this development, LCC considers primary schools within a 2 mile radius of the proposed site. This totals 9 primary schools with a current number on roll of 2677 pupils. The projected pupil number as at January 2022 is 2779 whilst the future planned net capacity as at the same date is 2832 pupils. These projections show that 53 pupil places would be available in five years' time. The expected yield from the proposed development would be 7 pupils. Taking into account a further 16 places from other planning approvals or other applications, there would be no need to seek a contribution from the developer in respect of primary places.

When assessing the need for an education contribution from this development, LCC considers secondary school provision within a 3 mile radius of the proposed site. This totals four schools with a current number on roll of 4369 pupils. The projected number as at January 2022 is 5270 whilst the future planned net capacity as at the same date is 4556 which gives a 714 place shortfall. With an expected yield of 3 places from this development, a contribution is sought for the funding of these pupil places which currently amounts to £64,269.81.

Burnley Wildlife Conservation Forum

There are a significant number of trees on this plot of land:- ash, sycamore, silver birch, beech, common lime, willow and the rare black poplar. It is important to retain as many of these trees as possible and incorporate them into the development proposal, in particular, the Black Poplar which is listed as a Lancashire 'key' species and subject to a Tree Preservation Order.

Greater Manchester Ecology Unit (GMEU)

The application site is not designated for its nature conservation value at any level, and based on the available evidence it does not merit such a designation. It is not close to any designated sites. The Ecology survey and assessment that has been carried out to inform the application has been prepared by suitably qualified consultants and is generally to appropriate standards; although field surveys were not carried out at an optimum time of year for conducting such surveys existing desk-top information for the site was sought, and I would generally agree with the view that, given the overall character, size and use of the site a fair appraisal of the nature conservation value of the site, and of the impact of the development proposal, were able to be carried out.

The site comprises species-poor semi-improved grassland, young or semi-mature broadleaved trees, developing scrub and some small buildings. The scrub, young trees and unmanaged grassland give the site some local nature conservation value since these habitats will likely support nesting and foraging birds, invertebrates and small mammals of some local value. I note the reports that the site may support ground-nesting birds, although given the size of the site and the habitats present I would not consider that the site will be of significant value for ground-nesting birds. There is a single Black poplar tree on the site; this tree species is a priority species for conservation in Lancashire. The site has low potential to support any specially protected species, except possibly for small numbers of bats. Some bat roosting boxes are present on the site but these boxes do not appear to have been investigated for possible use by bats, although the ecology report does state that '*it is considered likely that common species of bats may utilise these as opportunistic summer roost sites*'. The loss of the small areas of semi-natural habitat on the site are unlikely to affect the overall population status of local bat populations because there is significant alternative habitat nearby and because it would be possible to implement new landscaping, and install new bat boxes, on the site. I would accept that the site is unlikely to support amphibians. There is an invasive plant Japanese knotweed on the site; under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to allow this plant to spread in the wild.

I have no overall objections to the application on the grounds of ecology, but I would make a number of recommendations to protect nature conservation interests, should permission be granted to the scheme. This would involve conditions no vegetation clearance during the bird nesting season, measures for the removal of invasive non-native species, measures to protect bats and the retention of the black poplar tree.

Environmental Health

No objections. Recommend conditions relating to construction working hours and to require a construction method statement and electric charging points at the rate of one charging unit per dwelling.

Lead Local Flood Authority (LCC)

No comment to make at this stage of the outline application.

Greenspaces and Amenities Manager

Verbal comments affirm that the proposal would generate the need for a contribution of £320 per bed space which would be used to undertake improvements to Worsthorne recreation ground.

Burnley Civic Trust

Object. The land is included for development in the local plan which is still to be considered by the Secretary of State. There are many objections to its inclusion and believe that this application should not be granted until such time as its position in the new plan is known. We are also of the opinion that there should be no further housing development in Worsthorne as the whole character of the village is likely to be spoilt if further development is approved. Also, the only access to the village now is by Brownside Road which is overloaded with traffic.

Worsthorne with Hurstwood Parish Council

Object to the proposal. A summary of the points raised is listed below:-

- The proposal would be contrary to the local plan; the proposed new local plan is still in consultation stage
- The site is a Greenfield site, not greenfield/brownfield as claimed by the applicant and not within the urban boundary
- Inappropriate and unjustified new dwellings in the rural area
- The proposal does not accord with the historic street patterns and would be incongruous to the Conservation Area and spoilt the village aspect
- Would extend the village boundary and have an enormous impact on the approach to the village
- Worsthorne would lose its village location and unique character.
- Brownside Road is the main entry to the village, used by 95% of traffic – the first dwellings on the approach are garden fronted terraced Victorian cottages which create a characterful welcome
- The site also extends to the recreation ground, meaning it impacts all of the community, enclosing the space for all
- Worsthorne holds a unique position in the town and to extend it into the conurbation of Burnley would diminish its appeal and amenities for both residents and visitors
- Any development should be restricted to the curtilage of the present woodyard and be no more than 4-5 dwellings .
- The village school is oversubscribed
- Permission has previously been refused on this site for similar proposals.
- New housing is already being provided for in Worsthorne (24 houses approved at Butchers Farm and three at Lennox Street) and is also proposed at a brownfield site (through the new local plan)
- The majority of the land at the application site is being used and has been so for several decades by the same local family for farming sheep and cattle and would lead to the loss of good grazing land
- Would contravene the Council's emerging the sustainability appraisal and rural masterplanning study within the Issues and Options version of the new emerging local plan which recommended that only a small amount of infill may be accommodated on the south eastern edge of Worsthorne
- The site is directly opposite the village primary school which causes serious congestion in the morning and afternoon. There is limited visibility from the access. Parents park at the existing entrance and are likely to continue to do so and use the junction for turning in the road, creating a further risk
- Traffic from the development would exacerbate the congestion and raise the danger level for children and adults

- The site would not accommodate 18 dwellings and achieve adequate spacing of 20m between habitable rooms, causing a loss of privacy to 8, 10, 12 and 14 Lennox Street (plus no.6 when completed) and 250 Brownside Road
- It will have a detrimental impact on the environment.
- The site has several mature indigenous trees including ash, birch, sycamore and black poplar which should be preserved
- Impact on bats which are seen on the site; they roost in the mill opposite and use this site for foraging
- Badgers have been observed using the site as a run
- Deer are located in the area and are frequently seen on the site by neighbours and residents of the village
- A variety of birds frequent the site including goldfinch, greenfinch, dunnock, coaltit, bluetit, long tailed tit, chaffinch, blackbird, robin, kestrels, lapwing and curlew (nest on the site in summer), fieldfare and redwing
- The phase 1 habitat survey submitted with the application was not undertaken at the correct time of year

Chair of Governors at Worsthorne County Primary School

Object to the proposal, stating that the proposed access poses a significant risk to pupils, parents and staff and other members of the community. The new access is at a problematic point, opposite a bus stop and a school pedestrian access gate and there is an unacceptable risk from the likelihood and scope for accidents involving vehicles at this natural congregation point. The risk of accidents is increased by the restricted visibility towards Burnley.

Publicity

An objection has been received from Councillor Andrew Newhouse (Cliviger and Worsthorne Ward) which objects to the proposal and outlines the same concerns to that of the Parish Council that are listed above. 31 letters of have been received from neighbours at Lennox Street, Brownside Road and the village as well as from occupiers at Brownside and the nearby area. The letters contain objections which include all the points raised by the Parish Council (see above list of comments) and so have not been repeated in the summary made below:-

- Oppose the development of greenfield agricultural land
- Brownfield sites should be developed before greenfield
- There are outstanding objections to the emerging local plan which then limits the weight that can be afforded to the emerging allocation
- The current local plan rather than the untested emerging local plan should be used
- Would lead to overcrowding of the village
- Would dramatically change the views on the approach to the village
- Want Worsthorne to remain a village
- Would be an intrusive barrier on the main gateway route into the village
- Loss of a significant amount of trees, including protected trees. The trees would be removed which currently form a major part of the visual approach to the village and the scope for new screening close to the new houses would be minimal
- Any replacement trees on the frontage should be substantial and protected
- Disagree that the settlement has a gridiron pattern, instead it has an organic nature
- Would ruin the local landscape which is one of Burnley's greatest assets

- The assessment of the visual impacts of the development has not been carried out by a qualified Landscape Architect
- Access to the site opposite the school is dangerous and hazardous
- Traffic congestion; at school start and finishing times the area is reduced to a single track road
- Added traffic would create more air pollution
- Cars park on double yellow lines outside the school, restricting views and visibility with no signs of traffic enforcement
- The lollipop man operates within a few yards of the proposed entrance
- Congestion is not only limited to school pick-up times
- Access for emergency vehicles will be affected
- Already insufficient parking for residents
- There is no public transport to the site after 6:30pm every evening and nothing at all on Sundays
- Safety issues for children accessing the recreational facilities at the end of Lennox Street
- The Brownside Road/Brunshaw Road roundabout is at full capacity. The application makes no allowance for this. With reference to the recent Brownside application for housing (APP/2016/0416), the highway authority stated that the roundabout is close to capacity
- Without improved road infrastructure, an increase in the population of residents is unsustainable
- Worsthorne already has a thriving community and services are good and well utilised without the need for more housing
- Would lead to an increased risk of flooding; there is an ongoing problem as the drains and sewers are unable to cope with heavy rain
- The site is part of the vital wildlife corridor that feeds into the ancient Hagg Wood
- Provides habitat to rare flora and fauna from wildflowers etc and would affect the movement of roe deer, newts, frogs, snipe, curlew, tawny owls, little owls, barn owls, skylarks and other small mammals
- Would lead to a significant increase in noise in the immediate area
- Burnley has a declining population; there are existing houses for sale and there is no need for new housing in this area
- Other sites are coming forward for residential development in Burnley
- There is a large stand of Japanese Knotweed on the site which the applicant should prevent from spreading
- The Government's Housing White Paper published in September 2017 states that all housing projections should take account of a substantial fall in new immigration after March 2019.

Planning and Environmental Considerations:

Principle of proposal

The application site is situated within the rural area where Policy GP2 seeks to permit only limited development where, for example, it is required for agriculture or forestry or other relevant rural need. In this case, the site falls just outside the main urban boundary that defines the built-up area of Worsthorne village. The proposed residential development is a speculative development and there is no information submitted with the application which would indicate it is required to meet a local need. The development plan in force would therefore suggest that the proposed

development would not comply with the limited requirements of Policy GP2 and it would not therefore protect the rural area. Decision-making must be in accordance with the development plan unless there are material considerations which would indicate otherwise. It is therefore necessary to consider the proposal within the wider context of the National Planning Policy Framework (NPPF), the emerging local plan, policies related to the supply of housing as well as other considerations, including any harm that may result from the proposal on the character and appearance of the rural landscape and village, the Worsthorne Conservation Area, highway safety, ecology and amenities.

Housing supply

Paragraph 47 of the NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. It requires an annual update and identification of specific deliverable sites sufficient for a five year supply (with 5% buffer) and the identification and supply of deliverable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15.

The housing allocations for the delivery of the assessed need are contained within Policy H1 of the adopted local plan. Other policies, such as Policy H2 support this by requiring brownfield land to be redeveloped before greenfield development.

Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development' and that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It must be considered therefore whether the proposed development would constitute sustainable development and also whether the local planning authority can demonstrate a five year supply of deliverable sites. Where the latter is not the case, the NPPF states that relevant policies are considered to be out of date in which case the provisions of Paragraph 14 are engaged. These provisions state that planning permission should be granted unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The Council published a 'Housing Land Supply Position Statement' in July 2017 that outlines three methods for calculating a five year supply of housing, the most reliable of which (prior to the adoption of a new local plan) is based on the Objective Assessed Need (OAN) which is arrived at through the Strategic Housing Market Assessment (SHMA), dated May 2016. The SHMA identifies a need of between 2,344 and 4,308 dwellings between 2012 and 2032 which equates to a calculated requirement of between 117 and 215 dwellings per year. Taking the lower and higher figure respectively (which includes a 5% buffer, adjustment for completions 2012-17 and the re-occupation of empty homes) this provides a five year supply requirement of between 478 and 1482 dwellings. Against this requirement, the Council currently has a supply of 1591 dwellings which is made up of deliverable planning permissions, a windfall allowance and an empty homes allowance. This demonstrates that even if

the upper limit of the need assessment is used, the Council has a five year supply of deliverable housing.

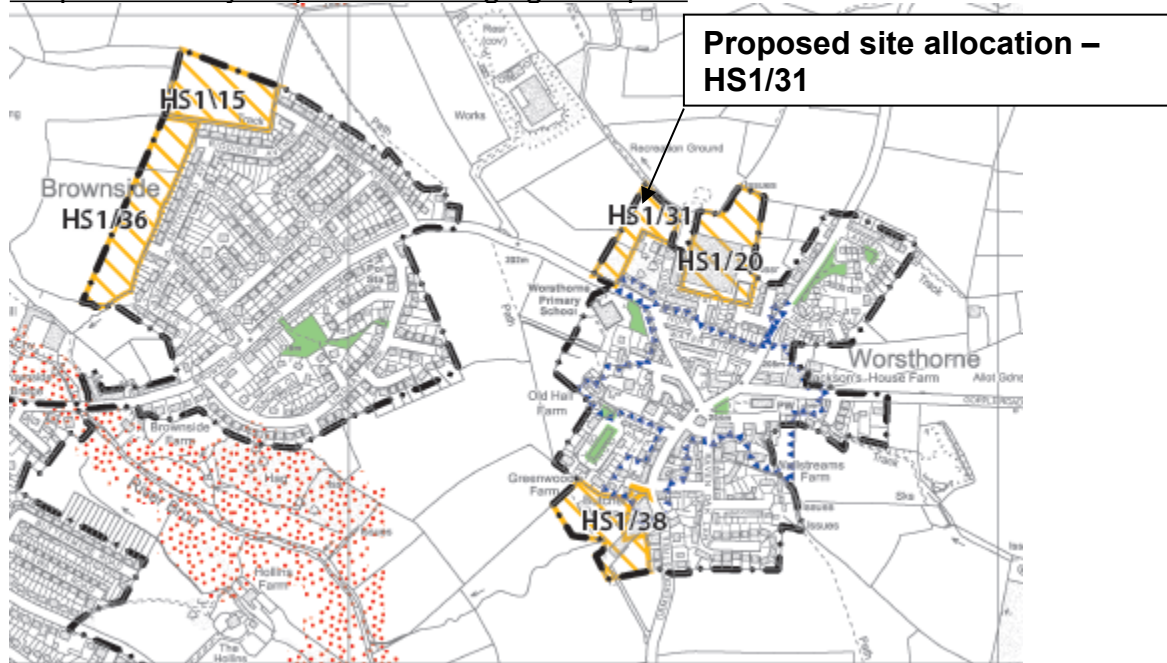
Burnley's Local Plan is a Submission Document and although is at an advanced stage is awaiting Hearing Sessions which will commence in November 2017. At this point, the plan can be given some weight. The housing requirement in Policy SP2 of the emerging local plan over the Plan period 2012-2032 is 4,180 dwellings (209 dwellings per year) which then taking account of completions, commitments, windfalls and empty homes, provides a residual requirement of 2,482 new dwellings to be met by site allocations. Using the figure of 209 dwellings per year and adding a buffer of 20% (which is not necessarily required but is applied to take a cautious approach), the supply target of 1578 over a five year period is still met by the Council's current five year supply of deliverable housing.

The Council's position is that it can demonstrate a five year supply in each of the above cases, although as stated in the Position Statement, the assessment using the SHMA (May 2016) is at this stage, the most reliable. As such, the provisions of Paragraph 14 are not engaged and policies relevant to the supply of housing in the local plan are not therefore out of date.

Future supply of housing up to 2032 is expected to be fulfilled by the proposed allocations at Policy HS1 of the new local plan. In order to provide a greater variety of sites and encourage aspirational housing, the emerging local plan seeks to review development boundaries, informed by a decision to meet the housing requirement and availability of developable and deliverable development sites between 2012 and 2032.

The Development Strategy is outlined in Policy SP4 and identifies Worsthorne as a main village where there is scope for medium and small scale housing sites to deliver quality and choice and modern adaptable stock for existing and new residents and to deliver aspirational housing and support and enhance existing service provision. This has led to a new proposed development boundary that extends the existing urban boundary into the adjoining fields to the western edge of Worsthorne up to the tree lined field boundary to the west of 250 Brownside Road and extending northwards up to Lennox Street. This coincides with the currently proposed application site. The proposed allocation estimates a capacity of 18 dwellings for the site which accords with the current proposal. Policy HS1/31 states that development on the identified site would be acceptable in principle. There are objections to the proposed allocation, in which case 'some' rather than significant weight can be given to it.

Proposed Policy Map of the emerging local plan



The proposed allocation reflects a modest growth to reflect the identification of Worsthorpe as a main village and to meet the overall aspirations of the emerging local plan to boost housing supply and in some instances to allocate greenfield land to accommodate the borough's housing and employment development requirements. The recent Housing White Paper (September 2017) also affirms the Government's commitment to boosting housing supply by a number of measures, including allowing rural communities to grow. The modest growth of Worsthorpe by a change to its development boundary at the north western corner of the village would therefore in principle be consistent with the overall objectives of the emerging local plan which is consistent with the thrust of Government policy. The main issue relates to whether the development would constitute sustainable development.

Sustainability test

Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. It states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role. These roles should be considered against the impacts of the development. In terms of an economic role, the benefits of the proposal would be mainly short-term, being associated with generating economic activity from the construction phase. In social terms, the applicant states that the development would provide family homes and offer an alternative to terraced properties, as well as increase the use and demand for public services. The village of Worsthorpe does provide amenities for new occupiers, including pubs, church, shop and school; paragraph 55 of the National Planning Policy Framework states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. To this end, the proposal would generate very general and limited social benefits but would satisfy the social role to sustainable development. The environmental strands of sustainable development are considered below.

Visual impact on rural area

The visual impact relates to the extent to which the application site contributes to the identified rural area, its landscape and setting of Worsthorne village and the Worsthorne Conservation Area. Policy GP2 referred to above seeks to protect the rural area, stating that “the Borough’s open countryside provides a visually striking and attractive setting for the urban area and is one of our greatest assets”. At Paragraph 4.14 it states that “There are a number of small villages and hamlets outside of the urban area. These settlements are an essential part of the character of the countryside. Their growth will be strictly controlled, particularly to prevent them joining together or encroaching on to the adjoining open countryside”.

Policy E27 seeks to protect and enhance the Borough’s distinctive landscape character. It states that this will be achieved by, amongst other things, protecting the setting of rural and urban settlements, protecting and enhancing historic field patterns, including walls and hedgerows and maintaining views and avoiding skyline development. The green gap provided by the fields that separate the historic village of Worsthorne from the later suburban development of Burnley at Brownside is important in maintaining the distinctiveness of the village and the urban area of Burnley. Any development between the village and Brownside has the potential to undermine the visual separation and harm the distinctive character of the settlements.

The proposed development would be contained between 250 Brownside Road and the tree lined boundary as seen on the approach into the village from Brownside. The main trees along this field edge have been protected by a Tree Preservation Order and would provide a considerable amount of screening from the proposed development.

Village approach



The proposed development would extend northwards from this line of trees up to a farm track off Lennox Street. The development would be partially visible from this perspective and would to some extent create a new built-up edge to parts of the existing urban boundary. This could however be mitigated by new tree planting to continue the existing screen of trees. From the site frontage at Brownside Road, the site lacks an open appearance. Formerly a woodyard and used as an allotment and for storage, this part of the application site relates more readily to the built-up village of Worsthorne than the open fields that separate Worsthorne from Brownside. The Tree

Preservation Order referred to above includes the frontage trees, although five of these (three downy birch, one oak and one beech) would have to be removed to provide for a new footway. The removal of these trees would need to be compensated by new trees that could, in time, provide an equivalent level of tree cover. The large poplar tree in the site corner next to 250 Brownside Road would be retained. Subject to these provisions, the proposal would not in principle have an unacceptable visual impact as viewed from Brownside Road. The existing tree lined boundary would visually contain the development. The spread of the development to the field on the north side of the site where the development is further from Brownside Road would have some impact on the approach views to the village but given that this would extend no further westwards than the existing tree lined boundary, a similar level of visual containment could be provided for this part of the site. The applicant proposes to plant trees along this existing field boundary. It is unlikely in these particular circumstances that the development would significantly erode or undermine the visual gap between Worsthorne and the suburban development at Brownside at the village approach and would not therefore lead to the perception of the merger between these settlements.

From the portion of the application site to the rear of new development at Lennox Street, there are uninterrupted views of Pendle Hill, creating a close relationship between the landscape surroundings and the built-up village.

View from Lennox Street



Any development of this portion of the site would obstruct these open views as seen from Lennox Street. The main view from the recreation ground beyond the application site would be unaffected and the amount of intrusion would be across a small area. This field is bound on its south side by new development off Lennox Street and relates closely to the built-up terrace on Lennox Street and Gorple Mill. The proposal would diminish the open nature of the field which is part of the rural area. The proposal would not constitute an infilling of a gap and hence, would not comply with Policy GP2. Its visual impact would at this position on the edge of the built-up village have a moderate impact which would be contained more locally, with less of a visual impact on the surrounding area. The proposed development would be visible from Extwistle Road, but from these longer distance views, the development would appear as a modest and natural extension of the existing built-up village without severely affecting the rural area.

Objections to the proposal have also referred to the impact of the development on the historic form and character of the village and the Worsthorne Conservation area that

embraces the core village and extends up to 250 Brownside Road. Policy E12 seeks to protect the setting of conservation areas. The existing approach and arrival into the village along the main route, Brownside Road, is marked on its left side by stone terraced houses and on the opposite side by a modern primary school building. No details of the layout, scale or appearance of the proposed dwellings are included in the application. Any future reserved matters application would be expected to show how it has been designed to take account of the special character and appearance of the conservation area. This is therefore a detailed consideration for a later time.

The visual impact of the proposal on the rural area would be relatively low in respect of the land fronting Brownside Road and moderate in respect of the field to its north side. The overall impact would be largely contained within the local area and would be subject to tree planting to continue the existing boundary trees along the western edge of the site, not have a significant impact on the perceived gap or harm the distinctive character between Brownside and Worsthorne.

As such, the proposal would not significantly affect the distinctive landscape character of the rural area and would not conflict therefore with Policy E27. Whilst therefore the proposal would be contrary to Policy GP2, the level of harm resulting from this should be considered alongside other material considerations, including any benefits arising from the development.

Impact on highway safety

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site is not located in an area that could be considered highly sustainable, however it is on the edge of a settlement with facilities and amenities and is close to a bus stop with services to the nearby town centre. A significant level of objection to the proposal has been received from neighbouring properties, village residents and from the Chair of Governors at the primary school situated opposite the site. The objections relate to the creation of an improved access and traffic close to a part of Brownside Road that is congested at school drop-off and pick-up times.

The proposed junction and access details provide a junction with a suitable width and radius and visibility splays of 70m in each direction. Short-term parking occurs at and around the proposed improved access. In order to ensure adequate visibility, LCC Highways state that Traffic Regulation Orders (TRO's) will be required for a distance of 25m on the north west side of Brownside Road and on both sides of the new estate road for a distance of 20m from its junction. Other conditions are also recommended to ensure traffic calming along the new access road and relating to construction design and a construction method statement, LCC has no objections to the proposed access. The congestion that comes from parked cars is a serious matter as it causes existing safety issues for the school and parents. This is a matter that should be addressed by all parties concerned but is not a reason to refuse planning permission where an acceptable junction design has been produced and has the backing of LCC Highways. Other objections relate to the capacity of the roundabout at Brunshaw Road/Brownside Road but the highway authority is satisfied that the scale of the proposed development would not require these improvements. To encourage sustainable travel at this village location away from the main urban area, LCC Highways has also requested a contribution for improvements to public transport facilities and a voucher scheme for the purchase of a cycle and a three month bus ticket for new occupants. These are additional requests that have been put to the

applicant and their response will be reported in the late correspondence prior to the meeting. The requests represent benefits to sustainable travel for new occupants and the existing village community, similar to those recently secured through the grant of outline planning permission for 24 dwellings at Butchers Farm (APP/2016/0417).

A section 106 Agreement will be needed to secure these contributions. With these provisions, the development would be accessible and promote sustainable travel. There are no technical constraints to the development therefore in respect of the proposed site access and the impact of traffic on the highway network, subject to the conditions recommended by LCC Highways.

Impact on ecology

Policy E5 seeks to protect protected species, whilst Policy E6 protects trees, hedgerows and woodland. The applicant has submitted a Phase I ecological appraisal which has been assessed on behalf of the Council by a qualified ecologist at the Greater Manchester Ecology Unit (GMEU). There are no nature conservation designations affecting the site. Whilst it is recognised that the site is used for birds and wildlife for foraging, it does not provide a breeding ground and is unlikely to affect protected species. GMEU recommend suitable conditions to safeguard wildlife by ensuring no clearance works take place in the bird nesting season and to require an inspection of bat boxes prior to their removal (and their re-instatement where appropriate). The majority of the trees on the application site, including the black poplar to the site's frontage, have been recently protected through a new Tree Preservation Order.

Impact on residential amenities

Policy H3 relating to quality and design in new housing development requires proposals to protect the amenities of neighbouring properties. Some of the objections that have been received are concerned that the position of the proposed estate road would lead to insufficient spacing between habitable rooms of new dwellings and existing houses. This is generally a matter for the relevant reserved matters (layout, scale and appearance). With no indication of the footprints of new dwellings then interface distances cannot be assessed. In the event that outline planning permission is granted then this could be controlled to approve the access junction and not the position of the whole length of the estate road. This would therefore provide some flexibility to achieve acceptable separation between windows. The proposed site amounts to 0.73ha and as such would be a gross density of approximately 25 dwellings per hectare which reflects a relatively low dense development.

Impact on local schools

The applicant has agreed to a contribution towards secondary school places as requested by the the School Planning Team at LCC. This would need to be subject to a section 106 Agreement. With this provision, the proposal would adequately cater for education needs relating to the development.

Provision of affordable housing

Policy H5 of the Local Plan requires a contribution of 10% affordable housing or special needs housing within schemes of 15 dwellings or more. Policy HS2 of the emerging local plan requires a contribution to affordable housing on developments of over ten units. The applicant agrees to make a 10% contribution to affordable housing, although no details of the tenure or type of affordable dwellings or the delivery mechanism for securing this have been submitted. Given that the 2016 Strategic

Housing Market Assessment (SHMA) identifies a need for 52 affordable dwellings per annum up to 2032, the proposal would make a small but positive contribution to this figure. In this case, the contribution of up to 1.8 affordable units may be impractical to provide on-site (through for instance a registered social landlord) and may at this proportion of the scheme be difficult to integrate into the overall development. In these circumstances, the applicant has been requested to and agreed to an equivalent off-site contribution to the provision of affordable housing in the borough. This would need to be subject to a section 106 Agreement. With this provision, the proposal would comply with the objectives of Policy H5 of the local plan and Policy HS2 of the emerging local plan.

Other issues

The applicant has agreed to a contribution towards open space as requested by the Manager of Greenspaces and Amenities that would be used to improve the local recreation ground. This would need to be subject to a section 106 Agreement.

Policy E34 of the Local Plan requires appropriate assessment to deal with potential contamination. A desk top contamination report has been submitted with the application. The report concludes that whilst the site is considered to be suitable for its proposed use, an intrusive investigation would be required. A condition would therefore be required to require suitable land investigation, remediation and validation.

Policy E8 seeks to manage flood risk. The site is within a low flood risk area. No detailed assessment of drainage has been submitted. The site would provide options for water management by way of sustainable drainage systems. Conditions would be necessary to ensure suitable schemes for both foul and surface water.

Conclusions

The proposed development falls within the rural area outside the main urban boundary of Worsthorne village. Policy GP2 which restricts development in the rural area remains relevant and in force. The main consideration is the development plan unless material considerations indicate otherwise. The development plan would indicate that the proposed development should be refused; however, some weight should be given to the emerging local plan which identifies the site for new housing. The emerging plan has reached an advanced stage and has been subject to a sustainability appraisal. The proposal represents a modest expansion of a village which has been identified as a main village in the development strategy of the emerging local plan. The proposal would therefore be consistent with the strategy and its objective in allowing some degree of aspirational housing to boost the supply and choice of new housing. The site is situated in a sustainable location which is accessible to the main urban area of Burnley and provides a reasonable range of services to the local community.

The level of harm resulting from the loss of part of the rural area has been assessed. There would be a moderate impact from the loss of the open field to the north side of the site and less of an impact from the portion of the site which is viewed more readily from Brownside Road. The visual impact from the development is however capable of being mitigated by additional boundary planting and in this case, the scale of its impact would be limited to its immediate surroundings and is unlikely to affect the visual gap between Worsthorne and Brownside and affect their distinctive character.

There are no technical constraints to the development; objections have been made in respect of the impact of traffic on Brownside Road close to the school entrance. LCC Highways is satisfied however that with improvements to the existing access and visibility splays and the use of Traffic Regulation Orders to prohibit parking on a small stretch of Brownside Road, the development would provide an adequate junction and safeguard highway safety. Given the site's village location, it is reasonable for LCC Highways to recommend a contribution from the developer towards improving public transport services and to encourage sustainable travel through a cycle voucher and pre-paid bus ticket scheme. This should be secured through a section 106 Agreement and the applicant's response to this will be reported at the meeting.

The proposed development would also not significantly affect the ecology of the site. There are a number of protected trees that would need to be removed on the site frontage but the most significant of these trees would be unaffected and replacement planting to provide new tree cover on Brownside Road can be secured by condition. The proposal would also not significantly affect the setting of the Worsthorne Conservation Area subject to detailed layout and design considerations which would be considered at the Reserved Matters stage. There are also a number of benefits arising from the proposal. The development is likely to provide aspirational housing that would offer opportunities for existing and new residents as well as supporting existing village services. A small amount of affordable housing would be provided by way of off-site contribution to be used within the borough. The development would also contribute to school places in the local area.

In this context, the scale and harm of the loss of the rural area and its non-compliance with Policy GP2 of the adopted local plan would be outweighed by a combination of the compliance of the proposal with the Development Strategy and site allocation in the emerging local plan which has reached an advanced stage and the benefits that would be derived from the proposal in providing new housing at a reasonably sustainable location. The proposal is therefore recommended for approval subject to a section 106 Agreement to secure contributions to affordable housing, education, open space, and the promotion of sustainable travel through public transport improvements and a scheme for cycle vouchers and pre-paid bus tickets.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to provide for contributions to affordable housing, education, sustainable travel and the following conditions:

Conditions

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this

permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 and Highwayaccess1, received on 9 August 2017.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. The landscaping scheme to be submitted with the Reserved Matters submission shall include a tree retentions and removal plan and provide for new tree planting along the site's frontage with Brownside Road and along the site's western boundary.
7. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
8. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any works taking place.
9. Prior to the commencement of development (including groundworks, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed present on site. The measures shall be carried out strictly in accordance with the approved scheme and shall be completed prior to any dwelling on the site being first occupied.
10. No development shall be commenced or any removal of bat boxes installed on the site take place until the boxes have been inspected by a suitably qualified person for the possible presence of bats. If bats are found to be present a

method statement giving details of measures to be taken to avoid any possible harm to bats shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to any development being commenced. Once approved this method statement shall be implemented in full. Whether any bats are present or not, bat boxes shall be re-instated on the site post-construction prior to any dwelling being first occupied.

11. A programme of works shall be submitted to and approved in writing by the Local Planning Authority prior to development being commenced, detailing the following:
 - a) The specific processes/activities which will be carried on during the construction phase(s)
 - b) The proposed timescales for the processes/activities in a)
 - c) The proposed noise mitigation measures for the processes/activities in a). The development shall thereafter only be carried out in accordance with the approved details.
12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
13. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
14. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
15. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained at all times.
16. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 15 which shall cover the lifetime of the development, has been submitted to and

approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

17. No development shall be commenced until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.
18. Vehicular access to the development shall be from Brownside Road only in accordance with details as indicated on the approved plans and no part of the development hereby approved shall be commenced until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The off-site works of highway improvement shall provide for a scheme to facilitate the making of a Traffic Regulation Order to restrict parking for a distance of 25m from the centre line of the new estate on the north west side of Brownside Road and the provision of a 2.0m wide footway to the site's frontage to Brownside Road. The site access and off-site works shall thereafter be constructed, carried out and completed in accordance with the approved scheme prior to any dwelling being first occupied.
19. The Reserved Matters application relating to the layout of the development shall provide for a pedestrian and cycle access from the site to provide convenient access to the nearby recreation ground off Lennox Street. Details of the pedestrian/cycle access shall be submitted to and approved in writing prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details and be completed and made available for use prior to any dwelling being first occupied. The approved pedestrian/cycle access shall thereafter be retained and available for use at all times.
20. The Reserved Matters application relating to the layout of the development shall provide for the details and design of the new estate road, including traffic calming measures to control traffic speeds to a limit of 20mph. The approved estate road shall thereafter be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
21. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to facilitate the restriction of parking on both sides of the new estate road for a distance of 20m from the centreline of the new estate junction with Brownside Road. The approved scheme shall be carried out and completed prior to any dwelling being first occupied unless a variation to the timescale for its completion is otherwise previously agreed in writing by the Local Planning Authority.
22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

The roads adjacent to the site shall be mechanically swept as required during the full construction period.

23. No dwelling shall be first occupied until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
24. The Reserved Matters application relating to the layout of the development shall provide for covered and secure cycle storage within either a garage or shed for each dwelling. The approved cycle storage provision shall thereafter be provided and available for use prior to each dwelling being first occupied and shall be retained at all times thereafter.
25. Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Combined Phase 1 Land Quality Assessment & Coal Mining Risk Assessment submitted with this application (prepared by PSA Design Limited, reference G2446-GR-01, dated 14 March 2017). Any recommendations contained within the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.
26. The Reserved Matters submission shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to any dwelling being first occupied.

Reasons

1. The permission is an outline planning permission.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy GP3 and H3 of the Burnley Local Plan, Second Review (2006).

6. To ensure adequate compensation for the removal of trees required for a footpath construction on the site's frontage and to ensure an appropriate rural edge to mitigate the visual impact of the proposal, having regard to the character of the village and the Worsthorne Conservation Area, in accordance with Policies H3, GP3 and E12 of the Burnley Local Plan, Second Review (2006).
7. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. All nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
9. The spread of Japanese knotweed in the wild is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended).
10. To compensate for possible lost bat roosting potential, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006). All UK bats are specially protected in UK and European legislation. The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
11. To identify and reduce the potential for nuisance to the occupiers of nearby buildings and dwellings during construction, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
12. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006).
13. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
15. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
16. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
17. To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second

Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

18. To ensure adequate access and visibility for drivers, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.
19. To ensure the site is accessible to its surroundings and adequately connected to village amenities, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the works required to implement the approved pedestrian/cycle access can be carried out at the appropriate stage of the development.
20. No such details have been provided with the application and are necessary to ensure an appropriate access and layout of the site and to ensure satisfactory access to the site before the development becomes operative, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
21. To prevent car parking close to the estate junction to avoid congestion and maintain visibility for drivers and pedestrians, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.
22. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
23. To ensure adequate parking facilities for each dwelling, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan, Second Review (2006).
24. To encourage sustainable travel modes, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
25. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health. It is necessary for the ground investigation report to be submitted and approved prior to the commencement of development in order to ensure that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.
26. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).

JF
07/11/2017