

**Application Recommended for Delegation to  
Approve subject to s106 Agreement**  
Cliviger With Worsthorne

**FUL/2020/0321**

Town and Country Planning Act 1990

Proposed 28 no. dwellings following demolition of farm buildings  
Butchers Farm Ormerod Street Worsthorne-with-Hurstwood Lancashire

Applicant: G.B.Eccles

**Background:**

The proposal is for the erection of 28 houses on approximately 1.3ha of land at Butchers Farm at the south western edge of Worsthorne village. The application site is bound by the rear gardens and properties at Stoneycroft and Old Hall Square to the north, by Butchers Barn and the rear of 21-27 Ormerod Street to the east and by open countryside to its south and western sides. The site would be accessed from Ormerod Street by improving the existing access between Butchers Barn and no. 1 Stoneycroft. Whilst the original submission included Butchers Barn, the application site no longer includes it. Butchers Barn and land to its south side and the part of the site at the junction of the proposed site access and Ormerod Street are within the Worsthorne Conservation Area, whilst the main body of the site immediately adjoins it.

View of village approach from south side (showing southern boundary of site)



Publisher:Google Maps

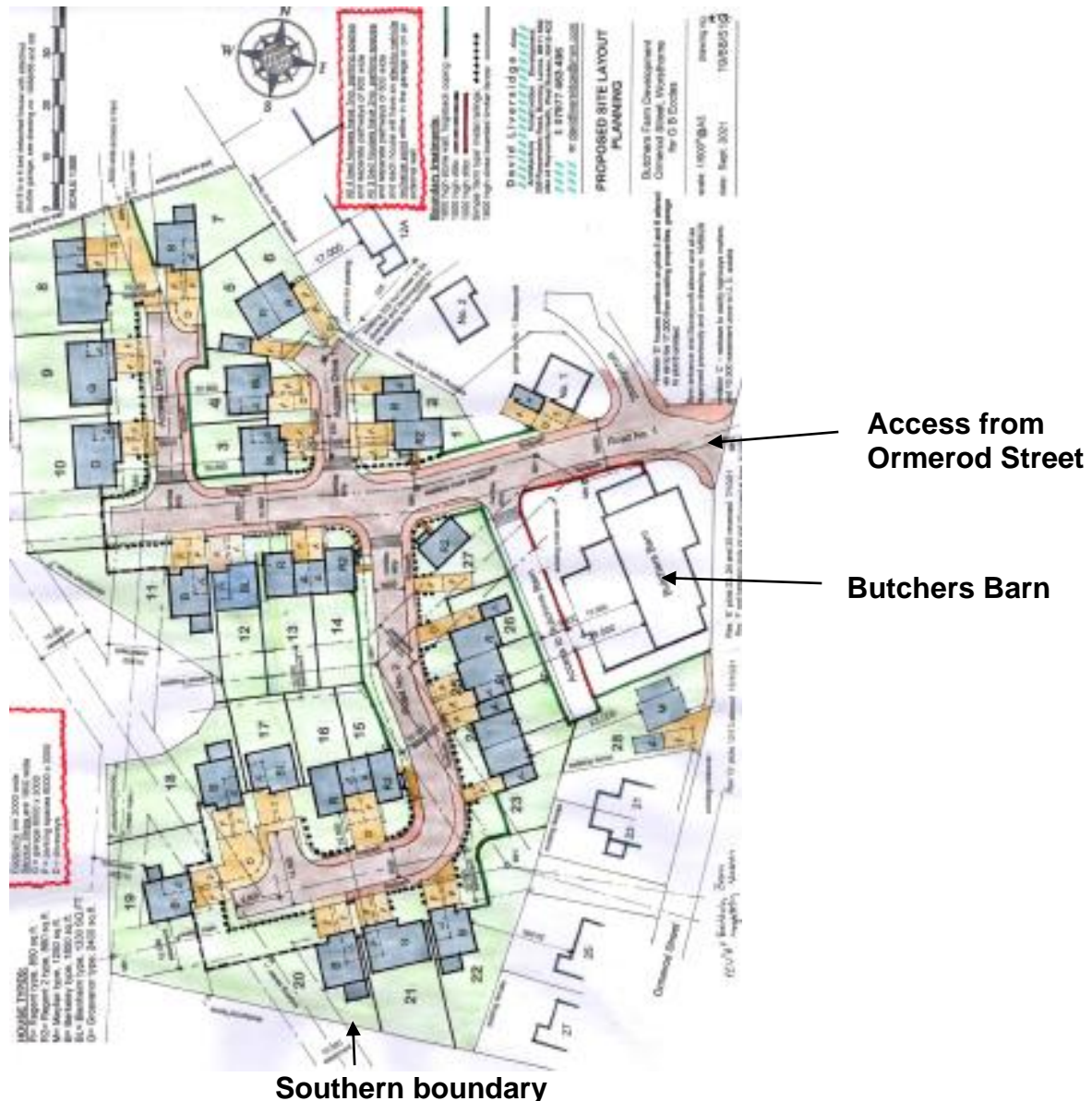
Approach to the application site from village side



Publisher:Google Maps

The proposed scheme which is amended since its submission consists of 16 detached and 12 semi-detached houses, all accessed from a new estate road off Ormerod Street with the exception of one dwelling to be sited between Butchers Barn and 21 Ormerod Street which would be accessed directly from Ormerod Street.

### Proposed Site Layout



The layout of the site has been partly informed by the presence of underground services, including water mains that will be retained in situ. The amended scheme does not include the conversion of Butchers Barn but maintains access to the rear of the barn. The outbuilding to the south side of the barn and other more recent farm buildings on the site would be demolished. An infill site between the barn and no. 21 Ormerod Street would be used as a single plot for one dwelling with direct access from Ormerod Street.

The proposed scheme provides a range of seven house types, 13 of which are three bedroom and 15 are four bedroom (with 11 of these including additional living space in the roof). The houses would be constructed in natural stone with slate roof.

The proposed houses are designed as two storey houses with variations in roof height which provide attic rooms for additional living space in some of the houses. Features include stone detailing such as heads, cills, surrounds, chimneys. An indicative landscaping scheme shows tree planting around the site boundaries and within the site. Each property would have an electric vehicle charging point. Six of the proposed houses (plots 15, 16, 17, 21, 22 and 25) would comply with the optional part M4(2) standards of the Building Regulations in respect of adaptable homes. Three of the properties (all three bedroom – plots 23, 24 and 25) are offered for Affordable Housing through discounted market homes (discounted by 20% on market value). The applicant intends initially to take a fabric first approach to providing energy efficient new homes by reducing energy demand by a minimum of 10% above that which is required by Part L of the Building Regulations.

### **Relevant Policies:**

#### **Burnley`s Local Plan (July 2018)**

SP1 – Achieving sustainable development  
SP2 – Housing requirement 2012-2032  
SP4 – Development strategy  
SP5 – Development quality and sustainability  
HS1/32 – Housing allocations – Butchers Farm  
HS2 – Affordable housing provision  
HS3 – Housing density and mix  
HS4 – Housing developments  
HE2 – Designated heritage assets  
HE3 – Non-designated heritage assets  
NE1 – Biodiversity and ecological networks  
NE4 – Trees, hedgerows and woodland  
NE5 – Environmental protection  
CC4 – Development and flood risk  
CC5 – Surface water management and sustainable drainage systems  
IC1 – Sustainable travel  
IC2 – Managing transport and travel impacts  
IC3 – Car parking standards  
IC4 – Infrastructure and planning contributions  
IC5 – Protection and provision of social and community infrastructure

### **Material Considerations**

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

Air Quality Management: Protecting Health and Addressing Climate Change  
Supplementary Planning Document (SPD) (Adopted December 2020)

The National Planning Policy Framework (2021)  
National Design Guide (2021)

### **Site History:**

NOT/2009/0036 – Proposed agricultural building for the storage of fodder. Approved February 2009.

APP/2009/0499 – Proposed retention of a general purpose agricultural storage building to accommodate bulk feedstore, agricultural machinery, farm workshop and office. Approved November 2009.

APP/2016/0417- Outline application for residential development of up to 24 dwellings including details of means of access (all other matters reserved for later approval). Approved December 2016.

## **Consultation Responses:**

### LCC Highways

Following changes to the layout, no objections raised to the principle of the development although there are some concerns regarding the detail of the layout which can be dealt with by conditions. although minor detailing in respect of highway/footway specifications will be subject to agreement under a s38 Agreement for adoption.

In order to support promote sustainable modes of transport it is required that each dwelling shall be provided with a charging point for electric vehicles. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings.

A number of off-site highway improvements will be required in addition to the forming of the new junction.

- The lowered kerb along the highway frontage of the barn will need to be reinstated,
- The footway across plot 28 will need to be provided for the full curtilage
- Improvements to bus stop no 2500496 in Church Square to provide tactile paving, raised kerbs and road markings

These improvements are best delivered as part of a section 278 Agreement.

Conditions are recommended to require details of the proposed site access and off-site works of highway improvement, a Construction Management Plan, a restriction on delivery hours during construction, wheel washing facilities, details of the management and maintenance of estate streets prior to formal adoption, details of the adoptable streets, and electric vehicle charging points at each property.

### Local Lead Flood Authority (LCC)

No objection subject to the inclusion of conditions to require the development to be carried out in accordance with the principles in the submitted Flood Risk Assessment and Drainage Strategy, and to require the submission and approval of a detailed drainage strategy, a construction phase surface water management plan and an operation and maintenance plan and verification report of the completed sustainable drainage system.

### United Utilities

Initially raised an objection due to the potential impact on infrastructure assets and requested further information to evidence the exact location of all assets and easements. Following discussions between the developer and United Utilities, United Utilities states that they have no objections to the development subject to a condition to require full details of how their assets will be protected prior to any development being commenced.

### Greater Manchester Ecology Unit (GMEU)

The buildings on site were surveyed by an experienced consultancy known to the GMEU. The timber barns to the rear were assessed as having negligible bat roosting potential whilst the stone barn facing onto Ormerod Street was assessed as having moderate bat roosting potential in which case two emergence surveys are required [this element of the application involving the barn has subsequently been removed from the application].

Evidence of birds nesting in all of the buildings was recorded. Otherwise, the site appears to lack trees or shrubs other than to the south of the barn. A condition is recommended to ensure there is no disturbance to trees or shrubs or demolition in the bird nesting season.

The site will be moderate risk for invasive species such as Japanese knotweed and Himalayan balsam owing to the nature of the site and proximity to a watercourse, although there is no evidence that any are present and so recommend an informative is used.

A minor tributary of the River Brun issues to the west of the site. This will require protection during and post construction from pollutants and sediment. Conditions I are recommended for the protection of the watercourse both during and post construction.

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site currently consists of primarily bare ground and hardstanding with part of the site improved grassland which is a low ecological value habitat. Ecological interest is restricted to bird nesting in the buildings and a small number of trees. The proposed layout will increase the area of soft landscaping and the number of trees on the site. The development can benefit the natural environment by the use of native trees in landscape layout and inclusion of nest bricks in the new build for species such as swift and house sparrow to mitigate for the loss of bird nesting habitat. A condition is recommended to ensure that these details are secured.

### Burnley Wildlife Conservation Forum

Object on the grounds that only one of the four barns on the site, the lean-to barn was assessed for bat roosting potential, stating that the other three barns, being open like the lean-to barn, will have similar potential for use by bats and breeding birds as the lean-to barn. The state of repair of all four of these open barns is such that it means that they are used by birds for nesting and will have a good potential for use by bats. Advise that an up to date bat and breeding bird survey be undertaken during the appropriate May to August period and that demolition of the barns is undertaken outside of that period and any bats that the survey identifies to be roosting are safely removed by an ecologist with a bat licence.

### Burnley Civic Trust

Object for the following reasons:-

1. The village of Worsthorne is already over developed
2. There are no facilities in the village for medical care and the school is oversubscribed
3. Traffic on Brownside Road is already heavy. Increasing traffic at junction of Pike Hill and Brunshaw Road which will worsen further when the development

at Red Lees Road is complete. Conditions for vehicles and cycles will be worsened and the situation is becoming very dangerous for pedestrians attempting to cross either road, especially Brunshaw Road.

#### LCC Schools Planning Team

An education contribution is not required for this development.

#### Historic Environment Team (LCC)

Advise that the initial scheme was not supported with sufficient evaluation of the significance of the locally listed building and failed to meet the requirements of the National Planning Policy Framework [this part of the proposal has now been removed from this planning application]. The wider development of the site is not considered to have any potential below-ground archaeological interest, although note that the affect of the proposed development on the setting of the barn will still need to be addressed.

#### Amenities and Greenspace

In respect of former proposal to include some small areas of open space, the Council's Manager of Amenities and Greenspace questioned its usability and value for recreational open space and states that in new housing developments the focus for amenity greenspace should be on larger functional sites. A contribution of £34,650 (£350 per bedroom) should be sought from the developer in lieu of on-site provision which would be used for improving the Worsthorne Recreation Ground.

#### East Lancashire NHS Trust

A request has been made for a financial contribution towards an increase in healthcare demand based on an impact on non-recurrent (capital) and recurrent (service provision) infrastructure costs to address the direct impact of the development on the Trust. The Trust states that it will not be able to secure funding for additional population resulting from the development for approximately three years and requests a contribution of £64,847 (based on the previous figure of 38 units) which is based on the additional cost of providing one year of healthcare for the development and represents the minimum level of funding that is required by the Trust.

#### Worsthorne Parish Council

The Parish Council state that they recognise that outline planning permission has been granted for a development on the Butchers Farm site and whilst pleased that the current application has been reduced from 38 to 28 dwellings, it still has concerns with the application and make the following points:

- LCC Highways should give further consideration to the extra traffic flow travelling north along Ormerod Street.
- Most times of the day, the street is a one-way street with vehicles parked on both sides of the road, restricting traffic flow and increasing the risk of accidents.
- Ormerod Street/Salterford Lane route for leaving the site is for a large part single track and not a preferred route, whilst the other route, Ormerod Street/Brownside Road is, at the start and end of school, virtually unnavigable due to parents dropping off children.
- Insufficient regard has been given to pupil places at Worsthorne Primary School with the school already over capacity and would mean some children from the village having to travel to other locations. An additional classroom is required and the cost for this should be met between the developer and Lancashire County Council.



- The roof of the barn is in a poor condition and needs urgent attention; suggest a condition that the building is made structurally sound.

### Publicity

Letters of objection have been received from 29 neighbours. A summary of the points of objection is listed below:-

- The amount of additional traffic on unsuitable roads
- Salterford Lane is too narrow and has blind bends, most of it has no pavement and is used by walkers
- The access is at a very narrow part of Ormerod Street where houses have no driveways and there is a bottleneck of parked cars
- Increased risk of accidents due to unsuitable roads
- Traffic is already bad, roads are breaking up due to amount of traffic
- There has been numerous accidents over the past two years
- Double parking occurs around school time AM and PM
- New junction would take away on-street parking and leave residents nowhere to park
- The Transport Assessment is inadequate and relies on a lapsed consent for fewer dwellings
- Public transport has worsened since the previous consent with no evening or Sunday buses
- Should be mitigation measures for extra traffic that would be generated with average of 2.3 cars per dwelling
- Will increase exhaust fumes, pollution and congestion
- Will cause noise pollution
- Impact of future flooding
- The drainage and sewage systems are regularly overwhelmed in wet weather
- Local services will not be able to cope with demand
- Limited infrastructure in the area and was not designed for a heavily populated community
- The village school is full every year, it does not have capacity for the development and this will affect the education of local children
- Nursery is oversubscribed
- Local centre is struggling to cater for the demand of the existing residents
- It will take away part of the countryside
- There are enough brownfield sites in the borough which are yet to be utilised
- Will ruin the natural landscape of the area
- Too much greenspace is being built on
- Will affect enjoyment of walking dog in this area
- Huge impact on rural location
- Inadequate bat survey, current buildings probably house bats
- Impact on wildlife such as bats, hedgehogs, local deer, rabbits, birds
- Would diminish Worsthorne's appeal as an outdoor greenspace for local and visiting ramblers, horseriders, cyclists and runners
- Worsthorne already has too many building projects and does not need further new houses
- The design impacts on the Conservation Area
- Will spoil a beautiful village by making it crowded and a suburb of Burnley
- The scale of the properties is out of keeping with the village
- Will give rise to anti-social behaviour

- Will ruin the footprint of the village
- Lack of illustrations of views of the development from the countryside/village
- The scale of the properties is oppressive
- Density is too high
- Lack of landscaping and boundary treatment, requires substantial landscape barrier with the countryside
- No new open space is provided
- Inadequate distancing between dwellings
- Inadequate assessments submitted with the application
- Cumulative effects of development should be taken into account
- The site includes land that is not part of the HS1/32 housing allocation
- Disruption will be difficult for the elderly population

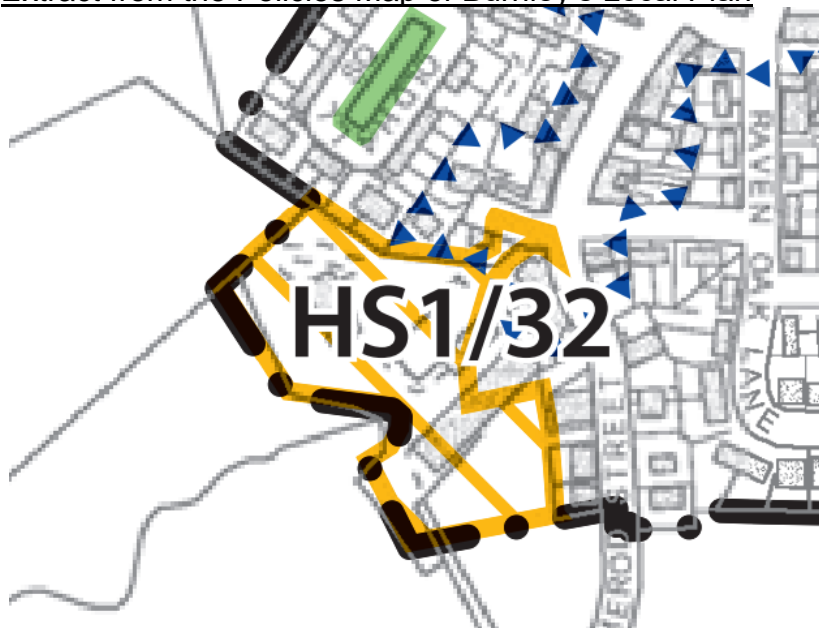
### **Planning and Environmental Considerations:**

#### Principle of proposal

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites that have been chosen through the local plan process to meet this requirement. The application site contains one of these identified sites for housing, identified as Policy HS1/32 – Butchers Farm (1.17ha) identified as Brownfield/Greenfield for the purposes of this policy.

#### Extract from the Policies Map of Burnley's Local Plan





The application site amounts to approximately 1.3ha which is slightly larger than the allocated site (1.17ha) as it includes a small amount of additional farmyard and land to the south side of the barn which also falls with the defined Development Boundary.

Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site specific requirements [listed in HS1/32] together with the requirements of other relevant policies elsewhere in the Plan. The principle of developing the site for residential purposes has already therefore been established through the local plan process, taking into account the economic, social and environmental objectives of sustainable development.

Policy HS1/32 states that the site of 1.17ha is acceptable for up to 24 dwellings. The revised proposal for 117 dwellings is slightly lower but similar to this figure. The proposal is acceptable in principle subject to the remaining site specific requirements and consideration of other plan policies.

#### Additional and Site Specific Policy Requirements and Design Principles:

- A mix of dwelling types, including a minimum of 60% 3+ bedroomed detached and semi\_detached houses will be expected;
- Protected Species have been recorded on the site. An ecological survey (including breeding bird survey and survey of South Pennines SPA qualifying species present) will be required to accompany any future outline or full planning application which identifies and addresses these issues in accordance with Policy NE1;
- Appropriate landscaping and boundary treatment should include screening to the southern and western boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3;
- Contributions towards off-site highways improvements may be required in line with Policy IC4;
- Archaeological evaluation will be required to accompany any future outline or full planning application in order to establish the presence of any archaeological remains relating to the early farm and barn sites. If intact early buildings are found these should preferably be preserved in situ, but buried remains of this date may be managed by further excavation and recording.

The proposed development being wholly contained within the housing allocation and Development Boundary would comply in principle with the spatial strategy for development in Policy SP4 and the specific housing allocation in Policy HS1.

The above requirements and other material considerations relating to plan policy requirements, including the impact of the development on the setting of heritage assets and issues raised by the responses from neighbours, are considered below.

#### Design and Layout of the development

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be

orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers.

The application site is partly bound by existing houses, a prominent stone barn and open countryside. It also adjoins the Worsthorne Conservation Area which is discussed separately.

The proposed development consists of an estate road with frontage development and a number of short cul-de-sacs, which would be largely seen from the entrance to the development on Omerod Street and from the open countryside, including the approach into Worsthorne from Salterford Lane. The layout seeks to make efficient use of an irregularly shaped piece of land which is also crossed by numerous water mains and public sewers. Some examples of the proposed street scenes are shown below:

#### Proposed Street Scenes





The development creates a modern estate layout and adopts some principles in the building design which reflect the two storey scale of surrounding development but also creates some variety in height and spacing between buildings. The proposed houses cluster around the first junction on entry into the development site with frontages to address each aspect and boundary treatment to the front.



Rural style railings to fronts and formal elevations to each road frontage



Long space for landscaping to each side of a boundary stone wall

Longer building group to provide variety

The development would be constructed in natural stone and slate with features such as chimneys and stone detailing which would provide a distinctive appearance that would be in keeping with the scale, massing and characteristics of the surrounding area.





Infill plot following the removal of outbuilding would be set back from barn but address Ormerod Street

The overall density of the development amounts to a gross density of 21.5 dwellings per hectare which reflects a relatively low density to the development but also a proportion of larger properties. Policy HS3 states that as a minimum, developments should seek to achieve 25 dwellings per hectare. Whilst the proposed density is below this figure, it responds to some of the constraints on the site such as the presence of water mains and sewers and also provides a good range of housing, inclusive of some larger properties. This housing mix would comply with the minimum site specific requirements in Policy HS1/32 for a minimum of 60% 3+ bedroom detached and semi-detached houses.

The National Planning Policy Framework (NPPF) at Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change...and that planning policies and decisions should ensure that new streets are tree-lined. The current site has no notable tree coverage and therefore tree losses.

#### Indicative Planting Plan



The submitted scheme included tree planting around the perimeter of the site which is necessary to provide a new rural edge and filtered views of the development from the surrounding countryside and views of the site from its southern approach but the applicant has also been requested to incorporate some tree planting into the proposed scheme. This largely consists of tree planting to garden fronts to avoid service verges (planting in these areas will be a matter for agreement with the local highway authority); an indicative planting plan is displayed above. Subject to a condition to require a detailed landscaping scheme with the inclusion of some native species which would also enhance biodiversity, the proposed layout would provide a satisfactory degree of street trees and perimeter planting.

The site and number of dwellings on the site would not make it practical to provide on-site open space. In these circumstances, Policy HS4 allows for a contribution to be made in-lieu of new provision. A contribution based on £350 per bedroom in accordance with the Developer Contributions SPD has been agreed (totalling £34,650) and would be used to improve open space and play facilities at the local Worsthorne recreation ground. A s106 Agreement will be required to secure this contribution. This would be in accordance with Policy HS4.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has provided a total of 6 dwellings compliant with this higher standard which would comply with this requirement. A condition is necessary to ensure its implementation. Subject to this provision, the proposal would comply with this aspect of Policy HS4.

In terms of the energy efficiency, the applicant affirms that a fabric first approach is being taken at this stage with a commitment to improve water and energy efficiencies by a minimum of 10% over and above the requirements in Part L of the Building Regulations 2010. This would respond to the emphasis by the Government on minimising energy costs and energy usage. This would minimise heating bills for residents and lower the carbon footprint over the lifetime of the building (approximately 60 years). A detailed scheme to demonstrate how this would be achieved is necessary. Subject to a condition to require this and its implementation, the proposal would provide energy efficient homes and comply with Policy SP5.

The proposed development would largely sit behind existing built development but the layout, design, materials and planting would respect the scale, massing, materials and pattern of the surrounding village and provide an appropriate rural edge from the surrounding countryside. It would provide a high quality design and attractive living environment and provide for improvements to accessible open space in the village. As such, the proposal would comply with Policies SP5 and HS4 and the relevant parts of Policy HS1/32.

#### Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation and that all levels of harm should be avoided.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or other land in a conservation area. In this case, the site partly crosses but mostly borders the Worsthorne Conservation Area and consideration should be given to the impact of the proposed development on its setting.

The site is also bordered by numerous locally listed buildings. Butchers barn which is the applicant's control and bounds the east side of the site is a significant stone aisled barn. The Worsthorne with Hurstwood Conservation Appraisal states that it is key individual building and that although it has been altered over the years it is of significant local historic and architectural interest. Greenwoods Farm and Barn, Butchers Farm, 28 & 30 Ormerod Street, 24 & 26 Ormerod Street, 15, 17, 19 Ormerod Street and 1-9 Ormerod Street immediately surrounding the site are all identified as Locally Listed buildings. Policy HE3 states that development proposals affecting the setting of a non-designated heritage asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible. The NPPF states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The originally submitted application included the conversion of Butchers Barn to four dwellings but this has been removed from the application. A revised Heritage Statement has been submitted which assesses the impact of the proposals on the Worsthorne Conservation Area and the setting of Butchers Barn and surrounding locally listed buildings. The Statement states that the present appearance of the farm complex is largely detrimental to the setting of the Conservation Area and that Butchers Barn is the only historic building on the Conservation Area to have a direct bearing on the application. Indeed, views of the development from the Conservation Area, seen from Ormerod Street, would be limited to the proposed access and partial views of some of the proposed dwellings. These views would display a distinctive local character from the use of natural materials and varying rooflines and chimneys which would potentially enhance the setting of the Conservation Area. The proposal would not therefore lead to harm to the setting of the Conservation Area. The Heritage Statement states that a new curtilage would be established for the historic barn which would be sufficient to protect its setting. The significance of the barn is in the main stone building of aisled construction which is currently hidden to the rear by 20<sup>th</sup> century additions. The proposed site layout displays a stone boundary wall and sufficient separation from the barn to allow it to be viewed from all sides which would be sufficient to protect its setting.

The proposed development has been sensitively designed to respect the Worsthorne Conservation Area and setting of non-statutory heritage assets; no harm would result from this and there is a potential enhancement from the current situation. The proposed development would therefore satisfy Policies HE2 and HE3. No archaeological significance has been identified, in which case no further archaeological investigation is required.

#### Impact on traffic and parking

Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The



NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport.

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays.

Policy IC3 requires two off-street parking spaces for three bedroom dwellings and three off-street parking spaces for four bedroom dwellings. Electric car charging points are required at detached properties on developments over ten dwellings.

A Transport Statement has been submitted with the application to assess the accessibility of the site and to assess the traffic generation from the proposed development and its impact on the road network. It is accepted that the site is reasonably accessible to public transport services and local amenities and represents a sustainable location. The Statement makes reference to the former outline planning application for up to 24 dwellings. It also states that the proposed development would reduce the level of HGV's on the local highways.

Neighbour objections refer to problems that are experienced on the village and local roads due to traffic at peak times on narrow roads and congestion from parked cars. Whilst the proposed development would add to general traffic numbers, the amount would be limited and not lead to any significance increase from trip generation at peak hours. A new access would be formed through the realignment of the cul-de-sac road at Stoneycroft and demolition of a domestic garage and replacement parking provision (three parking spaces including garage) for no. 1 Stoneycroft. All proposed dwellings would have in-curtilage parking spaces to cater for the needs of the development. The estate roads at 5.5m wide would also accommodate any additional needs for visitors if required. The development would not therefore lead to an increase in on-street parking on existing highways. LCC Highways is satisfied that the traffic generation from the development can be accommodated on the existing highway network. The impact on traffic and the junction at Brunshaw Road/Pike Hill is unlikely to be significant and LCC Highways has not made any requests in this respect. LCC highways has though requested improvements to a bus stop in Church Square and various off-site improvements to the site frontage. A condition is recommended to secure these improvements as well as other conditions that are recommended by LCC Highways in respect of the construction period and detailed design of the road construction and its maintenance.

Subject therefore to conditions, the proposal would be acceptable in highway terms and would comply with Policies IC1 and IC3.

#### Impact on Biodiversity and Bats

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. Where development would affect protected species, Policy NE1 states that the first preference is to avoid disturbance, the second to provide suitable inter-connecting new habitats within the development site and if this is not feasible, suitable alternative habitats should be provided.

The application is accompanied by an Inspection and Assessment report in relation to bats and birds. This revealed that the relatively modern agricultural buildings which would be demolished have negligible potential for bats whilst the stone barn (Butchers

Barn) had moderate potential and should be subject to further survey work. Whilst no further surveys have taken place, Butchers Barn which is the building of concern, has been removed from the current application. Butchers Barn, inclusive of its 20<sup>th</sup> Century rear additions, is not therefore affected by the current proposals and therefore there has been adequate survey work to determine the application. The concerns of the Burnley Wildlife Conservation Forum have therefore been addressed in this respect. The submitted report did also identify that all the agricultural buildings have potential for bird nesting. No other ecological interests have been identified on the site. The Council's ecology consultant, GMEU, recommend conditions to avoid any demolition or works during the bird nesting season and to provide new nesting boxes in the development. Conditions are also recommended to protect the ecology of an adjacent watercourse. Subject to the imposition of the recommended conditions, the proposal would adequately protect and enhance the biodiversity and protected species at and around the site and would comply with Policy NE1.

#### Impact on Residential amenities

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development. Revisions have been made to the scheme since first submitted to ensure full compliance with the minimum separation distances between properties as set out in Policy HS4. The amended scheme would therefore satisfactorily safeguard the outlook and privacy of neighbouring properties and this which would also protect daylight and sunlight provision. A condition is recommended to withdraw some Permitted Development rights for plot 6 and to withdraw permitted development rights for roof enlargements for all properties. This takes into account that some of the properties have substantial roofs and would enable the Council to control any additions which may otherwise adversely affect the appearance of the development or residential amenities.

#### Health provision

Policy IC4 of Burnley's Local Plan states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The policy provides a list of appropriate matters that may be funded by planning contributions and this includes Health Infrastructure. Impact on health is therefore a material planning consideration.

A request has been received by the East Lancashire NHS Trust (The Trust) for a contribution of £64,847 towards health care provision. The contribution would be used for capital and revenue funding within the Trust area. The Trust provides acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Vally and Rossendale.

The Trust is a public sector NHS body and funded from the social security contributions and other State funding. The Trust is commissioned to provide planned and emergency acute healthcare to the population of East Lancashire and Blackburn with Darwen. Acute healthcare services incorporate activities delivered in a hospital setting. The request is made on the basis that a direct impact of the development would be an increase in demand for its services within the Trust area which is not accounted for in the first three years of occupation. The Trust state that if there is a shortfall in funding that this will impact on service delivery.

The request has been fully considered against the requirements for obtaining contributions. Counsel opinion was obtained on a similar matter (for a larger and more significant development) and the advice remains relevant in these circumstances. A contribution must assist in mitigating the impact of the development in order to make the development acceptable. It can only be sought where it meets all of the three tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which are also repeated in the National Planning Policy Framework. An obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Trust has explained in its methodology that the need for the health care contribution for revenue funding is due to the impact from an increase in population in the Trust area due to the development on the site. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy (2.3 persons per household) at a calculated contribution rate of £1,707 per dwelling. Whilst, in principle, the provision of healthcare is a material planning consideration, it can only be material to an individual case where the impact has been clearly assessed. This request for capital and revenue funding is based on there being an increase in population from the whole of the development. Given, however, the breadth of the geographical area that the Trust covers which goes far beyond the Burnley area, it is unrealistic to assume that all new occupants of the proposed development will be new to the Trust area. The Trust also do not consider how new occupancies may result from changes in households or whether it would receive the same share of patients from the new development as it receives from the existing population. The Trust provide no reasoning or evidence to support their assumptions on these matters and in, effect, this could lead to double counting.

Without any evidence to support the assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings on this site, there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust.

In these circumstances, a contribution is not necessary to make the development acceptable. It would therefore fail the three tests listed above as it would not be necessary to make the development acceptable in planning terms; it would not be directly related to the development; and it would not be fairly and reasonably related in scale and kind to the development. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

#### Affordable Housing

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement and the exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to the individual site and market conditions. The Developer Contributions SPD provides a guide to what the Council can expect for allocated sites which is based upon the Local Plan Viability Assessment which also takes into account other contributions that may be necessary.

Given that the site is identified (for the purposes of the housing allocation) as part Brownfield and part Greenfield then the SPD would suggest that the site should achieve a 10% contribution towards Affordable Housing. This would equate to 2.8 dwellings which the applicant has rounded to 3 dwellings, all of which are three bedroom, to be provided on site through discounted market sales (based on a reduction of 20% on market value). Notably, affordable rent is likely to be impractical for the proposed scheme due to the scale of the three bedroom houses and nature of the site. Intermediate (shared ownership) would be a higher priority but would reduce the viability of the scheme. Other contributions (open space and off-site highway works) would come close to the ceiling for contributions identified in the SPD. In these circumstances and considering the need for an emphasis on the quality of materials and landscaping for this development, the use of discounted homes for sale would help to achieve a range of objectives. This would therefore be acceptable and comply with Policy HS2 and the Developer Contributions SPD. A s106 Agreement would be necessary to secure the agreed Affordable Housing.

#### Other issues

Neighbour objections refer to a shortage of village school places to cater for additional families from the development. However, in discharging their duty to provide school places, the local education authority do not just consider the nearest schools to a site but calculate a distance of 2 miles for primary schools and 3 miles for secondary schools which is part of an adopted methodology. The Schools Planning Team is satisfied that there are sufficient school places within these parameters to cater for the additional demand that will be generated by the proposed 28 dwellings and do not request any contribution to new places. An objection to the proposed development on this basis could therefore not be sustained.

The site is within Flood Zone 1 where there is the lowest risk of flooding. Subject to conditions recommended by the Lead Local Flood Authority and United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere. The site is crossed by multiple water mains and sewers that will need protecting and United Utilities request that a condition is imposed to require a scheme for the protection of these assets during construction.

The proposal includes electric vehicle charging points which would be sufficient to mitigate against an increase in traffic and pollution from the development. This would be consistent with the recently adopted SPD on air quality.

A condition is recommended to require a ground investigation report, together with any site remediation which is necessary to make the site suitable for residential use.

#### Conclusion

The proposal seeks to develop a site that is mainly allocated for housing purposes and falls within the defined Development Boundary in Burnley's Local Plan. The proposed scheme has been designed to take account of its rural location on the edge of a village which is also a designated Conservation Area. The development would provide a range of quality new homes, including an on-site contribution to Affordable Housing and a contribution to improving existing open space. Objections to the proposal have been considered and have been addressed in the report. In respect of traffic, the traffic generation from the proposal would not significantly affect current conditions or parking in the village, there would also be a reduction in larger farm and associated vehicles. The site is a sustainable location for development and the local

highway authority has no objections to the principle of the development. Other issues, relating to ecology and drainage can be adequately dealt with through conditions. 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 proposal complies with the development plan and there are no material reasons to outweigh this finding in which case the application should be approved without further delay.

**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**

### **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. Prior to the commencement of development, details and representative samples of the external materials (natural stone and natural slate) 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. The development shall thereafter only be carried out in accordance with the approved details.

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 material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development, site clearance, earth moving or demolition shall be commenced or material or machinery brought on site until a method statement to provide measures to protect the minor watercourse adjacent to the site from accidental spillages, dust and debris from site clearance/development, has been submitted to and approved in writing by the Local Planning Authority. All measures contained within the approved method statement shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason:- To protect the tributary of the River Brun from potential pollutants and sediment during the demolition and construction period, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The method statement is

required prior to the commencement of development in order to prevent the pollution of the watercourse that may otherwise occur with the on-set of those activities.

5. No development shall be commenced until an assessment and mitigation measures, including a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the development, by virtue of any disposal of foul water and/or surface water post development, will not lead to negative impacts on the ecological status/potential of the minor watercourse adjacent to the site. The approved measures shall thereafter be implemented in full in accordance with the approved timetable.

Reason: To protect the ecology of a nearby watercourse from potential pollution from surface or foul water sources from the development site, in accordance with Policies NE1 and NE5 of Burnley's Local Plan (July 2018). The assessment and mitigation measures are required prior to the commencement of development to ensure that the agreed measures can be put in place at the earliest opportunity.

6. No development shall be commenced (including any earthworks) until details of the means of ensuring the United Utilities' assets that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include a survey that identifies the exact location of all sewers and water mains, the potential impacts on the sewers and water mains from construction activities (including the construction compound), the impacts post completion of the development on all sewer and water main infrastructure within the site and identify mitigation measures, including a timetable for their implementation, to protect and prevent any damage to both sewers and water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full prior to the commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development. In the event that the survey of the sewers and water mains identifies the buildings/plots as within an agreed standoff either side of each asset, the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interests of public health and safety and to ensure protection of United Utilities assets, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to avoid any potential risk to water infrastructure on the site.

7. Prior to the commencement of development, a scheme of biodiversity enhancement measures to provide nest bricks for swifts and house sparrows within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to either the completion of the development or the first occupation of any approved dwelling, whichever is the sooner.



Reason: To mitigate the loss of bird nesting habitat, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order that the agreed measures can be satisfactorily designed into the construction of the development.

8. Prior to the commencement of development, a scheme of landscaping, to include details of all retained trees and new tree and shrub planting, to include native species on and near to site boundaries and within the development site (noting species, plant sizes/heights on planting and proposed numbers/densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides an appropriate rural edge to the built-up village and a verdant appearance to the development using suitable species for enhancing biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

9. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 5) shall be carried out in the first planting and seeding seasons following the first occupation of the approved 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).

10. The boundary treatment indicated on the approved plans (drawing number 19/68/51H shall be carried out and completed prior to the completion of the development or the occupation of the first dwelling (whichever is the sooner), in accordance with details and specifications of the materials and design which shall be first submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be retained at all times.

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).

11. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

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.

12. Prior to the commencement of development, a scheme for the detailed design of the proposed site access 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 lowered kerb along the highway frontage of the barn to be reinstated;
  - the footway across plot 28 to be provided for the full curtilage; and,
  - improvements to bus stop (reference 2500496) in Church Square to provide tactile paving, raised kerbs and road markings.
- 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, 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.

13. 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).

14. 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.

15. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) 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).

16. 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 Ormerod Street and the locality to walk to school and for dropping off/collecting children at the start and end of the school day, 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).

17. 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).

18. 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 as a result 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 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.

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 or deliveries to the site, 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. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles and the site-specific flood risk assessment and outline drainage strategy (FRA 20 1210 -October 2020), 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 scheme prior any dwelling to any dwelling within each phase of the development 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.

21. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure 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).

22. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The

agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

23. 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.

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 plot 6 and no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at any plot within the development 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 plot 6 on the privacy and outlook of an existing adjacent property and to assess any enlargement to the roofs of the development on the appearance of the scheme and the privacy and amenities of occupiers of nearby properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

25. 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).

26. 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.

27. 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).

28. 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).

29. Plots 15, 16, 17, 21, 22 and 25 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and none of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to



demonstrate that the standard has been achieved for each dwelling , has been submitted to and approved in writing by the Local Planning Authority.

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).

30. Prior to the commencement of development, a Sustainability Strategy to demonstrate a minimum of 10% betterment on energy and water efficiency standards (compared to current Building Regulation requirements) for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with all the approved measures contained within the Sustainability Strategy and a verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance with the Strategy prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy and water efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The Strategy is required prior to the commencement of development to ensure that the measures that are necessary to achieve energy and water efficiencies can be designed into the construction of the development at the earliest stages.

Janet Filbin  
3<sup>rd</sup> November 2021