



**DEVELOPMENT CONTROL
COMMITTEE**

**ROOMS 2 & 3, BURNLEY TOWN
HALL**

**Thursday, 8th December, 2022 at 6.30
pm**

SUPPLEMENTARY AGENDA

b) *Update Report*

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DEVELOPMENT CONTROL COMMITTEE

Thursday 8th December 2022

Update Report prior to Committee meeting

AGENDA ITEM 6a

FUL/2022/0149

The following points are provided to Members to consider along side the Committee Report in relation to this application:

Additional information:

1. The Highway Authority have now confirmed that they are satisfied in relation to parking on site and that it will be achievable in accordance with the provisions of the Burnley Local Plan. Condition 17 is added to ensure that the layout is secured as a discharge of condition.

2. A letter of objection has been received on the morning of 6th December 2022. This has been submitted by Kirkwell's Planning Consultants and notes it 'sets out the representation on behalf of many local residents' and businesses, who live around the application site'. No detail has been provided as to who the representations have specifically come from, or how many businesses this relates to. Due to the lateness of the representation, Officers have had limited time to consider the letter. The statutory period for objections is 21 days from notification, unfortunately in this case it has not been adhered to.

Representations have been made in relation to biodiversity net gain, drainage, noise and disturbance/overlooking in relation to the golf club and design and are considered below.

- Biodiversity; the letter states 'the level of biodiversity loss is totally unacceptable and can be reduced through higher habitat retention on site by fewer dwellings and provisions of nature areas throughout the site'.

The letter addresses a letter received early on in the discussions process. Since then, the applicant's Ecologist has been in close discussions with Greater Manchester Ecology Unit and although some matters were raised which needed addressing in the early stages of the application, these have been considered and addressed by the agent. The Great Manchester Ecology Unit has confirmed that with the conditions and the contribution secured through the s106, 10% net gain is achieved as a result of the development. This is a high level of net gain as a result of this development. A condition is included to ensure that the biodiversity units are kept at the agreed level for the on site provision (see condition 33)

- Drainage; the letter states: 'As submitted even with the use of detailed conditions it has not clearly been demonstrated that the new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere'.

This is addressed in the report, however in addition to this, Officers highlight the following:

The LLFA have confirmed in their response to the planning application that they have no objection to the proposal. They have listed 4no conditions which require further technical work to be carried out and agreed with the local planning authority, which allows the local planning authority to retain control in relation to flooding on the site. Condition 23 in the report before Members specifically controls the water run off details and ensures that development is unable to commence unless and until these matters are secured.

- Noise and disturbance/overlooking in relation to the Golf Club: The Golf Club is suitably distanced away not to cause concern to officers in relation to overlooking. Although there are events held at the Golf Club, again due to the distance this does not raise concern to officers in relation to amenity of future residents or the golf Club receiving any complaints in relation to statutory nuisance. The Golf Club have not objected. It is also noted there has been no objection raised to the application by Environmental Health Officers in relation to these matters and in any case, that the opening hours of the Golf Club are not late: 10pm is the latest opening hours the club operates at, with winter hours being significantly reduced. The opening hours therefore significantly reduce any risk of noise or disturbance.
- Design; This is addressed within the report.
- Landscaping: This is addressed within the report.

3. There have been some minor additions to the specific conditions in the committee report which are listed below, and the removal of condition 32 which repeated a previous condition.

There has been an additional 2no conditions included in relation to tree protection during development. The conditions have been agreed with the agent.

Condition 4

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

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

Condition 8

Prior to the occupation of each dwelling house garage wall hanging cycle storage suitable for 2no bicycles shall be provided within each garage with a separate secure bicycle storage facility, suitable for 2no bicycles being provided for units without a garage.

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

Condition 9

No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highways works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a s278 Agreement, under the Highways Act 1980. Thereafter the site access and off-site highway works shall be completed prior to first occupation.

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

Condition 10

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

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

Condition 17

Notwithstanding the approved plans, prior to the commencement of development a scheme and programme shall be submitted to and approved in writing for the final parking provisions on the site in accordance with the provisions of the Burnley Local Plan. Parking provision shall be implemented in accordance with the approved details and be fully available for use prior to the occupation of each unit.

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

Condition 18

Prior to the occupation of any dwelling houses hereby approved, a scheme and programme shall be submitted to and approved in writing by the Local Planning Authority for the play areas to be provided within the site. Details shall include but not be limited to:

- Specific play provision, including surfacing materials
- Boundary treatment
- Timings of installations and expected availability for each play areas.

The play areas shall be installed strictly in accordance with the approved details and retained as such for the duration of the development.

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

Condition 31

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class A of Part 2, Schedule 2 of the Order shall be carried out within the curtilage of Plots 49-56.

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

Condition 32 – removed

Condition 34

Notwithstanding the plans submitted, and prior to the commencement of development, a full revised scheme and programme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both hard and soft landscaping works to include, but not be limited to:

Proposed finished levels and contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, indicating lines, manholes, supports etc); and proposed for restoration where relevant. Soft landscaping works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed number/ densities where appropriate.

All hard and soft landscaping shall be carried out in accordance with the detail provided in the scheme. Should any planting die, become diseased, or be removed it shall be replaced within the same or is not possible, next planting season and be retained in accordance with the approved scheme.

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

- Additional conditions in relation to tree protection measures:

Prior to the commencement of any development on site, including site clearance works, a Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which details the protection measures to be used to protect existing trees during the development process. The Arboricultural Method Statement shall be strictly adhered to throughout the development process.

In the interest of protecting trees on the site during the development process in accordance with the provisions of Policy NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with current British Standard (3998 (Tree Work) or thereafter).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted during the next planting season and retained thereafter.

06.12.2022

Revised Conditions

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

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

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

- Application form received 13th May 2022
- Topographical survey sheets 1,2,3
- Site Location Plan WD20 90 LP01A
- Existing site Plan HCB ESP 001
- Planning Layout WD20-90-DL01 Rev J
- Landscaping proposals GL1942 01, GL1942 02, GL1942 03 and GL1942 04 Revisions F
- Boundary Treatments WD20 90 BT01 Rev J
- Material finishes WD20 90 MF01 Rev J
- Drainage Strategy 21061- 100- 1B
- Drainage Strategy 21061-100-2-B
- Drainage Strategy 21061 100 3 A
- Affordable Housing plan HCB AHP01 Revision J
- Refuse Layout WD20 90 RL 01 Rev J
- Garages SG 001
- Roof Plans
- House Type Booklet Dated Aug 2022
- Management and Maintenance Plan WD20-90-MP01 Rev J
- Air Quality Assessment
- Archaeological Assessment
- Arboricultural Impact Assessment
- Botanical, Invasive and BNG Report
- Crime Impact Statement
- Design and Access Statement
- Drainage and SuDS Strategy
- Ecology Surveys
- Energy Efficiency Statement
- Flood Risk Assessment
- Geo Environmental Investigation Report
- Landscape and Visual Appraisal
- Noise Impact Statement
- Transport statement inc. Travel Plan
- Water Vole Survey Report
- Construction Method Statement

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

Phasing plan

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

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

Floor levels

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

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

Materials

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

External walls and roofs of the dwelling houses and garages

Rain Water Goods

Windows and doors

Boundary walls

Driveway surfacing

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

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

Highways

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

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

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

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

8. **Prior to the occupation of each dwelling house** garage wall hanging cycle storage suitable for 2 bicycles shall be provided within each garage with a separate secure cycle storage facility, suitable for two bicycles being provided for units without a garage.

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

9. ~~No part of the development hereby approved shall be commenced until all the highway access works have been constructed and completed in accordance with a scheme that shall be prior submitted to and approved by the Local Planning Authority.~~ **a scheme for the construction of the site access and the off-site highways works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a s278 Agreement, under the Highways Act 1980. Thereafter the site access and off-site highway works shall be completed prior to first occupation.**

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

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

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

11. The new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site.

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

12. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will also be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

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

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

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

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

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

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

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

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

17. Notwithstanding the approved plans, prior to the commencement of development ~~and scheme and programme for the final parking scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and available for use for each phase of the development and retained for the duration of the development.~~ **a scheme and programme shall be submitted to and approved in writing for the final parking provisions on the site in accordance with the provisions of the Burnley Local Plan. Parking provision shall be implemented in accordance with the approved details and be fully available for use prior to the occupation of each unit.**

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

Play provision

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

~~Play provision of the LEAP~~

~~Play provision for the LAP~~

~~Surfacing materials~~

~~Timing of installation and availability for the play areas.~~

for the play areas to be provided within the site. Details shall include but not be limited to:

- **Specific play provision, including surfacing materials**
- **Boundary treatment**
- **Timings of installations and expected availability for each play areas.**

The play areas shall be installed strictly in accordance with the approved details and retained as such for the duration of the development.

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

Bins

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

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

Contamination

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

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

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

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

identified in the verification report, and for the reporting of this in writing to the Local Planning Authority’.

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

21. No development shall take place on each phase until a site specific Construction and Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Noise monitoring protocol
- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 14 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants, including on-site wheel washing facilities;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

Surface Water drainage

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

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

23. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

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

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

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

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

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

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

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

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

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

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

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

25. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

Ecology

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

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

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

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

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

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

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

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

30. No works to trees, hedge or shrub or earthwork shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

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

31. ~~There shall be no garden fences erected within rear gardens of plots 49-56.~~
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class A of Part 2, Schedule 2 of the Order shall be carried out within the curtilage of Plots 49-56.

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

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

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

~~33.~~ 32. Prior to the commencement of development hereby approved, a biodiversity net gain plan will be submitted to and approved in writing by the local planning authority. This plan shall detail, in full, measures to protect and enhance retained habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 22.63 Biodiversity Units. Within the biodiversity net gain plan the following information shall be provided, but not be limited to:

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

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

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

~~34.~~ 33. Notwithstanding the plans submitted, and prior to the commencement of development, a scheme and programme for the landscaping of the site, shall be submitted to and approved in writing prior to commencement of development for the landscaping planting across the site, to ensure hardy plants are used to improve chances of survival in this location. The scheme shall be implemented in accordance with a timing schedule for planting also submitted at the same time in line with the agreed phasing plan for the development. All planting shall be carried out in accordance with the approved details and current British Standards and maintained thereafter for the duration of the development. Should any planting die, become diseased or be removed, it shall be replaced within the same or if not possible, next planting season and be retained in accordance with the approved scheme.

a full revised scheme and programme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both hard and soft landscaping works to include, but not be limited to:

Proposed finished levels and contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, indicating lines, manholes, supports etc); and proposed for restoration where relevant. Soft landscaping works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed number/ densities where appropriate. All hard and soft landscaping shall be carried out in accordance with the detail provided in the scheme. Should any planting die, become diseased, or be removed it shall be replaced within the same or is not possible, next planting season and be retained in accordance with the approved scheme.

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

Additional Condition

34. Prior to the commencement of any development on site, including site clearance works, a Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which details the protection measures to be used to protect existing trees during the development process. The Arboricultural Method Statement shall be strictly adhered to throughout the development process.

In the interest of protecting trees on the site during the development process in accordance with he provisions of Policy NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework

No retained tree shall be cut down, uprooted or destroyed, not shall any retained tree be topped or lopped other than in accordance with he approved plans and particulars, without written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with current British Standard (3998 (Tree Work) or thereafter).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted during the next planting season and retained thereafter.

Informative:

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

12 weeks' notice to arrange the necessary permits. They can be contacted on
lhsstreetworks@lancashire.gov.uk or on 01772 533433.