

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th September, 2021  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 9th September, 2021 at 6.30  
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance re social distancing there is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact [democracy@burnley.gov.uk](mailto:democracy@burnley.gov.uk) in advance of the meeting.

### AGENDA

#### 8. Late Correspondence

3 - 14

#### MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)  
Councillor Anne Kelly (Vice-Chair)  
Councillor Gordon Birtwistle  
Councillor Frank Cant  
Councillor Phil Chamberlain  
Councillor Scott Cunliffe  
Councillor Sue Graham  
Councillor Sarah Hall

Councillor John Harbour  
Councillor Alan Hosker  
Councillor Jacqueline Inckle  
Councillor Karen Ingham  
Councillor Mohammed Ishtiaq  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Ann Royle

**PUBLISHED**

Wednesday, 1 September 2021

## DEVELOPMENT CONTROL COMMITTEE

Thursday 9<sup>th</sup> August 2021

### Late Correspondence/Verbal Reports

#### AGENDA ITEM 6

##### Agenda Item 6b

**FUL/2021/0264 – Former Isaac Centre, Harrogate Crescent, Burnley**

##### Environmental Health (Contaminated Land)

The applicant has provided some information relating to contaminated land assessment, but it is not fully complete and therefore recommend a condition to require this to be carried out [this is included in the list of recommended conditions below].

##### Correction – page 38 (Open Space)

The figure that is agreed for a contribution towards public open space improvements is £55,300 and not £75,086 which is misquoted from the figure requested by the East Lancs NHS Trust). The figure of £55,300 is calculated on bedroom numbers in accordance with the Developer Contributions SPD.

It is incorrect to say that the site does not contain Green Infrastructure as the school grounds are a form of Green Infrastructure. The development of the site and formation of gardens would provide a different form of Green Infrastructure and the impact of that on biodiversity is considered in the agenda report. Notably, the site is not specifically protected on ecological grounds under Policy NE1. In terms of the value of the Green Infrastructure as open space, it is also not specially protected under Policy IC5.

##### Clarification

Page 36 – the distances between the rear elevations of the proposed houses and the rear elevations of bungalows is approximately 25m to the main rear elevation, but is a minimum of 23m which does not take into account rear extensions to these properties. The separation distances comply with the requirements of Policy HS4. A condition is recommended to withdraw Permitted Development rights for Plots 31 to 37 inclusive that would take into account the relationship between two storey houses and bungalows and enable any future changes to these properties to be considered in relation to the outlook and privacy of the affected bungalows on Minehead Avenue.

Page 37-38 – Energy Efficiency. The applicant affirms that the efficiencies in the scheme are focussed on a fabric first approach. The calculations in the submitted Energy Statement confirm that the measures that would be incorporated into the construction would lead to new dwellings with a reduced energy requirement of 331,682 kWh/year and an associated emission rate of 78,736 kgCO<sub>2</sub>/year. These are respectively 3.15% and 2.0% reductions over the baseline of the building regulations. This would be a beneficial reduction in energy use and CO<sub>2</sub> emissions.

Page 39 – The Council's car parking standards require 0.25 space per dwelling for visitors (total of 11 spaces) which is in addition to the rate which is determined on bedroom numbers. This requirement would be met by the construction of a new estate

road which would offer parking for visitors over and above the dedicated in-curtilage parking spaces.

Page 42 – Affordable Housing. The applicant affirms that the proposed scheme would provide 3no. houses for Affordable Housing (Moulton house type – 3 bedrooms) which would be for Shared Ownership.

### Conclusion

The site is unallocated in Burnley`s Local Plan but provides the opportunity for a redevelopment of a vacant building and site and the provision of good quality new homes that would boost the supply and range of new housing in the borough. A significant number of objections have been received and these objections have been discussed. Most of these can be dealt with such as through conditions to mitigate against the loss of trees. The scheme has been designed with adequate spacing to protect the amenities of neighbouring properties and would be an appropriate scale and design to integrate into the surrounding residential area. Protected species have been found on the site but can be satisfactorily addressed through mitigation and a requirement for a licence from Natural England. The anticipated traffic that would be generated by the development can be catered for within the existing highway subject to some minor improvements that are recommended by the local highway authority can be conditioned. Policy requirements to ensure adequate open space and play facilities for new development can be met through a contribution towards improving existing facilities at Kibble Bank which is accessible from this site. The provision of 3no. Affordable Homes would have a small but positive benefit. In conclusion, the re-development of this previously developed site within defined Development Boundaries would represent sustainable development. The proposed development would comply with the development plan and there are no material considerations which would outweigh this finding.

**Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to open space improvement and affordable housing**

### Recommended 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.

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

3. No site clearance, demolition or development of any kind shall be commenced unless and until either of the following has occurred and is submitted to and accepted in writing by Local Planning Authority:-

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any equivalent provision in any superseding regulation) that authorises the development to proceed; or,
- b) a written statement from Natural England to the effect that it does not consider a licence to be required for the development to proceed.

Reason: To ensure that no harm is caused to bats which are a protected species under the Wildlife and Countryside Act 1981 and have been found to use the existing building on the site as a roost, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The requirements of this condition must be prior to the commencement of development in order to secure adequate protection for a protected species.

- 4. The demolition of the existing building and the development thereafter shall not be carried out other than in full accordance with the bat mitigation measures set out in the submitted 'Dusk Bat Survey Results' report (prepared by Pennine Ecological, dated July 2021). Permanent replacement provision for bats as set out in the approved mitigation measures shall be retained at all times in perpetuity.

Reason: To ensure appropriate mitigation measures are employed and are retained on the site to avoid harm to bats and provide adequate replacement roosting opportunities, in accordance with Policy NE1 of Burnley's Local Plan (July 2021).

- 5. No removal of or any works to hedgerows, trees and shrubs or works to or demolition of buildings or structures shall take place between the 1st March and 31st August inclusive unless a competent ecologist has inspected the area no more than 24 hours prior to its removal and has provided written confirmation to the Local Planning Authority that no nests or breeding birds will be harmed by the development and/or that there are appropriate measures in place to protect nesting bird interest on the site.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

- 6. Prior to the commencement of development, a Lighting Design Strategy for Biodiversity which shall protect replacement bat roost sites from external lighting shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:-
  - a) identify those areas/features on site that are sensitive for bats and that are likely to cause disturbance in and around their breeding sites and resting places or along important routes used to access key areas of their territory; and,
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, technical specifications and explanation) to demonstrate that areas to be lit will not disturb bats or prevent bats from using their territory or having access to their breeding sites and resting places.All external lighting shall only be installed and thereafter maintained in accordance with the specifications and locations of lighting set out in the approved Lighting

Design Strategy for Biodiversity. Under no circumstances shall any other external lighting be installed within the sensitive areas identified in a) above without the prior written permission of the Local Planning Authority.

Reason: To ensure that replacement bat roost facilities which are to be provided within the development site are adequately protected from external lighting that would cause harm or disturbance and jeopardise their integration into the development, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The Strategy is required prior to the commencement of development to ensure that the necessary works to install the external lighting scheme can be carried out at the appropriate stages in the development.

7. Prior to the commencement of development, a scheme for the provision and implementation of Biodiversity Enhancement Measures on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied (or in accordance with a phasing plan where approved as part of the submitted scheme) and shall be retained thereafter.

Reason: To maintain and enhance biodiversity on the site, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that it can be coordinated with other landscaping and ecology related schemes for the site and implemented at the appropriate stages of the development.

8. Notwithstanding the submitted Materials Layout, representative samples of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground level. The development shall thereafter be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

9. Prior to the commencement of development, a scheme of landscaping, including details of trees and hedges to be retained and details of new tree, hedge and shrub planting and seeding together with details of species, heights and numbers on planting and details of their cultivation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate compensatory planting for trees to be removed and the use of extra heavy standard and heavy standard trees as indicated on the landscape proposal plan in the submitted Arboricultural Impact Assessment (dated March 2021).

Reason: To ensure a satisfactory scheme that adequately compensates for trees that would be removed to facilitate the development and that provides a high standard of new and appropriate landscaping, in the interests of the visual amenities of the site and its surroundings and the biodiversity of the site, in accordance with Policies SP5, NE1 and NE4 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure

that the details are satisfactory and can be implemented at the appropriate stage of the development.

10. All planting, seeding or turfing comprised in the approved details of landscaping as approved in accordance with Condition 9 above shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

11. Prior to any site clearance or commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) an Arboricultural Method Statement and Tree Protection Plan to provide details for mitigation construction measures in relation to the retained trees within, on, or adjacent to the boundaries of the development site; and,
  - b) a service plan to demonstrate that all service runs and drainage is routed outside of the Root Protection Areas of retained trees.The development shall thereafter only be carried out in full accordance with the approved measures and details.

Reason: To ensure appropriate construction methods and avoidance of Root Protection Areas for service runs in order to safeguard the long term health of trees that are to be retained as part of the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The measures and details are required prior to the commencement of development in order that the retained trees are adequately protected at all times.

12. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the submitted Arboricultural Impact Assessment (prepared by Bowland Tree Consultancy Ltd, dated March 2021). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

13. The boundary treatment indicated on the submitted Boundary Treatment Plan (drawing number BT-01C) shall be carried out and completed prior to the completion of the development, in accordance with details of the materials and design of the proposed stone screen walls which shall be first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no boundary treatment other than soft landscaping has been proposed for the entire length of the site's frontage on Harrogate Crescent and no fences or walls shall therefore be erected on this boundary unless details of the proposed boundary treatment are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

14. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and separate footpath link and off-site works of highway improvement to include the following shall be submitted to and approved in writing by the Local Planning Authority:-
- The provision of two new quality bus stops on Briercliffe Road Stops in the locality (Nos 2500IMG2652 and 250010774);
  - The provision of some tactile pavements, lowered kerb across Ramsey Grove, Minehead Avenue and Lytham Road; and,
  - Facilitating a Traffic Regulation Order to revoke and remove the existing school markings on Harrogate Crescent.

The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport and to improve pedestrian safety at junctions in the surrounding residential streets, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

15. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
- 24 Hour emergency contact number.
  - Details of the parking of vehicles of site operatives and visitors.
  - Details of loading and unloading of plant and materials.
  - Arrangements for turning of vehicles within the site.
  - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
  - Measures to protect vulnerable road users (pedestrians and cyclists).
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

- Wheel washing facilities.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

16. Prior to the commencement of development, a Conditions Survey of the adopted highways surrounding the immediate site shall be submitted to and approved in writing by the Local Planning Authority. Within a period of six months from the substantial completion of the last dwelling the same highways shall be re-surveyed, the findings from which shall be submitted to and approved in writing by the Local Planning Authority. Any damage that is identified to have occurred between the period of the two surveys shall thereafter be remedied in order to return the condition of the highways to their pre-construction condition by no later than three months from the date of the last of the approved surveys.

Reason: To maintain the condition and construction of public highways that may be potentially adversely affected by construction traffic and building operations, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The Conditions Survey is required prior to the commencement of development in order that any damage caused by construction vehicles can be subsequently identified and remedied in accordance with the condition.

17. The applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 9.30am and 2.30pm Monday to Friday inclusive.

Reason: To ensure safety for school children who use Harrogate Crescent and the local roads to walk to school and for dropping off/collecting children at the start and end of the school day, due to the close proximity of the site to a local primary school, and to avoid peak traffic on the surrounding highway network, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

19. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

20. The approved access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

21. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives 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.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

22. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem as stated on the application form) and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby approved (including integral/attached/detached garages) shall remain

available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

24. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development as specified in Classes A and B of Part 1 of Schedule 2 of that Order shall be carried out at plots 31 - 37 inclusive without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement of the dwellings at plots 31 -37 inclusive having regard to their relationship with bungalows on Minehead Avenue, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

25. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

26. The development shall be carried out in accordance with the principles set out within the Flood Risk & Drainage Assessment (reference 30491/SRG – Rev 1.1, April 2021) and shall be fully implemented prior to the first occupation of any dwelling or, where appropriate, of any previously agreed phase of the development.

Reason: To ensure the provision of satisfactory sustainable drainage facilities to serve the development, in accordance with Policies CC4 and CC5 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development, a detailed surface water sustainable drainage strategy for the site, based on sustainable drainage principles and the site specific Flood Risk & Drainage Assessment referred to in Condition 26, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved details prior to any dwelling being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

28. No dwelling shall be first occupied until a Verification Report and an Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system (which shall be prepared by a suitably competent person) has been submitted to and approved in writing by the Local Planning Authority. The submitted Verification Report must demonstrate that the sustainable drainage system has been constructed in accordance with the scheme approved under Condition 27. A submitted Operation and Maintenance Plan must provide details of appropriate operational, maintenance and access requirements for each sustainable drainage component for the lifetime of the development as constructed and shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements where applicable. The approved drainage system shall be retained, maintained and managed at all times in accordance with the approved Operation and Maintenance Plan.

Reason: To ensure that the implemented drainage scheme fully accords with what has been approved and to ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

29. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

30. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Layout. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

31. No development shall take place unless otherwise agreed in writing until a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land

contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

- 32. The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency contained within the submitted Energy Statement (report reference 008076, dated April 2021 and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

- 33. Plots 1, 2, 14, 22, 23, 27, 28, 31, 32 and 39 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

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