

Application Recommended for Approve with Conditions OUT/2019/0340

Town and Country Planning Act 1990

Outline up to 20 no. dwellings with access from Rossendale Avenue (all other matters reserved for future approval)

Land Associated With The Former Bull And Butcher Pub Manchester Road Burnley Habergham Eaves

Background:

The site is located to the south of the borough accessed from Manchester Road (A682) a key route into the town from the south. The majority of the site is located within the defined development boundary (SP4), its southern boundary forming the edge of the defined settlement boundary which opens beyond to open countryside. The application boundary forms only half of the allocated housing site HS1/23.

The remainder of the site to the eastern boundary is the former Bull and Butcher building which is now demolished and falls outside the settlement boundary in an area open countryside. The site also forms a designated gateway into the town in which policy SP5 applies.

The site is approximately 0.7 hectares and is relatively flat with visible areas of hardstanding from the former Bull and Butcher. To the northern boundary is a higher level grassed bund with some mature trees, which serves as a buffer to properties on Buttercross Close. To the east the site meets Manchester Road which formed the frontage of the former Bull and Butcher PH. Adjacent to the eastern boundary, is an area of open space which serves as a community garden which is maintained by the Parish Council and falls outside the development site. The other side of Manchester Road is a housing development Apex Close. To the south the land starts to rise gradually and opens to open countryside.

The application has been brought to Planning Committee as there have been several objections received.



The landscape bund with Buttercross Close



The remains of the car park of the PH.



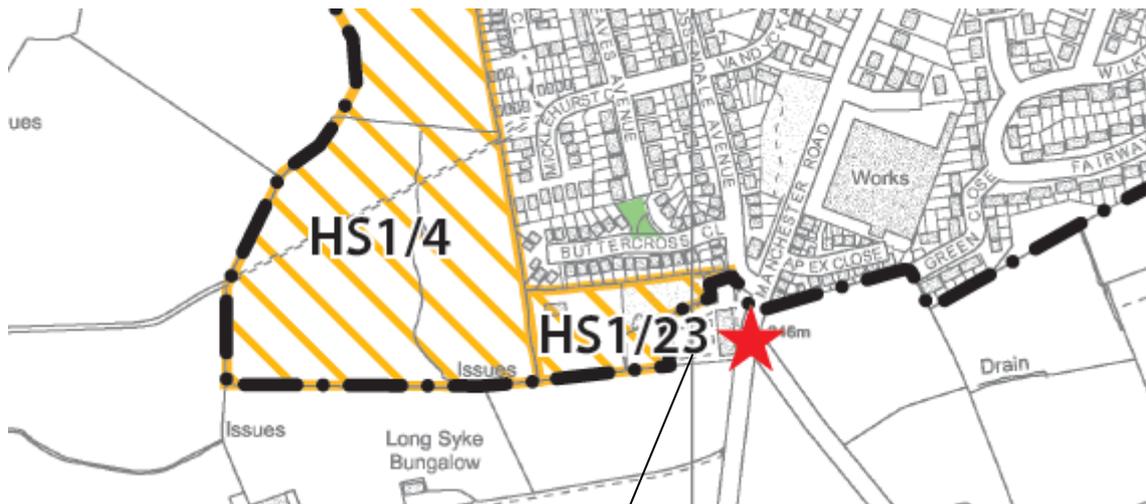
Properties next to the site on Rossendale Rd



Properties adjacent to the site on Manchester Rd



Image taken from google street view approaching the site from the south, the image still shows the former Bull and Butcher PH.



Extract from the adopted Policies Map showing the element which falls outside the settlement boundary in defined open countryside.

Policy HS1/23 sets out the key additional requirements for the site:

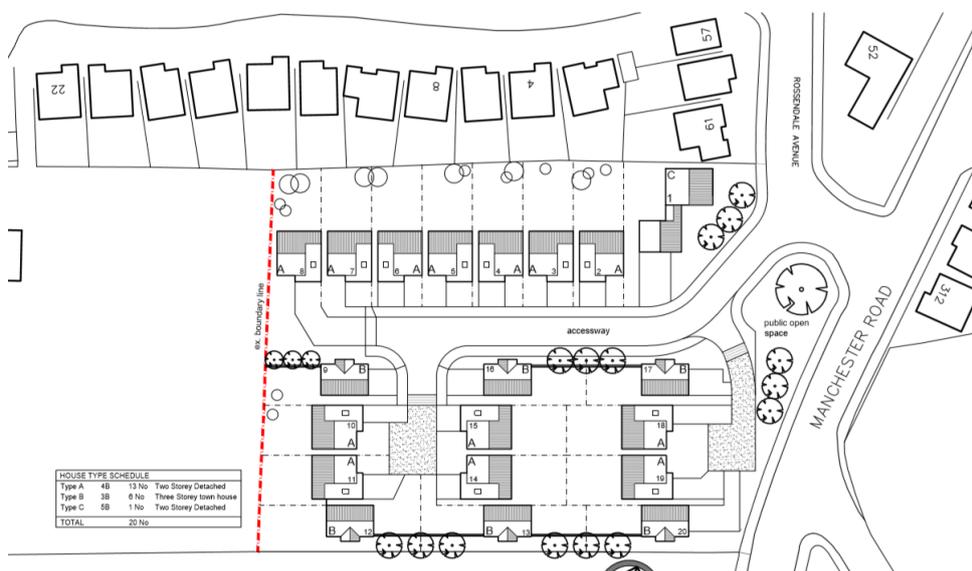
HS1/23 – Land to rear of Bull and Butcher	
Housing Delivery	The site is acceptable for around 24 dwellings.
Additional and Site Specific Policy Requirements and Design Principles	
<ol style="list-style-type: none"> 1) A mix of dwelling types including a minimum of 60% 3+bedroomed detached or semi-detached will be expected; 2) Vehicular access should be from a single point onto Manchester Road; 3) Protected species have been recorded on the site. An ecological survey will be required to accompany any planning application which identifies and addresses this issue in accordance with Policy NE1; and 4) Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3. 	

Proposal

The application seeks outline consent for 13 x 3 bedroom houses, 6 x 4 bedroom and 1 x 5 bedroom homes with access from Rossendale Avenue. The application boundary forms only half of the allocated housing site HS1/23. As this is an outline application, no details on the design, layout, appearance and landscape can be made and will be considered as part of a reserved matters application. The application has been supported with the following documents:

Arboricultural Impact Assessment
 Preliminary Ecological Assessment
 Flood Risk Assessment
 Preliminary Risk Assessment
 Transport Statement
 Planning Statement

Proposed site plan – indicative layout



Relevant Policies:

Burnley's Local Plan 2018

SP1 – Achieving sustainable development
SP2 – Housing requirement 2012-2032
SP4 – Development strategy
SP5 – Development quality and sustainability
HS4 – Housing developments
NE1 – Biodiversity and ecological networks
NE5 – Environmental protection
CC4 – Development and flood risk
IC1 – Sustainable travel
IC3 – Car parking standards
IC4 – Infrastructure and Planning Contributions

National Planning Policy Framework 2019

Site History:

NOT/2016/0376 – Prior approval for demolition following fire

APP/2015/0110 – single storey rear extension and internal alterations. Approved

APP/2013/0390 – residential development for 10 dwellings. Refused

Consultation Responses:

LCC Highways

With respect to the proposed outline application we would not wish to raise any objections. Whilst it is not assumed that the housing layout shown on the plan is a final draft of any proposed plans it should be noted that the following points should be taken in to account during the design stages.

The access will need to be formed via a section 278 agreement. The associated highway is expected to be adopted by way of a Section 38 agreement. All dwellings are expected to have sufficient off road parking in line with Burnley's Local Plan with particular care being taken to ensure that the car parking spaces do not overhang any footways and that single garages are built to be 3m x 6m internally. Where the driveway is a shared pedestrian access an additional width of 0.8m should be provided for pedestrian access to each dwelling. The footway outside Plot 17 should be extended to meet the rumble strip.

A swept path will be required for a refuse collection vehicle at both the entrance and the turning head. The public open space will be conditioned to have all planting maintained at less than 1m in height.

The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from 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 5334332. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves

the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".

No development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private Management and Maintenance Company has been established.

LCC Education Contribution

Summary and Final Calculations

The latest information available at this time was based upon the 2019 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 8 primary and 3 secondary school places.

Calculated at the current rates, this would result in a claim of:

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £16,050.54 per place

$£16,050.54 \times 8 \text{ places} = £128,404.32$

Secondary places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £24,185.16 per place

$£24,185.16 \times 3 \text{ places} = £72,555.48$

This assessment represents the current position on 16th August 2019. LCC reserve the right to reassess the education requirements taking into account the latest information available.

Greater Manchester Ecology Unit

No significant ecological issues were identified by the developer's ecological consultant. Issues relating to nesting birds and landscaping can be resolved via condition and or informative.

Protected Species

The site was assessed for all likely statutory protected species, bats, badgers, great crested newts, reptiles, otter and water vole. No evidence or suitable habitat was found for any such species and all reasonably discounted. I have no reason to doubt the findings of the report. The only species that could theoretically utilise the site would be badger, which would be relatively easy to detect on a site of this scale and nature. No further information or measures are required.

Nesting Birds

The development will result in the loss of young trees and shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The development as already noted will result in the loss of a moderate number of young trees and shrubs, many of which are native species and the associated bird nesting habitat. The proposed site layout indicates a number of landscape trees within gardens. Whilst I support this planting, I would also endorse the recommendations of the ecological report and provide mitigation through boundary planting. I recommend a native hedgerow in keeping with the adjacent farmed landscape along the southern and western boundaries. I would also recommend inclusion of bird and bat bricks in the new build for species such as swift. As this is an outline application and there is clear scope for adequate mitigation, I am happy for the detail to be provided at reserved matters.

Burnley Borough Council – Open Space Department

There is an existing area of open space on the junction of Manchester Road and Rossendale Rd and the plans indicate that this will be extended northwards to create what appears to be an open grass verge with three new trees. This will create an attractive gateway and the Council will adopt this verge for maintenance.

However, this open space has no recreational value as it is a narrow strip alongside a busy main road.

The Council's adopted standard for provision of amenity and play space is 1 hectare per 1,000 population and so for a development of this size, provision of 750m² of open space is required. As this is below the minimum 1,000 acceptable size of public open space, a S106 contribution in lieu of open space provision is required to the value of £20,000 and this will be allocated to the refurbishment of Buttercross Close play area which is very close to the proposed development.

There are some trees indicated on the plan, but no details of species and specified size. These details are required and there is an opportunity to provide additional tree

planting on the western boundary of the site and within gardens of plots 14,15,18 & 19.

It is not clear what the boundary treatment will be along the northern and western boundaries of the site. A native hedge, with access both sides to allow the occupants to maintain it would be suitable and provide some habitat & biodiversity benefits.

Publicity

Habergham Eaves Parish Council

- Quality, design and appearance must be to a high standard
- Potentially there could be 40 vehicles on the development
- Access road appears narrow
- The boundary edge and garden/triangle are not included in the access and plant and machinery entering or existing the site avoid any damage to the area
- How would emergency vehicles access the site

Other Neighbour comments - a total of 8 letters of objection have been received with the following points summarised:

- Impact on traffic and road safety for pedestrians
- The development sprawls beyond the current brownfield site onto greenbelt land
- No mention of the loss of green belt
- Too many houses on the site
- Would create serious traffic issues
- Detrimental to environmental amenity including; noise, disturbance, overlooking, loss of privacy, over shadowing
- 3 storey dwellings will be out of character with the adjoining Buttercross Close
- Road is not wide enough and there are already overspill parking from Apex Close
- Conflicting information regarding the number of bedrooms
- Poor attempt to design a scheme a key gateway into Burnley
- The former Bull and Butcher was a local listed building and non-designated heritage asset,
- Any new design must present a bespoke building of exceptional quality especially on the main road frontage to Manchester Road
- Potential loss of trees

Planning and Environmental Considerations:

The principle of development

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Policy SP4 4) states that development within Open Countryside will be strictly controlled. This policy should be read in conjunction with para 79 of the NPPF.

Policy HS1/23 sets out the more detailed requirements for the development of the site. In terms of housing delivery the whole site is put forward for around 24 units and details as follows:

- 1. A mix of dwelling types including a minimum of 60% 3+bedroomed detached or semi-detached will be expected;*
- 2. Vehicular access should be from a single point onto Manchester Road;*
- 3. Protected species have been recorded on the site. An ecological survey will be required to accompany any planning application which identifies and addresses this issue in accordance with Policy NE1; and*
- 4. Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3.*

The principle of development on the element of the site which forms part of the designated housing allocation is acceptable in principle. There is a policy conflict with the small element which is the former Bull and Butcher which lies outside the settlement boundary. However as this is only a small element of the whole site and would be classed as previously developed land, within a sustainable location then the site presents an opportunity to improve a key gateway into the town. On balance, the scheme is therefore considered to be acceptable in principle.

Main issues

The main issues in the consideration of this application are;

- Design and Appearance
- Residential Amenity
- Traffic and Parking
- Impact on Ecology
- Affordable Housing
- other considerations

Design and Appearance

Specific detail on design and appearance is not an issue for consideration and would be covered as part of a reserved matters application.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

Based on the indicative layout, properties will be located to the rear of Buttercross Close by approximately 22m. Any future layout design would need to comply with the privacy distances set out in policy HS4 of Burnley's adopted Local Plan.

It is considered that two storey dwellings can be erected without having an adverse impact upon the level of residential amenity residents enjoy by virtue of a loss of light, privacy and/or overbearing impact. Final detail will be dealt with under reserved matters application.

Traffic and Parking

Paragraphs 108 and 109 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each three bedroom dwelling and three car parking spaces for each dwelling with four or more bedrooms.

The application is supported with a Transport Statement which presents a main spine road through the development which runs from Rossendale Avenue.

LCC highways have provided comments on the application and do not object to the principle of development, subject to conditions and information being submitted as part of a reserved matters application.

Impact on Ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

The application has been supported with a preliminary Ecological Assessment and Arboricultural Impact Assessment. There are no Tree Preservation Orders on the site but there are a range of established trees some of which will be proposed to be removed (refer to Arboricultural Impact Assessment). An indicative landscape plan

has also been submitted with the application. Formal approval of the landscape plan will be sought at reserved matters application.

GMEU has examined the ecological appraisal submitted with the application and makes comments and recommendations for conditions which are detailed in their consultation response. The recommended conditions are necessary to protect wildlife and to ensure opportunities are created for biodiversity gains. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

Affordable Housing

Policy HS2 seeks to ensure there is a sufficient supply of good quality affordable housing by, amongst other things, requiring the provision of affordable housing through all housing developments of over 10 units. The policy states that the exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to individual site and market conditions.

Final details of the affordable contribution for the site will be covered as part of a Section 106 Agreement.

Boundary detail, fencing and landscaping

No details have been supplied of boundary treatment to form the residential curtilage, this will be dealt with under reserved matters.

Comments from neighbours

Concerns about the overall design, appearance and layout including landscape treatment will be treated as part of Reserved Matters applications. Appropriate conditions have been attached for landscape, ecology, parking and treatment of highways. This will ensure that the finer details of the development can be given further consideration.

A Transport Statement has been submitted with the application and LCC highways have considered the application and do not have any objections to the principle of the development of the site. Further details of access and highways across the site will be covered as part of reserved matters.

For clarification, that part of the housing allocation site is considered to be 'greenfield' having not been previously developed. The element of the site which is outside the settlement boundary is considered to be brownfield land having been previously developed by the Bull and Butcher Ph. This should not be confused with Green Belt to which the site is not located within or adjacent to any designated Green Belt land.

The majority of the site is covered by a housing allocation which has been tested through the Local Plan Examination in 2017. The development of the site will make a valuable contribution to the Borough's housing supply.

Recommendation: **Delegate authority to the Head of Housing and Development Control to approve the development subject to the completion of a s106 Agreement to secure a contribution towards the improvement of existing public open space, education and affordable housing subject to further details at reserved matters applications:**

Conditions:-

- 1 a) Details of the reserved matters set out below (the reserved matters) shall be submitted to the Local Planning Authority for approval within three years from the day of this permission:
 - i) layout
 - ii) scale
 - iii) appearance
 - iiii) landscaping

b) The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

2. The outline permission (access) hereby approved shall relate to the development as shown on drawings:

Proposed Site Plan: 3309/010

Indicative Landscape Proposal C-1711-01

Reason: To ensure the development accords with the agreed general principles in relation to overall layout and arrangement.

3. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

4. A programme of works shall be submitted to the Local Planning Authority detailing the following:

- a) The specific processes/activities which will be carried on during the construction phase(s)
- b) The proposed timescales for the processes/activities in a)
- c) The proposed noise mitigation measures for the processes/activities in a)

Reason: To identify and reduce the potential for nuisance to the occupiers of nearby buildings and dwellings in accordance with policy SP5 of Burnley's adopted Local Plan

- 4. 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 or kept free of debris resultant from the construction works associated with the proposal as required during the full construction period.

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

- 5. Applications for the approval of reserved matters shall include the finished floor levels of the dwellings in relation to the existing and proposed site levels, the adjacent highway, together with details of levels of all accesses to include pathways and driveways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

Reason: In order to achieve a satisfactory form of development with regard to the topography of the site having regard to policies NE3 of the adopted Burnley's Local Plan.

- 6. 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 or deliveries to the site, shall be carried out only between 08:00 hours and 17:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 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, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018).

- 7. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

8. The reserved matters planning application shall provide details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

9. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. Thereafter the site access and off site highway works shall be completed prior to the occupation of the first dwelling on the site.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

10. Details of a scheme of electric vehicle charging to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

11. The reserved matters planning application shall ensure full compliance with Council's adopted car parking standards as set out in Appendix 9 of Burnley's adopted Local Plan (or any other standards that replace it).

Reason: In order to ensure that there is adequate car parking on the site in the interests of highway safety and in order to comply with the Council's adopted car parking standards in accordance with policy IC3 of Burnley's adopted Local Plan.

12. The reserved matters application shall detail a plan for refuse and recycling storage facilities for each dwelling. No dwelling shall be first occupied until the plan has been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall thereafter be retained at all times.

To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

13. The new access road serving the site 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 accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

Reason: To ensure a satisfactory edge to the development and a satisfactory appearance within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

15. The reserved matters application shall detail:

- a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
- b. An investigation has been carried out in accordance with the approved strategy;
- c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policy NE5 of Burnley's adopted Local Plan.

16. The development shall not begin until an intrusive investigation has been carried out in accordance with the considerations of report BEK-19549-1, (dated May 2019). A written report detailing the findings of the investigation,

assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, shall be submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use, including validation to be provided which indicates the site is suitable for its intended use

Reason: To ensure that contamination pathway receptor links are all broken and/or removed in accordance with policy NE5 of Burnley's adopted Local Plan.

17. There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: In the interest of residential amenity and to prevent air pollution in accordance with policies NE5 and SP5 of Burnley's adopted Local Plan

18. Prior to development commencing on site a scheme for noise mitigation and dust suppression shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken wholly in accordance with the approved scheme.

Reason: In order to mitigate any adverse impact on the environment and protect residential amenity in accordance with policy SP5 of Burnley's adopted Local Plan.

19. As part of reserved matters, a landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include the following elements; areas of hard and soft landscaping, areas of planting including types of species. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with policies

20. No works to trees or shrubs 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 LPA.

Reason: To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of semi-natural habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018)

