

Full Planning application

Proposed demolition of existing buildings and erection of 250no. dwellings with associated access, car parking, open space and landscaping

LAND WEST OF KIDDROW LANE BURNLEY

Background:

The proposal is to carry out a residential development for a total of 250 dwellings and associated roads, infrastructure, open space and play area on approximately 10.7 ha of land consisting of two redundant secondary schools (former Hameldon Community College and former Habergham High School) and their grounds. The former schools front Scott Street to the west of the site and Kiddrow Lane to its east side, bound by the recently opened Burnley High School on its north side and Sweet Clough on its southern side. The existing school buildings which are separated by approximately 4ha of former playing fields and woodland would be demolished.

Existing Site



The proposal involves the construction of a new vehicular access to provide the primary access to the site from Kiddrow Lane and a second access from the west side of the site from Scott Street which would be for emergency purposes only.

Former Habergham High School and more recently, 6th Form Centre at Kiddrow Lane (part of Hameldon Community College)



Former Ivy Bank College, more recently Hameldon Community College



The proposed development consists of two large areas of built development, separated by a new area of public open space and retained area of woodland. It provides a mix of semi-detached (33%) and detached (67%) with three and four bedrooms in similar proportions (53% and 47% respectively).

Proposed Site Layout



A green frontage would be retained along Kiddrow Lane with forward facing dwellings in a set back position. The existing area of woodland (0.85ha) within the south east portion of the site would be retained. The greenspace which comprises the former school playing field (3ha) which has been unused as a school playing field for over five years would be partly built on, leaving a green gap within the development for the purpose of new public open space (1.25ha).

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Main urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

GP9 – Security and planning out crime

GP10 – Developer contributions

CF1 – Protection, enhancement and replacement of playing pitches

CF3 – Protection of existing public parks, informal recreation areas, major open areas, play areas and other areas of open space

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

H6 – Housing density

H7 – Open space in new housing development

E3 – Wildlife links and corridors

E4 – Protection of other features of ecological value

E5 – Species protection

E8 – Development and flood risk

E19 – Development and archaeological remains

E34 – Derelict and contaminated land and derelict buildings

TM2 – Transport Assessments
TM3 – Travel Plans
TM4 – Transport hierarchy within development proposals
TM5 – Footpaths and walking within the urban boundary
TM15 – Car parking standards

Burnley's Local Plan, Submission Document, July 2017

SP1 – Achieving sustainable development
SP2 – Housing requirement 2012-2032
SP4 – Development strategy
SP5 – Development quality and sustainability
HS1 – Housing allocations
HS2 – Affordable Housing provision
HS3 – Housing density and mix
HS4 – Housing developments
HE4 – Scheduled monuments and archaeological assets
NE1 – Biodiversity and ecological networks
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
IC5 – Protection and provision of social and community infrastructure

The National Planning Policy Framework
Sport England's Playing Fields Policy
Burnley Green Spaces Strategy 2015-2025
Burnley Green Infrastructure Strategy 2013-2031
Housing Land Supply Position: July 2017

Site History:

Various minor applications for temporary classrooms, ancillary buildings, perimeter fencing and car parking have been previously approved up to January 2007.

Consultation Responses:

LCC Highways

The proposal is for the erection of 250 residential units on land formerly occupied by secondary education buildings. The site has been subject to pre-application discussions with the developer and as such the layout and access details have been agreed in principle. The pursuit of a second access onto Scott Street was discouraged due to access difficulties from Scott Street onto Padiham Road and the difficulties in identifying appropriate mitigation measures. The access has been retained for emergency purposes and cycle and pedestrian usage. Links (pedestrian and cycle) are also provided onto the Sweetclough Cycle route.

The site access onto Kiddrow Lane whilst achievable will require detailed design to ensure that it complies with the appropriate visibility requirements based on the 85th percentile speeds on Kiddrow Lane. Traffic surveys undertaken by the developer indicate that the 85th percentile speeds are 29.6mph north bound and 28.2mph

southbound which equates to a visibility requirement of 2.4m x 43m to the nearside kerb edge in either direction.

Sustainability

The site is located within easy reach of public transport facilities with services provided on both Kiddrow Lane and Padiham Road. Whilst the services on the former are limited, although school services do operate, Padiham Road benefits from a frequent quality bus service and with pedestrian links being provided on Kiddrow Lane and Scott Street the nearest bus stops are within the recommended walking distances. In respect of cycling, as part of the initial discussions for this site it was stressed that the development should make use of and provide access to the nearby cycle routes to improve the sustainability of the site and provide accessible alternatives to the use of a car. A link is shown onto Scott Street via the emergency access, two links onto Sweetclough and two dedicated cycle links onto Kiddrow lane as well as the main vehicle access.

Traffic generation and distribution

The traffic generation and distribution figures submitted within the Transport Assessment are considered acceptable and suggest that in the morning peak hour the predominant movement for traffic leaving the site will be left onto Kiddrow Lane towards Padiham Road with route options to Junctions 8 and 10 of the M65 as well as local employment and Burnley / Padiham town centres. A smaller percentage is shown turning right towards Accrington Road. In the evening peak the predominant approach to the site is via Padiham Road.

Based on the predicted traffic impact, there is an anticipated minor impact on the operation of the primary junctions in the vicinity of the development which will be in the main inconsequential, however there are existing capacity issues at the Liverpool Road /Accrington Road / Rossendale Road junction and it must be acknowledged that the proposed development will not address nor mitigate this impact. However it is worth noting that an improvement scheme is planned for this junction which will ease the situation slightly. Also worth bearing in mind is that this junction is one of a number which can serve as an access to the local motorway network and it is likely that as drivers become familiar with the prevailing road conditions and their variations throughout the day, driver behaviour and route choice will be amended accordingly.

Mitigation measures

The transport assessment mentions a number of mitigation measures to be contained with the Travel Plan to promote alternative transport modes such as cycling and public transport and the use of sustainable vehicles through the inclusion of electric vehicle charging facilities. Within the Transport Assessment a figure of 25% of the dwellings should be provided with electric charging points. As a consequence of issues associated with the administration of the proposed cycle and bus vouchers these will no longer be required although we would seek a 100% electric vehicle charging point provision for all dwellings that have a private off road parking provision. A review of the existing street lighting along Kiddrow Lane has been undertaken and no further action has been identified as necessary.

Site Specific Considerations:

1. All school signing and lining associated with the former use of the site shall be removed at the expense of the developer

2. The proposed cycle links from the development onto Kiddrow Lane shall benefit from the construction of dropped crossing to permit level access onto Kiddrow Lane
3. The sum of £40,000 by way of a S106 contribution has been offered by the developer towards mitigation measures to improve the sustainability credentials of the site. These funds shall be used to provide, improve and enhance the pedestrian and cycle links between the site and the local highway network

Conditions are recommended which relate to the construction of the new estate road/access; the closure of redundant access points; the construction of the site access and off-site works of highway improvement; the provision of cycle storage; electric car charging points; a construction management plan; and, the cleaning of wheels of vehicles leaving the site during construction.

Environment Agency

Initially objected to only a 30% betterment of existing surface water discharge. This objection is now withdrawn on the basis of the site been drained to greenfield rates and subject to conditions to require the surface water runoff to be in accordance with the amended plan which identifies a maximum total discharge rate of 65.8 litres/second. The reason for requiring this level of betterment relates to flooding that occurred downstream in Padiham town centre in 2015, to which this site contributed. Restriction of surface water runoff from this site will contribute to a reduction in flood risk to downstream properties in Padiham.

Local Lead Flood Authority (LCC)

No objection subject to conditions to require a final surface water drainage scheme, based on sustainable drainage principles and a surface water management and maintenance plan to be agreed and implemented prior to any occupation of the development.

Greater Manchester Ecology Unit

The bat survey report that has been undertaken has reconfirmed the presence of bat roosts in the buildings, finding four day roosts of Common Pipestrelle and/or Pipestrelle species together with a hibernation roost of Pipestrelle species. The report therefore makes a number of recommendations for further survey work to inform a licence application and compensation/mitigation measures, including a draft mitigation strategy. Recommend that the protection measures outlined in Table 4.1 of the report be required by condition and that prior to the commencement of development that a detailed method statement for the works be agreed.

In addition, the recommendations in the ecology report for protection measures for habitats and species as well as the control of invasive species and biodiversity enhancement should be a condition of planning permission.

Burnley Wildlife Conservation Forum

The majority of the area of land to be developed comprises two derelict schools and mown amenity grassland with no significant wildlife habitats. The houses would be sited sufficiently away from the adjacent Sweet Clough wildlife corridor between Scott Street and Kiddrow Lane so that there would not be a direct adverse impact on its wildlife habitats. Regarding mitigation measures for the loss of some trees and scrub habitat, the proposal incorporates the recommendations of the submitted Extended

Phase I Habitat Survey by providing an open-space wildlife corridor separating the two parts of the housing layout and linking into the Sweet Clough wildlife corridor, including a wetland habitat to be created close to Sweet Clough. Suggest that the proposed children's play area is re-sited further away from this wetland habitat to avoid disturbance to wildlife [the play area has now been re-sited further to the north of the proposed pond].

The Wildlife Trust for Lancashire, Manchester and N. Merseyside

The extended Phase 1 habitat survey identifies the presence of invasive non-native species, i.e Himalayan Balsam and Japanese Knotweed on/adjacent to the site. Both species should be controlled and eradicated from the site before the commencement of development. The application does not appear to have taken account of the requirement to conserve the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality. Play area should be further from the proposed pond. Appropriate bird and bat boxes should be erected on semi-mature trees around the site. If approved, recommend a condition to require the open space within the application boundary and the adjacent land within Sweet Clough Greenway to be managed sympathetically in accordance with an approved management plan or a period of at least 10 years.

Burnley Civic Trust

Object in so far as the development is without the footprint of the original buildings. Believe that the original spaces which are open should remain open and unbuilt upon and used for recreational purposes for the community. Objected to the proposal by Lancashire County Council when it gave notice that it intended to use the land for housing development. There is practically no play area in this part of Burnley.

Sport England

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field unless one or more of five exceptions apply. In this case, the proposal would result in the loss of approximately 3 hectares of playing field. Sport England have been part of pre-application discussions last year which also involved the Football Association. It was agreed by all parties that there are to be improvements at Burnley High School and Lockyer Avenue as the mitigation for the loss of the playing fields. Technically, the proposal does not accord with the exceptions because the playing field lost is being replaced by playing pitch improvements and not grass playing field. However, Sport England is mindful of the following characteristics that relate to this site: firstly, that the proposal for pitch improvements is supported by Council officers (that is, the Head of Greenspaces and Amenities) and secondly, that the current playing Pitch Strategy is supportive of this approach.

On this occasion, there will be no harm to sport and recreation provision on the site. As such, there is no objection to the proposal subject to an appropriate section 106 Agreement in accordance with the draft agreement that has been submitted which should be secured prior to the granting of planning permission.

Head of Green Spaces and Amenities

Has agreed to the playing pitch improvements at Burnley High School and Lockyer Avenue, consisting of drainage works to enable these pitches to be better used (£87,699 for Lockyer Avenue and £115,508 for Burnley High School) to be secured by a legal agreement and to include community use of the latter out of school hours.

Sustainable transport funding to surface the Sweet Clough Greenway with a new tarmac surface would encourage its greater use and be a valuable contribution. The wall fronting Kiddrow Lane is shown as retained which is good as it is an important feature of the site but recommend that it is reduced to around 600-700mm in height to enable views into public open space along the frontage of the site. The wall will need to be restored to a sound condition with any poor sections rebuilt and repointed as necessary. Detailed comments have been made in relation to the positions and species of trees and shrub planting, and requests made for additional footpath links to the Sweet Cough Greenway. These have mostly been carried out and are satisfactory; the applicant has been informed of a small number of minor changes that are still requested.

The proposals for tree protection measures are satisfactory and the precise positions of protective fencing will require agreement on site.

Lancashire Archaeological Advisory Service (LAAS)

Part of the proposed development area was occupied by Ivy Bank, recorded as a country house built in 1836 with parkland and demolished pre-1948 and located in the south east quadrant of the site. Some elements of the service range, glasshouses, garden walls etc may survive in adjacent woodland to the east of the house itself. As there is potential for the remains of Ivy Bank to be encountered by the proposals, it is recommended that a strip, map and record exercise of the house area as shown on the 1848 mapping be undertaken and a record of any surviving garden features be made. The 1848 mapping also shows a row of boundary stones crossing the western side of the site. The surrounding area was redeveloped so it is not known if any boundary stones remain within the proposed development site (two boundary stones are known to survive and were made listed buildings but fall outside the current site area). Should any surviving stones be identified within the site area, it is recommended that a photographic record is made and, if possible, for these to remain in situ as part of the development. It is recommended that a programme of archaeological work be undertaken in accordance with a written scheme of investigation (WSI) [following these comments, the applicant has submitted a WSI which the LAAS has agreed to].

Schools Planning Team (LCC)

Having considered primary school provision within a two mile radius and secondary school provision within a three mile radius of the proposed site, it is calculated that the development would generate a yield of 66 primary school places and 30 secondary school places. Taking into account the availability of spaces within the next five years, a contribution is sought for a total of 37 primary school places and no secondary school places. This would amount to a contribution of £526,040.47.

Health and Safety Executive (HSE)

The development is within the consultation distance of a major hazard pipeline. The HSE do not advise on safety grounds against the granting of planning permission in this case.

Cadent Gas Ltd

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. There is a major accident hazard pipeline in the vicinity which may be affected. The developer is requested to contact their Plant Protection team before any works are carried out.

Environmental Health

The Phase II Geo-environmental site investigation submitted with the application identifies locally elevated concentrations of heavy metals and polycyclic aromatic hydrocarbons (PAHs) within the shallow soils and recommend the following:-

1. Investigation in the area of Hameldon College in respect to contaminants
2. The absence of shallow mine workings
3. The production of a remediation and enabling works strategy.

These documents should be submitted before any further comments can be made.

Designing Out Crime Officer

Recommends that the development is developed to achieve Secured by Design accreditation and advises on a number of precautionary measures.

Coal Authority

No objection. The content and conclusions of the Phase II Geo-environmental Site Investigation and the Supplementary Coal Mining Investigation and Risk Assessment are sufficient for the purposes of the planning application.

Publicity

Eleven letters of objection have been received from neighbouring residents, including Councillor Neil Mottershead. One letter of support has also been received from a neighbouring resident which refers to the improvement that this have on the current site and buildings and provide a choice of new housing. A summary of the points of objection is listed below:-

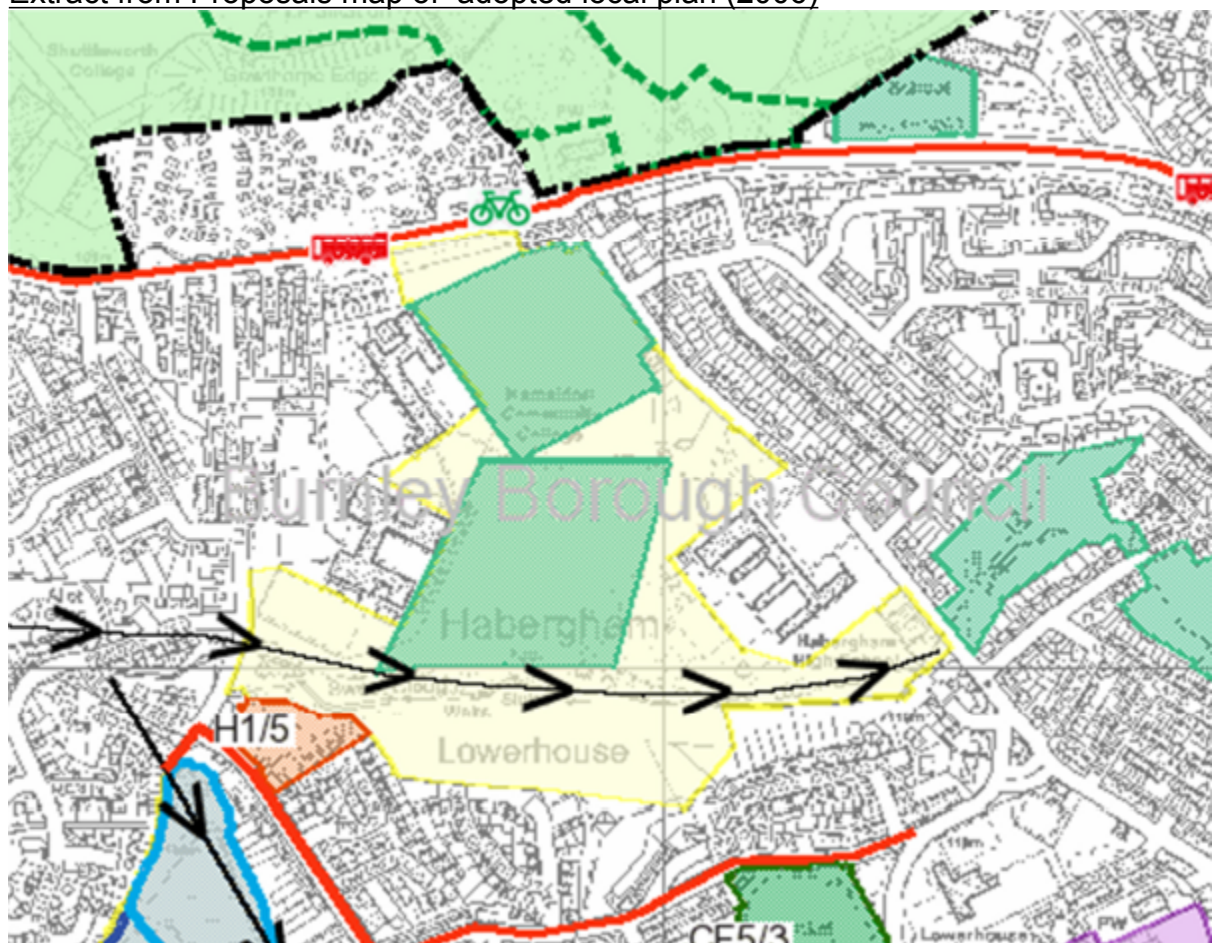
- Highway issues
 - Too many additional cars - up to 620 more vehicles on roads that are already gridlocked
 - Kiddrow Lane becomes double parked when the football pitches are being used
 - Speeding vehicles on roads
 - Concerned that wont be able to get off driveway on Kiddrow Lane
 - Increased risk of accidents and effect on the safety to pedestrians and school children
 - Will increase the problem at the traffic lights at the junction of Liverpool Road and Accrington Road
 - Tailbacks on Padiham Road and traffic from three schools on this road
 - Impact on traffic queues at Junction 10 of the M65
 - Two smaller developments with no vehicular link would be preferred
- Open Space issues
 - Want all the greenspace and trees retained, used for dog walking, children playing, no other play facilities nearby
 - Understood that building would only be permitted on the brownfield parts of the site and not on the greenspace
 - Have already effectively lost the use of the football field adjacent to the new Burnley High School
- Environment
 - Impacts on ecological features, there are bats present
 - Loss of trees
 - Want wall to Kiddrow Lane frontage to be retained
 - Generic new build houses are not in keeping with Kiddrow Lane

- Increase in noise and disturbance and smells/fumes
- Impact on air quality
- Drainage
 - Increased pressure on existing drains and increased risk of flooding
 - Playing fields get waterlogged in places
- Facilities
 - No provision of facilities for the amount of new residents
 - Doctors/dentists are full
 - Schools are at full capacity
- Housing
 - Do not need more housing
 - Should use empty homes
 - No affordable housing provision
 - No two bed properties to cater for first time buyers

Planning and Environmental Considerations:

Principle of proposal

The adopted local plan remains relevant in respect of its saved policies. The site falls within the main urban boundary where Policy GP1 seeks to locate all new development except that appropriate to a rural area. The Proposals Map of the Local Plan identifies the site the open areas of the application site around the existing schools as sports and play areas (darker green) and a major open area (yellow).
 Extract from Proposals map of adopted local plan (2006)



Policy CF1 states that the loss of all playing pitches attached to schools will not be permitted unless the considerations listed in the policy can be satisfied. Part of the

application site is also part of a larger main open area (indicated in yellow) where Policy CF3 similarly seeks its protection and only permits development in limited circumstances. These considerations will be assessed below. The emerging local plan seeks significant changes to the above proposals map and identifies the application site as part of its strategy to meet the need for new housing within the plan period 2012- 2032. The emerging local plan which is now a Submission Document has been through public examination, following which the Inspector has issued Proposed Modifications which has recently been through public consultation. The plan is therefore in its latter stages and can be afforded significant weight.

An extract from the Policies Map of the emerging local plan shown below identifies the whole of the application site as a site for housing development.

Extract from the Policies Map of Burnley's Local Plan, Submission Document



The conflict between the two plan documents will be discussed below, as well as the extent to which the proposal would meet the principal requirement for all development which is [in accordance with the NPPF] to achieve sustainable development.

Housing supply

The adopted local plan is based upon older housing needs assessments, in which case the Objectively Assessed Needs (OAN) evidence base used to inform the emerging local plan has a greater reliability. The housing requirement for the borough between 2012 and 2032 is set out in Policy H2 which following the Inspector's modifications provides for a minimum of 3,880 net additional dwellings which equates to an average of 194 dwellings per year. Policy SP4 states that large scale house developments will be focussed on the urban areas of Burnley and Padiham and Policy HS1 identifies a list of 38 sites across which the housing requirement will be met. The largest of these sites with an indicative number of dwellings at 250 is the current application site. The proposed development would therefore be in line with the emerging local plan and its strategy for the supply of housing.

In terms of the currently adopted local plan, the Council is able to demonstrate a five year supply of housing, in which case, the housing policies whilst relatively dated, remain relevant and Paragraph 14 of the National Planning Policy Framework (NPPF) which applies when housing policies are not regarded as up to date is not engaged. The determination of this application should therefore be made in accordance with the policies identified in the adopted local plan unless there are material considerations which outweigh this. Given the advanced stage of the emerging local plan and allocation of the whole of the site for housing development, this is a material consideration that should be afforded significant weight. Notably, more weight can be afforded to this in the event that the protective policies of CF1 and CF3 in the adopted local plan can be satisfied.

Impact on playing field provision

Policies of CF1 and CF3 represent the development plan policy for this site, seeking to protect the school playing pitches and a larger open area. In terms of the school pitches, Policy CF1 permits development on playing pitches except for a limited number of circumstances, including where the proposal is part of a scheme to develop new and improved pitches and ancillary facilities of at least equivalent community value within the immediate area. In this case, the open area has been unused as playing pitches for over five years. The pitches are not listed within the Burnley Green Spaces Strategy 2015-2025. The removal of these pitches would not therefore impact on the provision of pitches in the local area. Notably, there are other playing pitches close to the site at Burnley High School and at Lockyer Avenue playing fields which provide for team sports. These alternative sites are not however used to their full potential due to their quality and in particular, poor drainage. The applicant has been requested to make contributions to enable these pitches to be appropriately improved, amounting to £87,699 and £115,040.47 for improvements at Lockyer Avenue and Burnley High School respectively. These improvements would enhance playing on these pitches for existing users and allow more frequent use. The use of the Burnley High School pitches would also include for their community use, which does already occur outside of school times. The applicant had agreed to provide the funding for the improvements and as such, the Head of Green Spaces and Amenities and Sport England accept that this would be adequate mitigation and have no objections to the loss of the former playing fields on this site. The proposal would therefore satisfy Policy CF1.

In respect of the remainder of the existing open area which is protected by Policy CF3, the woodland element of this would be retained as well as 1.25ha of new formal public open space. Whilst residents have used the former playing pitches informally for walking dogs, the area is currently private open space. The formation of formal public open space running centrally within the site in a manner that visually links with the open playing fields at Burnley High School to the north and to the openness of the Sweet Clough Greenway to the south would enhance the quality of the provision of open space. An equipped childrens play area would also be provided which would meet the needs of the development. Policy CF3 permits proposals for development where it is in connection with, and will enhance, the recreational and amenity value of the open space. As such, Policy CF3 would not be compromised by the proposed development.

Accessibility and Impact on traffic

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 NPPF also requires proposals that generate significant movement to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Part of the selection of sites for new housing that has informed the emerging local plan has appraised the degree to which sites are sustainably located. The proposed site is situated within an existing urban area where it can make use of existing infrastructure and be close to public transport facilities and accessible to schools, employment and facilities. The site is therefore regarded to be sustainably located.

A Transport Assessment and Travel Plan have been submitted with this application. The former has examined the impact of additional vehicular movements on the existing highway network. Neighbour objections refer to the amount of traffic on Kiddrow Lane, Padiham Road and surrounding roads and at the junction of Liverpool Road with Accrington Road and at Junction 10 of the M65. The highway authority has reviewed this information and accepts its findings, noting that there may be some impact on the Liverpool Road/Accrington Road junction but that there is expected to be some relief from this due to planned improvements. Kiddrow Lane and the surrounding highway network can accommodate the additional traffic from the proposal. Notably, Kiddrow Lane which is served by a signalised junction with Padiham Road is more able to accommodate increased traffic movements than Scott Street which would be controlled to allow for emergency access only. Subject to detailed design of the site access and off-site works (to include a dropped crossing for cyclists), the proposal would not significantly affect the flow of traffic or highway safety. The proposal provides all the needs for car parking within plot curtilages and would not therefore impact on parking elsewhere. The development would generate greater use of the Sweet Clough Greenway which is currently stoned and un-made up. Improvements to tarmac the path would mitigate the impacts of greater use and have been agreed with the applicant. The conditions as recommended by the highways authority should be imposed.

Quality of design

Policy H3 requires quality design in new housing development and for development to protect the amenities of neighbouring properties. The proposed layout has been sensitively designed to provide attractive frontages to Kiddrow Lane and Scott Street and to integrate open space within the development and its surroundings. The stone wall that fronts Kiddrow Lane would be retained but lowered in height to allow views into the proposed public open space along the new site frontage.

Proposed public open space to Kiddrow Lane site frontage



Typical street view elevations



A range of house types are proposed which are two storey with the exception of one house type that utilises the roof space to provide three storeys. The proposed houses are characterised by gable roofs, artificial stone materials and heads and cills. A smaller number of properties have a render finish to provide some variety within the street scene. Gable elevations have been designed to include some windows where fronting estate roads in order to avoid large areas of blank walls. Boundary treatments include the use of stone walls with infill fencing where fronting estate roads. The overall effect is a harmonious development that would provide a high quality living environment for new occupiers. The amount and density of housing would be suitable for the site and integrate well into its surroundings. Whilst the proposal would not provide any smaller than three bedroom units, it would assist in providing a greater amount of aspirational housing which is a key objective for Burnley as a whole. In respect of impacts on existing properties, there would be adequate interface distances between the development and Kiddrow Lane/Scott Street and surrounding streets.

The proposed development would therefore fulfil the objectives of Policy H3.

Impact on ecological interests and trees

Policy E5 seeks to protect protected species, whilst Policy E6 protects trees, hedgerows and woodland. The applicant has submitted a Phase I ecological appraisal and bat survey report 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. A wildlife corridor is located to the south side of the site along Sweet Clough and the emerging local plan identifies the central portion of the site as part of an ecological woodland network. In respect of bats, roosts have been identified in the former school buildings to be demolished. The applicant will need to separately apply to Natural England for a licence to carry out any work that would affect the bat roosts. Given that there is no alternative to the

demolition of these buildings and their removal would be in the public interests to allow the proposed scheme to take place, there is no objection to the demolition of the buildings, subject to a bat licence and mitigation measures that would form part of that. Protection and mitigation measures as recommended within the Phase 1 habitat survey and as recommended by GMEU are necessary to protect bats and the biodiversity of the site. With these provisions, the proposal would not significantly affect wildlife or biodiversity.

The proposal would require the removal of some trees within the site in order to provide a reasonable developable area which includes an avenue of trees along the former driveway to Habergham Girls School. Trees along the site frontage with Kiddrow Lane and along the northern edge of the site, in addition to the whole of the large area of woodland would be retained. The loss that cannot be avoided would to some extent be mitigated by an extensive scheme of new landscaping along the new estate roads and within a new area of public open space.

Impact on education provision

The applicant has agreed to a contribution towards 37 primary school places as requested by the School Planning Team at LCC. This will be secured by means of a section 106 Agreement. With this provision, the proposal would adequately cater for education needs relating to the development.

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. The applicant has submitted a viability appraisal to demonstrate that due to the abnormal costs associated with developing this site that it would not be able to come forward with the policy requirement for affordable housing. The Council's Property Manager has assessed the appraisal and taken into account other contributions that are necessary to make the development acceptable (totalling £769,247.47) and concurs with the view of the applicant that in this instance it would not be feasible to impose a requirement for affordable housing. The applicant has provided measures for Lifetime Homes in the design of some dwelling types that would in part comply with Policy H5.

Impact on flooding

Policy E8 seeks to manage flood risk. The site is within a low flood risk area but is downstream from floods that occurred in Padiham in 2015. The Environment Agency has in this case insisted on a betterment of surface water discharge rates to achieve 100% greenfield rates which would provide a net benefit to the risks from the site on flooding in Padiham. An amended drainage scheme has been submitted which achieves this.

Other issues

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. A condition is required to require further intrusive site investigations and a remediation strategy to ensure the site is made suitable for residential use.

Conclusion

Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. The proposed site is situated within a sustainable location and the loss of former playing fields and an area of open space can be adequately mitigated by improvements to existing playing pitches and the provision of formal open space. There would therefore in this instance be no significant harm to the local provision of playing pitches or open space. As such, significant weight should be afforded to Policy HS1/1 of the emerging local plan which identifies the site as making a significant contribution to meeting the housing needs of the borough between 2012 and 2032. The impacts of the proposal on the local highway network, on bats and ecology, the visual amenities of the area, on education provision and other material considerations have been taken into account and can be satisfactorily mitigated by conditions and a section 106 agreement. The proposal would therefore be beneficial in providing for new and more choice of quality housing, would not conflict with the objectives of the development plan and would represent a sustainable form of development.

Recommendation: Minded to Approve subject to the applicant entering into a section 106 Agreement relating to education provision, playing pitch improvements and accessibility improvements and the following conditions:

A full set of conditions will be set out in late correspondence prior to the meeting.

JF 25/5/2018