

**Application Recommended for Delegation to  
the Head of Housing and Development Control  
to approve subject to S106 obligation**

**FUL/2022/0149**

**Coal Clough with Deer Play**

Hollins Cross Farm, Woodplumpton Road, Burnley

Town and Country Planning Act 1990

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

Hollins Cross Farm, Woodplumpton Road, Burnley

Applicant: Prospect Homes

**Background:**

The application is before Development Control Committee following its deferral from the meeting in December 2022. Additional information is provided to Members along for consideration with the earlier Committee reports. It is recommended that all the reports are considered together.

Prior to the December meeting, a second objection was received on behalf of a resident's group. Due to the timing of the submission of this information, it was not possible for officers to consider its content in full at that time. The objection included a detailed report from a company called 'AEGAEA' in relation to groundwater risks associated with the development. Members therefore took the decision to defer the decision until this information could be considered.

The AEGAEA report takes into account the findings of the Flood Risk Assessment (RSK, December 2021) and GEIR (REFA December 2022) as well as the drainage design, drainage queries and the Lead Local Flood Authority (LLFA) responses. The key conclusions of the report in relation to groundwater are summarised below:

- The risk of groundwater flooding and its impact on surface water flows needs to be considered in greater detail to not increase flood risk elsewhere.
- The proposed surface water drainage strategy has not considered groundwater levels. There are concerns that the attenuation pond as an artificial feature will not allow groundwater to ingress, and that existing groundwater could not be displaced post-development.
- Groundwater monitoring is required across the site to inform the foundation design of the properties, buoyancy calculations for SuDS such as tanks and the performance of swales if they are not lined.
- There is no consideration of the regrading of the site in the drainage strategy, or the impact on overland flows of surface water, interaction/impact of groundwater as a result of the regrading.

Officers have requested the assistance of an external consultancy 'SWECO' to consider the information that was received independently and to form a conclusion in relation to groundwater on the site.

## **Consideration of the AEGAEA report:**

Officers have consulted an independent specialist groundwater consultancy 'SWECO' in order to provide further detail to Members in relation to the objection received. A full report has been provided which considers the matters raised by the AEGAEA report, and forms a conclusion in relation to risks caused by groundwater on the site. The report is attached in full for Member's information.

The report covers the ground conditions, topography and drainage, geology, groundwater, assessment of ground and groundwater conditions, the proposed development, the impact of the proposed attenuation basin and any limitations/data gaps. Officers have summarised the findings below; but Members are advised to consider the content of the report as well as this committee report.

In the report it is highlighted that based on the available information, groundwater seepage seems to be primarily associated with peat deposits, which are limited in extent to the depression along the northern boundary, in the vicinity of the proposed attenuation basin. Although peat can hold reasonable quantities of groundwater, as it is limited in extent, groundwater storage and release is also expected to be limited.

The report concludes that based on the high-level review of the reports and the information provided, groundwater and any associated potential flood risk is not expected to be a significant constraint to the development. SWECO state that based on the information provided, any flooding appears to be primarily associated with run off due to the presence of low permeability clayey glacial till underlying most of the site. They also state that there is groundwater present within the peat, which would be naturally associated with wet ground. Groundwater is also present within small, localised pockets of more permeable deposits within the clayey glacial till.

The conclusion also notes that as much of the peat deposit will be removed within the site boundary during the construction of the attenuation pond, this will reduce groundwater storage. Any perched water within more permeable horizons within the till will be isolated and of very limited extent. It states it may be encountered during regrading or excavation activities, but flows are likely to be minimal in terms of volume and duration. There is also weathered sandstone at the top of the bedrock that is likely to contain groundwater but it will not be intercepted by the attenuation basin.

SWECO highlight that further winter monitoring would be helpful but do not state it is imperative to consideration of the drainage matters.

Officers consider that the information provided by SWECO has addressed the late concerns presented by the residents group prior to the December committee. They consider that the information is therefore conclusive in that potential flood risk as a result of groundwater has been considered and it is not expected to be a significant constraint to the development.

Policy CC4 of the Burnley Local Plan requires that development does not result in increased food risk from any source or other drainage problems, either on the development site or elsewhere. This is supported by the provisions of the National Planning Policy Framework. On consideration of all the information provided, officers

are satisfied that the development is acceptable and in accordance with both national and local planning policy in this regard and that this is not a suitable reason to refuse the application.

Other matters for consideration are discussed in detail in the previous committee reports appended.

### **Conclusion:**

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

- Low density housing with a housing mix providing excess of the policy requirements in terms of 4 plus beds and 3 bed housing (weighing in favour of the development in the planning balance)
- Protection of the amenities of neighbouring properties in terms of distances and overlooking.
- A safe access and egress to and from the site, with a resultant reduced speed limit and safe pedestrian links
- Contribution towards the upgrading of an under functioning junction in the vicinity which will provide improvements to traffic flows
- Contribution towards improved bus services within the area and upgraded bus stops for local people
- Provides 2 play areas for younger children within the site and additional functional open space for use by residents
- Contributions towards facilities for older children at Scott Park
- Improvements to the design of the houses, including the proposed materials
- Significant carbon reduction measures
- High quality landscaping throughout the site
- Adaptable housing in excess of policy requirement (weighing in favour of the development in the planning balance)
- Affordable housing in excess of policy requirement (weighing in favour of the development in the planning balance)
- Education contribution which will provide the uplift in secondary places required as a result of this development.
- Contribution to Biodiversity Net Gain off site £384600, with overall net gain across the development of 10% uplift

The NPPF states that decisions should apply a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. The late objections received have been considered, and additional information requested by Members has been provided in this report. Officers consider that proposal complies fully with the development plan and there are no material reasons to outweigh this finding in which case the application should be approved.

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

- Education £569,319
- 10% affordable housing
- Public Open space off site contribution £75000
- Biodiversity off site contribution: £384600
- Highways off site contribution £60000 towards bus service improvements
- Highways off site contribution £70000 towards upgrade of junction
- £26140 Bin provision
- Open Space Management and Maintenance Plan
- Management and Maintenance details for any sections of highways and the SUDS within the development which are not to be adopted in perpetuity.

## Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.
  - Application form received 13th May 2022
  - Topographical survey sheets 1,2,3
  - Site Location Plan WD20 90 LP01A
  - Existing site Plan HCB ESP 001
  - Planning Layout WD20-90-DL01 Rev H
  - Landscaping proposals GL1942 01, GL1942 02GL1942 03 and GL1942 04
  - Revisions F
  - Boundary Treatments WD20 90 BT01 Rev H
  - Material finishes WD20 90 MF01 Rev H
  - Drainage Strategy 21061- 100- 1B
  - Drainage Strategy 21061-100-2-B
  - Drainage Strategy 21061 100 3 A
  - Supplementary Planning Statement, dec 2022 Prospect hHome and REFA)
  - Affordable Housing plan HCB AHP01
  - Refuse Layout WD20 90 RL 01 Rev H XXX
  - Garages SG 001
  - House Type Booklet Dated Aug 2022
  - Management and Maintenance Plan WD20-90-MP01 Rev H
  - Arboricultural Impact Assessment
  - Ecology Surveys
  - Energy Efficiency Statement
  - Flood Risk Assessment
  - Geo Environmental Investigation Report
  - Noise Impact Statement
  - Transport statement inc Travel Plan

- Water Vole Survey Report
- Construction Method Statement
- Amended Planning Statement Addendum

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

#### Phasing plan

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

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

#### Floor levels

4. Prior to the commencement of development 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.

#### 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. Prior to the commencement of development and scheme and programme for the access and egress from Hollins Cross Farm, Hollins Cross Farm Barn and

Hollins Cross Cottage shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the development process.

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

7. 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.

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.

9. In line with the approved phasing plan, prior to the occupation of the dwelling houses, verification report shall be submitted to and approved in writing by the local planning authority which demonstrates the houses have achieved the adaptable homes standards set out in the application (at 65% of homes on the site). The houses shall be built to the approved standard.

Reason: To ensure that adaptable homes are provided at the agreed level of 65% which is more than the policy HS4 (part 4) requirement of the Burnley Local Plan.

10. 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 in accordance with the approved scheme prior to first occupation of the development hereby approved.

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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. Once the access to the existing dwellings at Hollin Cross Farm has become redundant due to the development, 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.

17. 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.

18. 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.

Play provision

19. 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

Bins

20. 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



21. 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.

22. 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

23. 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.

24. 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 and indicative drainage strategy and drainage calculation report submitted and sustainable drainage principles 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.

25. 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.

26. 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.

27. 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

28. 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.

29. 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.

30. 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.

31. 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.

32. 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

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

- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary negative impacts on retained habitats and areas proposed for habitat creation;
- Planting schedules including proposed species, planting or sowing density, size of plant material and seed source(s) for both habitat creation and or habitat enhancement purpose;
- Proposed management prescriptions for all habitats created or enhanced including measures designed to enhance conditions, for a period of no less than 20 years;
- Timetable of delivery for all habitats both in terms of distinctiveness and condition.
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority;
- Information on organisations responsible for implementing, managing and monitoring

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

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

34. Notwithstanding the plans submitted, and prior to the commencement of development, a 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.

Informative:

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

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06.01.2023