
Statement of Common Ground Between Prospect Homes and Burnley Residents Group (Draft, September 2023)

Appeal relating to the non-determination of
application: FUL/2022/0149

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

Hollins Cross Farm, Woodplumpton Road, Burnley

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Appendices

Appendix A – Final Documentation

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1. Introduction

Scope and purpose

- 1.1. This Statement of Common Ground has been prepared as part of the appeal by Prospect Homes (“the Appellant”) against Burnley Council’s (“the Council”) failure to determine planning application FUL/2022/0149. This statement sets out those matters material to the determination of the planning application which are agreed between the Appellant and the Rule 6 Party.

Site Address

- 1.2. The site subject to this appeal is known as land at Hollins Cross Farm, Woodplumpton Road, Burnley.

Description of Development

- 1.3. The application for planning permission is described as follows:

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

Reason for appeal

- 1.4. At a meeting of Burnley’s Full Council on the 7th June 2023, the Council resolved to:

“defer the matter to the DC Committee until the full report of the over winter survey on flooding has been received and considered by the relevant experts on the flooding together with a further report on the ecological and climate change effect of the removal of peat and a further ecological survey relevant to the nesting of birds through the whole breeding season of protected species and clarification on whether ‘lowland fens’ habitat is available.”

- 1.5. In this context, Prospect Homes appealed against the non-determination of the application by Burnley Borough Council.

Timing and sequence

- 1.6. Savills, on behalf of the landowner, commenced discussions with the Council by way of a formal pre-application process on the 13th January 2020. A meeting was held with the Council to discuss the initial proposal on 3rd March 2020.
- 1.7. By way of letter dated 6th April 2020 the Council provided its formal response (under reference PRE/2020/0020).
- 1.8. The application for planning permission was submitted to the Council on 22nd March 2022 and was validated on 13th April 2022.

- 1.9. During the process of assessment of the application the Appellant undertook changes to the submission and issued revisions in September 2022 supported by a Planning Statement Addendum, with additional information submitted in January 2023 (as set out in more detail in the Appellant's Statement of Case).
- 1.10. The application was first reported to a meeting of the Council's Development Control Committee on the 8th December 2022, with a recommendation for approval. It was subsequently deferred on six grounds as set out in the Statement of Case. In summary these grounds were:
- Biodiversity Net Gain
 - Flood Risk
 - Management and maintenance of SUDs
 - Accessible and Adaptable Homes
 - Open Space Contributions
 - Conclusions of the Transport Assessment
- 1.11. Further information was then submitted to Burnley Council, in the form of a Supplementary Planning Statement. Much of this Statement focused on clarifying that the proposals were policy compliant (in respect of BNG, Accessible Homes, highway matters and Open Space). A Technical Note on the drainage strategy (by Robert E. Fry Associates (REFA)) was also prepared and submitted to the Council.
- 1.12. The Council undertook further consultation with the Lead Local Flood Authority and Lancashire County Council Highways on the additional information provided.
- 1.13. The application was reported back to DC committee on 18th January 2023, again with a positive recommendation.
- 1.14. Burnley Councils' Statement of Case states that: *"A drainage report by AEGAEA commissioned by objectors was received by the Council via a planning agent (Kirkwell's) acting on behalf of residents {at 13.13pm on 18th January 2023} 5 hours before the committee meeting, which not all members of the committee had had sight of".*
- 1.15. Following receipt of this submission, the Committee deferred the application solely on drainage matters, to allow for consideration of the AEGAEA report by all parties (including the LLFA). A response to the AEGAEA report was prepared by Prospect's Consultant, LDE. The Council (at Prospect's expense) instructed independent consultant SWECO to assess all information submitted on Flood Risk and Drainage, and the suitability of the proposed drainage strategy.
- 1.16. On the 9th March 2023 the application was reported to the DC Committee for the third time and again with a positive recommendation. During the meeting the Committee resolved to refuse the application due to a perceived non-accordance with Policies CC4 and CC5 of the Local Plan.



- 1.17. Burnley's Head of Planning intervened to refer the application to a meeting of Burnley's Full Council for determination (subject to the view of the Head of Legal Services, who subsequently concurred), due to the Committee's resolution ~~to refuse~~ ~~defer~~ ~~the~~ application ~~being 'substantially contrary' to the Local Plan, and therefore beyond the delegated authority of the Committee.~~ The application was reported to Burnley's Full Council meeting on 7th June 2023. Members subsequently voted to defer the application back to the Development Control Committee due to perceived outstanding queries on Flood Risk and Drainage, peat removal, and nesting ~~birds~~ ~~bird's~~ survey.

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2. Planning Policy Position

Planning Policy Documents

- 2.1. The Development Plan comprises the Burnley Local Plan which was adopted in July 2018 and sets out the overall strategy, policies and site allocations for the District.
- 2.2. The National Planning Policy Framework (NPPF) is a material consideration in the determination of the appeal.
- 2.3. Other planning policy and guidance documents may also be of relevance to a determination of the appeal. These include:
- Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)
 - Air Quality Management: Protecting Health and Addressing Climate Change (Adopted December 2020)
 - Chartered Institution of Highways & Transportation 'Planning for Walking'
 - Institution of Highways and Transportation (IHT) document, "Guidelines for Providing for Journeys on Foot"
 - 'Burnley Council's Climate Change Strategy' 2022-2026
- 2.4. In addition, the Planning Practice Guidance is a material consideration.

Relevant site-specific policy and allocations

- 2.5. Housing allocations across the borough are set out under Local Plan Policy HS1, at paragraph 5.1.8.
- 2.6. The appeal site is allocated for Housing in the Burnley Local Plan, under allocation HS1/2 – Hollins Cross Farm, which states,

"The site is acceptable for around 184 dwellings.

Additional and Site Specific Policy Requirements and Design Principles

- 1) A mix of dwelling types, including a minimum of 40% 4+ bed roomed detached and 30% 3+ bed roomed detached or semi-detached houses will be expected;
- 2) Vehicular access should be from a single point onto New Road. Contributions may be sought for off-site highway improvement work in the vicinity;
- 3) No vehicular access will be permitted from Woodplumpton Lane;
- 4) Protected Species have been recorded on the site which also includes Priority Habitat (lowland fen). An ecological survey will be required to accompany any planning application which addresses these issues in accordance with Policy NE1;
- 5) Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3; and

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

Supporting Information

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

2) *Lancashire County Council Highways has advised that access via Woodplumpton Lane would not be considered appropriate as there is no footway provision.*

3) *Contributions may be sought for off-site highway improvement works in the vicinity, both to Glen View Road and for traffic management works to the A646 and Manchester Road signal junction as development is likely to have cumulative impacts on this junction."*

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3. Matters of Agreement

The Appeal Site

- 3.1. The Site is located to the south of the town of Burnley and is bound by Burnley Golf Club to the west, Woodplumpton Road to the east, New Road / Glen View Road (the A646) to the north, and Hollins Cross Farm to the south.
- 3.2. The site extends to approximately 8.65ha, is roughly rectangular in shape, and is currently in use as arable and pastoral agricultural land. The site slopes downwards at a consistent gradient with a total drop of 25m between the south-western corner of the site and the north-eastern corner.
- 3.3. The site is immediately adjacent to existing dwellings which are situated south of the A646 and off Wilkie Avenue, with these houses and the wider area being characterised by two storey semi-detached residential buildings, with some detached dwellings and terraces.
- 3.4. The site is served by public transport, with two bus stops located on the A646 with services to Burnley and Accrington. The adjacent A682 Manchester Road also provides connection to Burnley Town Centre.
- 3.5. The site is not situated within a Conservation Area- but is the feeding and nesting ground and adjacent to and used throughout the year by Conservation listed birds Snipe, Curlew, Owls and Lapwing.
- 3.6. There are no Listed Buildings present within the site, nor in close proximity to the site boundaries.
- Uplands - 89 Glen View Road is a Locally Listed Building
- 3.7. There are no Tree Preservation Orders (TPOs) on site.

Proposed Development

- 3.8. The appeal proposes the delivery of 200 two-storey homes on the site.
- ~~3.9. Open space is provided across three broadly linear areas – to the north/north-east (including a LEAP), to east of the site (including a LAP) and a central area, running east to west.~~

Principle of Development

- ~~3.10-3.9.~~ The principle of developing the site for residential purposes is established through the Local Plan Housing Allocation (HS1/2).

Housing Mix

- ~~3.11-3.10.~~ Policy HS3 of the Local Plan provides a borough-wide guide, whilst noting, “*the precise mix should be informed by ... site specific considerations and the need to increase quality and choice across the borough.*”



3.12.3.11. Site allocation HS1/2 specifies the subject site is expected to achieve, "A mix of dwelling types, including a minimum of 40% 4+ bedroomed detached and 30% 3+ bedroomed detached or semi-detached houses." It was agreed with Council Officers that whilst the wording of the policy is drafted in a self-contradictory manner, '30%' relates to three-bed and not three-plus-bed homes.

3.13.3.12. The proposal delivers the following mix in terms of size and tenure:

Beds	Number of Homes	Percentage of All Homes	Delivered as Affordable
Four-bed	99	50%	-
Three-bed	81	40%	11
Two-bed	20	10%	9
Totals	200	100%	20

3.14.3.13. A good mix of type and size of housing is provided. This is considered to provide a diverse community, whilst meeting the aspirations set out in the Local Plan and would fit in with the existing residential development, which varies in terms of its size and type. As such, the proposals comply with the site allocation policy HS1/2.

Adaptable Homes

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

Social Housing

The site does not include any Social Housing Mix

Affordable housing

3.16.3.15. Local Plan Policy HS5: Affordable Housing sets out requirements for provision of affordable housing unless a site "would not be viable with affordable housing provision on-site or off-site by way of a contribution."

3.17.3.16. Burnley Council's adopted 'Developer Contributions' SPD sets out the requirements for the different types of housing sites in terms of affordable housing provision. The proposal includes for 20 dwellings (10%) as affordable homes that are delivered across the site. The proportion of affordable housing is double the quantum required by the Local Plan policy in the view of the Council.

3.18.3.17. The proposal includes 10% (i.e. 20 homes) of all dwellings onsite as affordable homes. As such, the proposed provision exceeds Policy requirements.

Transport Considerations

Access

~~3.19-3.18.~~ A single vehicular access onto New Road will serve the 200 homes. No vehicle access onto Woodplumpton Road is proposed to serve the new homes. Vehicular access is therefore in accordance with the site-specific requirements set out at Policy HS1/2.

3.19. There is to be NO access or usage TO or FROM Woodplumpton Road to any part of the Site or Hollins Cross Farm be it either temporary or permanent for ANY Type of Vehicles or Pedestrians throughout the life cycle of the development and after completion of construction as instructed in the Local Plan..

Accessibility

~~3.20.~~ The site is accessible by non-car modes and will cater for needs of the development's residents and assist in promoting a choice of travel modes other than the private car. The site is accessible by foot to the main local facilities.

3.21. The inclusion of Double Yellow Lines on both sides of Glen View Road from the traffic lights at Manchester Road to the entrance of the proposed site to ensure traffic flow is not interrupted.

3.22. The inclusion of a traffic controlled pedestrian crossing close to the site entrance of the development, to aid the children of the new development and the elderly residents at 91, 93, 95 and 97 Glen View road in the Arnold Holmes bungalows.

~~3.20.~~

Parking

~~3.21-3.23.~~ Policy IC3 requires that car parking is provided in accordance with the standard maximum and minimums set out at Appendix 9 of the Burnley Local Plan. All House types proposed meet the specified standards, with properties benefitting from driveways with some integral and detached garages.

3.24. The creation of a 4 Bay Parking Bay from the entrance to the site to in front of the Arnold Holmes Bungalows on Glen View Road, to allow the elderly residents access for transportation and emergencies. With appropriate signage to inform of a private parking area and emergency access for ambulances

Capacity

~~3.22-3.25.~~ **The proposed works 106 payment for work to traffic signals, junction upgrades will not suffice 400 new vehicles from Hollins Cross Farm and the bus service improvements (secured by S.106 agreement) will have a significant extra 400 from Barretts and positive impact on both car and bus travel and traffic flows in Seddon Homes sites at the immediate area, benefitting local residents. top of Rossendale Road**

Noise

~~3.23-3.26.~~ The proposal complies with policies HS4 and SP5 of the Burnley Local Plan relating to noise and amenity for new and existing residents.

3.27. The inclusion of a double width line of high growing Leylandi trees between the New Houses and the Proposed Retention pond/basin to shield the existing line of site and new noise created on the new site from the houses on Glen View Road .This line of trees at the east end to then continue down towards the new entrance of the site on New Road.

~~3.28.~~

Education

~~3.24.~~ Burnley Local Plan Policy IC4: Infrastructure and Planning Contributions states education provision is one of several 'appropriate matters' to be funded by planning contributions where development creates a requirement for additional or improved services.

~~3.25.~~ Lancashire County Council Education Authority have requested a £569,319 contribution (agreed by the Council and the appellant – to be secured through the S.106 agreement) towards funding for 23 secondary school places. The education contribution would be used to provide additional secondary places at Unity College and/or Burnley High School. No requirement for primary places has been identified.

~~3.26.~~ The requirements of Policy IC4 in respect of Education contributions are therefore met.

Do not agree with the 106 valuation far too low for 300-400 new children in the area

Archaeology

~~3.27-3.29.~~ There would be no significantly detrimental impact on archaeological assets because of this development and there is no requirement for archaeological recording prior to commencement of development. The proposal therefore accords with Local Plan Policies HS1/2 and HE4.

Air Quality

~~3.28-3.30.~~ Local Plan Policy NE5: Environmental Protection requires the Council to “ensure that proposals for new development will not have an unacceptable negative impact on air quality.”

~~3.29-3.31.~~ There are no formal Air Quality Management Areas (AQMAs) within the Borough.

Design & Materials

~~3.30-3.32.~~ Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development.

~~3.31-3.33.~~ Following discussion between the Council and applicant during the initial assessment process, several changes were made by Prospect Homes, including:

- the proposed materials were amended from facing brick, as the dominant building material, to Artstone with some elements of render.
- Hipped roofs to some properties have been replaced with gables
- Minor elevational changes.

~~3.32-3.34.~~ The post-submission amendments have resulted in a high-quality scheme, which is in accordance with Policy SP5.

Site layout generally

~~3.33-3.35.~~ Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development. Policy HS4 establishes standard separation distances between dwellings.

~~3.34.~~ Amendments have been made to the scheme post-submission to ensure full compliance with the minimum separation distances between properties, as set out in Policy HS4 (20m between elevations with habitable windows and 15m between habitable windows and a blank gable).

~~3.35-3.36.~~ The proposed development is low density housing which has allowed for these distances to be maintained throughout. As such the future occupants would not be at risk of significantly detrimental impact due to loss of light or overlooking/overshadowing. The proposal is therefore considered to accord with Policies SP5 and HS4 of the Local Plan.

Scale

~~3.36-3.37.~~ The proposed homes are all two storey in scale, which is appropriate in the site context and accords with the requirements of Policy HS1/2.

Carbon reduction measures in conjunction with the Council Climate Strategy Officer

~~3.37-3.38.~~ Policy SP5 states that the Council will seek high standards of design, construction and sustainability in all types of development and highlights standards that should be met. Part 1 (Energy Efficiency) has two relevant considerations for residential developments:

- a) Ensure in conjunction with the Council Climate Strategy Officer to Incorporate measures to minimise energy and water consumption;

- c) ~~Seek~~Ensure in conjunction with the Council Climate Strategy Officer opportunities for on-site energy supply from renewable and low carbon energy sources;

~~3.38-3.39.~~3.39. The following measures are included within the development to reduce Carbon Emissions Ensure in conjunction with the Council Climate Strategy Officer:

- Review of the proposed space and hot water heating system;
- Waste Water Heat Recovery;
- Solar Panels;
- Fabric Energy Efficiency upgrades;
- Vehicle Charging Points
- Ground Source or Air Source Heat Pumps are mandatory on all houses

~~3.39-3.40.~~3.40. These measures will result in a 31% emissions reduction.

~~3.40-3.41.~~3.41. Subject to build rates and timescales for determination of this appeal, c.150 dwellings would likely be constructed beyond 2025 and therefore subject to further measures to reduce Carbon Emissions, including air source heat pumps. These measures will result in a 70% emission reduction.



4. Declaration

- 4.1. This Statement of Common Ground is agreed by Martyn Bell on behalf of Burnley Residents Group and Savills on behalf of the Appellant.

Signed on behalf of Prospect Homes:

Date

Signed on behalf of Burnley Residents Group:

Date

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