

**Application Recommended for Delegation to
Approve subject to s106 Agreement
Queensgate Ward**

OUT/2021/0443

Town and Country Planning Act 1990

Outline application for up to 73 no. dwellings and associated works including details of access (all other matters reserved)
Land At Barden Lane Burnley

Applicant: Colin Muller, Muller Property Group

Background:

The application is being considered by this Committee following the receipt of objections to the development.

The application seeks outline planning permission, including permission for the proposed access to the site, and all other matters (Appearance, Landscaping, Layout and Scale) are reserved for subsequent approval for a development of up to 73 houses on approximately 2.65ha. The site is the former Lodge Mill where only the remnants of the mill floor and hardstandings remain, interspersed with scrub and grasses. To the south side of the application site is an area of self-seeded woodland, beyond that is a bridleway (12-1-BW6) between Heald Road and Heald Bridge/Lower Mead Drive and a concrete works.

Site looking towards Barden Lane



View towards trees to south side of site



Canal and Grade II listed bridge to
west boundary of the site



Railway to east boundary of the site



To the north of the site is a residential development on the site of the former Barden Mill (site allocation HS1/31). The eastern boundary is flanked by the East Lancashire railway line and Barden Gardens and the western side of the site is bound by the Leeds and Liverpool Canal and a residential area. The stone canal bridge (Lodge Canal Bridge) on Barden Lane is Grade II listed.

The existing access from Barden Lane would be improved to provide access to the proposed development. An Indicative Masterplan has been submitted to show how the site would accommodate up to 73no. dwellings.

Indicative Masterplan



The Masterplan indicates how the site could be laid out with up to 73 dwellings whilst demonstrating design principles with formal frontages and path along the canal corridor, frontages to Barden Lane, open space consisting of woodland, pond and amenity open space. No details are provided of house types although the submitted Design and Access Statement states that there would be a mix of semi-detached,

terraced groups and a small number of detached houses that provide predominantly three bedroom dwellings. It also states that there are some 2½ storey dwellings shown on the indicative layout and that detailed design will form part of the reserved matters application.

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
SP6 – Green infrastructure
HS1/29 – Housing allocations – Lodge Mill
HS2 – Affordable housing provision
HS3 – Housing density and mix
HS4 – Housing developments
HE2 – Designated heritage assets
HE4 – Scheduled monuments and archaeological 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

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:

APP/2004/0534 - Change from storage/distribution unit (Class B8) to storage and distribution and retail (Class B8/A1). Refused July 2004.

APP/2005/0862 - Use of first floor as dance & fitness studio (Class D2) opening hours Mon - Fri 9am-10pm, Sat 9am-7pm, Sun 10am-6pm. Approved October 2005.

NOT/2014/0480 - Proposed demolition of former weaving shed. Prior Approval granted February 2015.

Consultation Responses:

LCC Highways

No objections. The level of traffic generated by a development of this size and nature

at this location would not have a severe impact on highway safety or capacity within the immediate vicinity of the site. The proposed vehicle and pedestrian access arrangements are acceptable. The proposed development encroaches into a section of the existing adopted highway and therefore a stopping up order will be required. From observations on site and the information provided, the sight line requirements would be fully achievable at the indicated access point. However, to provide the new access including an unrestricted footway clear from obstructions and achieve the required sightlines to the south east of the proposed junction, the existing road sign and cabinets will need to be relocated. The proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. Conditions are recommended relating to car parking standards, the design and construction of the internal road layout and a Construction Management Plan.

Local Lead Flood Authority

No objection. Conditions are recommended to require the development to be carried out in accordance with the principles of the submitted flood risk assessment and drainage strategy and to require a detailed sustainable drainage strategy, a construction phase surface water management plan and an operation and maintenance plan and verification report to be submitted and agreed.

United Utilities

Proposals are acceptable in principle. A water main crosses the site for which unrestricted access is required. There is a concern in respect of the proposed levels on the foul drainage network, with the proposed cover levels being lower than the receiving existing cover levels. Conditions are recommended to require full details of the drainage scheme.

Greater Manchester Ecology Unit (GMEU)

GMEU had extensive pre-application discussions on this site and have the following comments:

- The site is bounded to the west and northwest by the Leeds Liverpool Canal, which is a Biological Heritage Site (83NW11) and acts as a wildlife corridor.
- The southern part of the site supports woodland (priority and regenerating woodland) which is identified as part of the Lancashire Woodland Ecological Network (as 'stepping stone')
- During the pre-application discussions GMEU indicated that although these material biodiversity constraints are present that there was scope in principle for housing development to come forward on the site subject to suitable mitigation and compensation.
- Subject to an appropriate scheme an application could conform to the relevant policies within Burnley's Local Plan (July 2018 SP6, NE1 and NE4), the site's allocation (HS1/29 point 3) and the national NPPF (now amended version July 2021 paras 174 d), 175 and 179b)).
- GMEU's overarching view has not altered substantively by the current submission.

Ecological Assessment (EclA) and baseline surveys

- The current submission has not been supported by an update in the surveys to inform the Ecological Assessment (EclA). These surveys were conducted during 2019 and 2020 and were at the time considered valid and appropriate.
- Having visited the site GMEU are of the view that it will not have altered to any material extent in the intervening period and GMEU are content that the Planning Authority (LPA) can use this EclA assessment as the basis for their decision making.

- As it may be some time before development is implemented – should the scheme be approved – there are a number of mobile species which may alter in their distribution in the intervening period. These can be secured via pre-commencement conditions for updated surveys of the following species/groups: -
 - Badger – in advance of Reserved Matters and within 6 months of a planned start of construction. Identified in the EclA
 - Water vole – any works within 5m of the water's edge/banktop of the Canal should be preceded by a water vole survey. This is identified within the EclA but should not be necessary in the event given that there is a minimum 6m stand-off to the Canal BHS.
 - Bat roosts in trees – Although not identified within the EclA it is anticipated that tree felling will occur more than 2 years after the initial assessment. Trees shown on plan in the EclA ('Bat Tree Assessment Plan' dwg MAN.1922.001.EC.D.003), should be reassessed and inspected prior to the commencement of works on site to monitor for change in condition and the need for aerial and/or pre-felling activity inspection.

Ecological Impacts, Habitat Loss and Protection

- It is acknowledged by the developer (EclA and Planning Statement) that woodland habitat within the Lancashire Woodland Ecological Network will be lost. Compensation has been identified and this was deemed satisfactory during the pre-application discussions.
- It is recommended that this matter is dealt with via a Section 106 Obligation, as the areas are outwith the edge red or blue of the applicant, are necessary to make the proposal policy compliant and should be applied to all successors 'in title'. The remuneration for the planting and initial 5-year establishment should be provided by the developer and a management plan should be provided.
- The retained woodland and scrub should be temporarily fenced during construction to an appropriate standard, as identified within the EclA. This can be secured within the condition for a Construction Method Statement or CEMP.
- The CMS/CEMP should also include the details of the construction lighting which should be designed to avoid light spillage onto the canal and the woodland edge.
- The minimum of 6m stand-off to the Canal BHS should also be fenced to a suitably robust standard during construction.
- Table 3 of the EclA included details of methods to be used to avoid vegetation clearance during the bird breeding season (March – August inclusive) and with sensitivity to onsite common reptiles and priority species. These methods should be secured by condition and/or included within the CMS/CEMP
- Any outline permission should indicate that whilst the layout of the scheme is indicative the retention of the Canal stand-off and woodland to the south/southeast is part of the parameters within which the Reserved Matters scheme should be designed. A suitable condition/mechanism should be used to secure this.

Reserved Matters requirements

The scheme for Reserved Matters should include the following with these details identified and secured within a condition(s) -

- Detailed external lighting plan showing both highways, communal pedestrian lighting and domestic external/security lighting (if provided). This should be designed to the Institute of Lighting Professionals guidance notes (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The scheme to include specifications of luminaires and light contour plans.
- Details of the hard and soft landscaping should be submitted at RM with planting specifications for locally native species (see attached for information). This should

include canal footpath surfacing and other informal pedestrian access, for example onto the PRow to Heald Bridge if this is proposed.

- As indicated above the off-site compensation should be secured and the RM include locations and specifications along with management resourcing and responsibility
- Include a Landscape & Ecological Management Plan.
- The specification, layout and planting of the SuDS should incorporate biodiversity gains with native species and suitable design. Any management specifications for the maintenance of the SuDS basin should be designed to accommodate biodiversity in its implementation. GMEU would wish to comment at RM on this matter.

Biodiversity Net Gain (BNG)

- The format of the BNG calculation is not as GMEU would generally accept but despite this variance, GMEU is content that the quantum of off-site provision will compensate and provide net gains if it is secured appropriately.

GMEU Conclusion: GMEU is satisfied in terms of biodiversity that the outline application can be forwarded to determination with recommendations for conditions to ensure that the final scheme and construction can achieve policy compliance and protection of statutory and non-statutory wildlife habitats and species.

Burnley Wildlife Conservation Forum (BWCF)

Object to the proposal. The plot of land comprises the site of the former Lodge Mill in the northern part of the site and an area of woodland and scrub in the southern part of the site. The area of woodland and scrub is a valuable 'stepping stone' site which is a designated part of the Lancashire Woodland Ecological Network. The application will require the removal of 11 individual trees, two tree groups, the partial removal of three tree groups and approximately 50% of one woodland area. This is expected to have a moderate impact on the character of the site. The applicant's ecology assessment states that the area of semi-mature woodland and dense scrub at the south of the site provide significant connectivity, wildlife corridor function and structural diversity which is an acknowledgment of a significant loss of an important area of woodland and scrub habitat. The Ecological Appraisal found a wide range of species present: pedunculate oak [English Oak], ash, silver birch, crack willow, wild cherry, horse chestnut, hawthorn, holly, elder and the rare black poplar; and, considered that the woodland and scrub provided suitable nesting habitat for a wide range of bird species. A preliminary assessment stated that the habitats were suitable for foraging by bats and identified 14 trees with features with potential to support roosting bats. The Local Plan designation states that the site is suitable for around 35 dwellings. The outline proposal is for more than twice this and would be an unreasonable overdevelopment of the site as it would require a significant loss of woodland and scrub habitat which forms a designated part of the Lancashire Woodland Ecological Network and this would have a significant adverse effect on biodiversity.

Environmental Health

No objections. Conditions are recommended to require a contaminated land investigation and associated remediation, a noise assessment, dust management plan and details of refuse storage.

Head of Greenspaces and Amenities

A development of 73 houses would generate calculation of 0.438 ha (inclusive of 0.13ha of children's play space). In the Council's Green Spaces Strategy it states

that in new housing development s the focus for amenity green space should be on large functional sites rather than distributed amongst smaller sites. The developer has included a small area of public open space but is minimal and does not offer much recreational/amenity space value. There is no provision in the plans for children`s play space on site. As such, in lieu of provision on site and due to the proximity with Barden Gardens, request that an off-site contribution be provided to refurbish and/or expand the existing play area as well as upgrading the existing MUGA and the surfacing of tennis courts. The contribution would be bases on £350 per bedroom. There is also an opportunity to improve the footpath/bridleway along the southern boundary of the site between Lower Mead Drive and Heald Road which would create an improved link to the canal towpath and Barden Lane.

LCC Schools Planning Team

An education contribution is not required at this stage in regards to this development.

Canal and River Trust

The proposal includes construction works within proximity to the Leeds and Liverpool Canal and it is essential that structural integrity is not put at risk, including excavations and vibrations from plant or machinery. The applicant`s Flood Risk Assessment states that an unnamed culvert crosses the site running from east to west and passes beneath the Leeds and Liverpool Canal. The Trust has no record of this culvert. Advise that the development should seek to utilise a layout that maximises the benefit of the waterfront location, including taking opportunities to optimise views and natural surveillance. The indicative layout would offer opportunities to promote surveillance of the canal corridor to the east of the site which is generally appropriate as this part of the site features a reduced amount of vegetation. The amenity strip aside of the canal could help promote the use of the canal as a place of amenity and wellbeing. Tall fences or boundary treatments should be avoided next to the proposed pathway. The retention of vegetation to the east of the site would help to retain existing foliage and enhance the semi-rural character of this stretch of canal. The addition of new native species to strengthen the landscaping area would be encouraged. The development should seek to protect and enhance biodiversity along the canal corridor. It is noted that the recommendations of the applicant`s assessment includes the provision of ecological buffers to the canal. Several trees on the canal boundary would be removed; appropriate new native species trees should be planted in the buffer and other landscaped areas next to the canal to ensure that the green corridor role of the canal is strengthened and to compensate for the loss of any trees. Conditions are recommended to require a Risk Assessment and Method Statement for the works in proximity to the canal; sufficient information relating to the culvert on the site to assess its impact on the canal; to require details of soft landscaping details; land contamination investigations and remediation; and, details of surface water discharge.

Network Rail

No objection in principle to the proposal. There are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway. Conditions are recommended to require a a Method Statement and Risk Assessment; a suitable trespass proof fence adjacent to the boundary with the railway to protect from unauthorised access; details of scaffolding works within 10m of the railway boundary; a risk and method statement of

any vibro-impact works on site; details of the disposal of both surface water and foul water drainage directed away from the railway; details of ground levels, earthworks and excavations to be carried out near to the railway boundary; the inclusion of a minimum 3 metres gap between the buildings and structures on site and the railway boundary; and, details of appropriate vehicle safety protection measures along the boundary with the railway. Network Rail also require a Basic Asset Protection Agreement BAPA) to be agreed between the developer and Network Rail.

Network Rail also refer to potential noise and vibration for future occupiers and consideration to noise mitigation measures. It states that there should be no trees planted adjacent to the railway and provides various informatives for the developer.

The Coal Authority

No objection subject to conditions. The application site falls marginally within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals at the site.

The Coal Authority records indicate that there are several mine shafts located to the south of the application site. The potential zone of influence/instability associated with the nearest of these, shaft 383434-004, may encroach into the site across the southern boundary. Due to potential plotting inaccuracies this shaft may depart/deviate from its recorded position by several metres. We hold no details of any past treatment of the shaft. Whilst only indicative, it is noted that the proposed layout would be located entirely outside the Development High Risk Area, i.e. beyond the potential zone of influence/instability associated with shaft 383434-004.

The planning application is accompanied by a Preliminary Geoenvironmental Appraisal. Based on a review of relevant sources of coal mining and geological information, the report acknowledges the presence of a cluster of five mine entries beyond the southern boundary of the site.

Taking into account factors including the assumed depth to rockhead, the report does not consider that the potential zone of influence of ground instability posed by an off-site collapse of these shafts would extend into the application site. Nevertheless, they recommend that assumptions made regarding the depth to rockhead are confirmed by site investigation (boreholes) close to the southern site boundary. The Coal Authority welcomes these confirmatory works. Should it be established that the depth to rockhead is greater than expected, we would expect appropriate measures to be incorporated into the proposed development to mitigate the risk posed by an off-site shaft collapse. This could include avoiding development in the affected area, the deepening of building foundations and the incorporation of geogrid type reinforcement.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the Local Planning Authority.

The Coal Authority also state that their records indicate that surface coal resource is present on the site. The impact of SuDS on mining features should be considered by others.

In conclusion, the Coal Authority notes that the applicant's Preliminary

Geoenvironmental Appraisal considers that the possible collapse of recorded off-site mine entries is unlikely to pose a risk of instability to the application site. Nevertheless, the Coal Authority welcomes the recommendation that intrusive investigations are required to confirm assumptions made with respect to the depth to rockhead in the vicinity of the shafts and the resulting extent of the zones of influence/instability associated with these former coal mining features. Appropriate conditions are therefore recommended.

Publicity

One letter of objection has been received from a neighbour at Garswood Close, referring to traffic hazards and accidents at the railway bridge and canal bridge, plus parking that occurs on the main road near the canal bridge (for fishing and walking) and the increased hazards from a further access road at this position.

Planning and Environmental Considerations:

Principle of Proposal

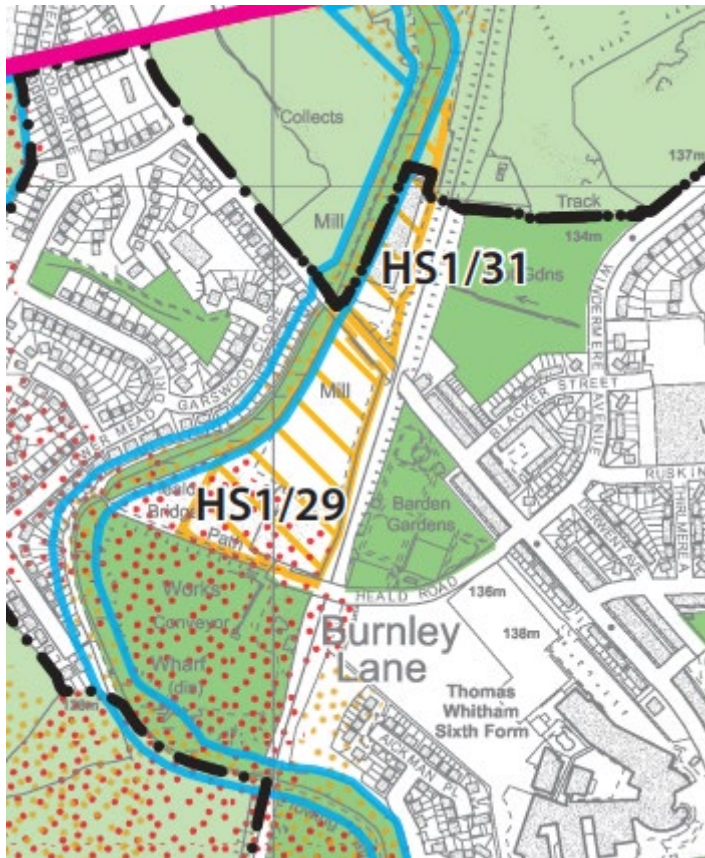
Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which 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 is one of these identified sites for housing, identified as Policy HS1/29 – Former Lodge Mill, Barden Lane (2.32ha) identified as a Brownfield site. The site also falls within the defined Development Boundary and is partly surrounded by established and new residential development and close to recreational facilities at Barden Gardens and the canal towpath and to schools and a bus service on Barden Lane. Policy HS1/29 states that the site is suitable for around 35 dwellings. The southern part of the site (approximately 20% of the site) consists of scrub and self-seeded woodland and forms part of an Ecological Network. A proposal for outline permission to develop the site for residential purposes would be consistent with the housing allocation to develop the site subject to consideration to the amount of development and its impact on the site specific requirements of Policy HS1/29.

Housing allocation and amount of development

Policy HS1/29 states that the housing allocation at the former Lodge Mill site is suitable for around 35 dwellings and also sets out a number of additional and site specific policy requirements and design principles. These refer to: a mix of dwelling types; highway improvements to either Barden Lane or Heald Road; an ecological survey to take account of the Leeds and Liverpool Canal Biological Heritage Site and Lancashire Ecological Network; and an archaeological evaluation of any remains from past industrial use.

Extract from Policies Map (West), Burnley's Local Plan



These issues, particularly relating to ecology are important considerations to the amount of development on the site and have been considered in detail.

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 as well as protecting Protected Species, Priority Habitat and local and regional sites and maintaining Ecological Networks. In addition, Policy SP6 seeks to protect and enhance the borough's green infrastructure.

There are two key areas of ecological interest at this site. Firstly, the canal corridor which is a designated Biological Heritage Site (BHS). The Design and Access Statement submitted with the application states that a 6m green corridor buffer would be maintained between the development and the canal corridor. This would provide protective measures to the canal bank and protection to the habitat corridor. Whilst there is no evidence of otter or water vole currently at the site, GMEU recognise that it is habitat that is suitable for these protected species and is satisfied that a 6m buffer would be sufficient to protect wildlife along the canal bank. A condition is recommended to ensure any Reserved Matters application provides for this 6m green corridor buffer.

Secondly, the southern portion of the site contains approximately 1.3ha of woodland and dense scrub vegetation and is part of a Lancashire Woodland Ecological Network. This consists of lowland mixed deciduous woodland, part of which is Priority Habitat woodland and has the function of 'stepping stone' habitat. Part of this area contains semi-mature broadleaf trees 20-30 years old with occasional more mature trees,

dominated by willow but including ash, cherry, poplar, silver birch and occasional oak. These trees are generally within the south west portion of the site. To the south east portion of the site and a localised area at the centre of the woodland towards the south west area is woodland of approximately five years of age, which is characterised by dense stands of saplings and scrub to an average 4m height, including willow, ash, bramble, hawthorn and elder. This represents young woodland habitat but would not constitute Lowland Mixed Deciduous Woodland or Priority Habitat. The proposed Indicative Layout that demonstrates how 73 dwellings can be accommodated on the site would lead to the loss of 0.6ha of woodland, out of which approximately 0.3ha would be young woodland habitat that would not be regarded as a Priority Habitat.

Policy NE1 states that where development may adversely affect the effective functioning or connectivity of Ecological Networks, schemes should where practical, retain and enhance existing landscape and natural features and ensure an alternative corridor can be provided to ensure equivalent connectivity is maintained.

The applicant affirms that the loss of some woodland habitat is unavoidable in order to make residential development at the site feasible submitted ecological report (due to the abnormal costs associated with this site) and has proposed a set of mitigation measures:-

1. Retaining, managing and enhancing a woodland buffer of mostly 15m (with small section of 10m) along the full length of the southern boundary to maintain a wildlife corridor function; and
2. A Woodland Management and Enhancement Scheme for the 0.4ha triangular shaped piece of land which is outside the south west edge of the application site. This area of land is owned by Burnley Borough Council and requires substantial management, including felling and replanting. The improvement of this area would also connect to the wildlife corridor of the canal.
3. To use two areas of currently species-poor improved grassland close to the site (immediately south of the cement works to the southside of the application site and plant with a favourable diverse native woodland mix. The area of removed woodland habitat covers an area of approximately 3,931sqm, whilst the two new areas would amount to approximately 5,500sqm of current amenity grassland within the same part of the Lancashire Woodland Network.

The proposed areas for new woodland creation are directly to the south side of the Cemex cement works and are owned by the Council. The area was originally laid as a football pitch but has been too wet for recreational use and the Council's Head of Greenspaces and Amenities considers it would be suitable for tree planting. GMEU and could be planted with a similar mix of willow, alder and native shrubs. The location of these is indicated below. GMEU agree that the planting and manging of these areas with native woodland would improve a principal area of the Lancashire Woodland Ecological Network close to the site and together with other measures to maintain and enhance a woodland buffer to the south side of the site and to improve a 0.4ha area of off-site woodland that bounds the south west corner of the site, would adequately compensate for the loss on site. These appropriate alternative measures would satisfy the requirements of Policy NE1 for maintaining ecological networks.

Woodland 1



Woodland 2



A s106 Agreement would be required to secure the off-site mitigation works and secure their retention and future management.

The objection from the Burnley Wildlife Conservation Forum which relates to the loss of woodland, including Priority Woodland, within the Lancashire Ecological Network, has been considered. Notably, the proposals would significantly reduce the area of woodland, but a large proportion of this is regenerating young growth and the amount of semi-mature broadleaf trees that would be removed have been minimised. A retained woodland buffer can be secured through conditions. Further on-site mitigation can be achieved through appropriate new tree and shrub planting and off-site mitigation through managing and enhancing adjacent woodland and through the establishment of new native species woodland at close proximity to the application site. In addition, whilst the area of woodland to be reduced is located at the northerly tip of the network, the proposed off-site mitigation sites of species poor grassland would be planted and managed to provide good quality native woodland which would fill those gaps in the main body of the ecological network to the south side of the site. This would strengthen and enhance the function of a key part of the network. With these measures, the proposal would protect and enhance the function of the Lancashire Ecological Network.

The submitted Ecological Impact Assessment reports on survey findings for protected species, including bats. It finds that there are 14 trees within the woodland area and bordering the site that have bat roosting potential. Two of these have High or Moderate suitability would be retained and protected, whilst for the remainder with Low Suitability, precautionary measures would be employed. GMEU accept these findings and recommend a condition to require an updated survey (including the use of aerial and/or pre-felling activity inspection) of the low value trees prior to the commencement of development.

GMEU also recommend a pre-commencement survey for badgers and measures to protect nesting birds during the bird breeding season (March to August inclusive) and protective measures for retained trees. A Landscape and Ecological Management Plan (LEMP) would be necessary to secure the long term management of retained on-site woodland and new off-site woodland. Conditions are also recommended to require a detailed external lighting strategy, a hard and soft landscaping scheme with planting specifications for locally native species and details for the planting ,

management and maintenance of the SuDS basin that is indicated on the indicative scheme. Other enhancement measures identified in the submitted Ecological Impact Assessment which include the provision of bird nest boxes, bat roost boxes, wildlife-friendly fencing and shelter/refuge for wildlife should also be secured by a condition to require further details and their implementation. With the measures and conditions that have been identified, the proposed outline proposals which affect the woodland to the south side of the site, would maintain and enhance biodiversity and the Lancashire Woodland Ecological Network. The proposal would therefore comply with Policy NE1.

Impact on trees

Policy NE4 requires development proposals to provide for the protection and integration of non-protected existing trees and hedgerows for their wildlife, landscape and/or amenity value. An Arboricultural Impact Assessment has been submitted with this application and identifies two areas of woodland, seven tree groups and 21 individual trees within the site. None of these are protected. The outline scheme for up to 73 dwellings would lead to the removal of nine individual trees (two moderate and seven low quality trees) and two tree groups (both, low quality) and the partial removal of three tree groups (all low quality) and 50% of the woodland (low quality). The ecological impacts relating to the loss of trees has been discussed in detail above. In terms of the quality of the trees to be removed, these are generally of low quality (Category C), the loss of which can be effectively mitigated by appropriate new planting. Notably, in this case there would also be considerable off-site mitigation and retained trees, individually and in groups or woodland, would need to be protected and managed. An Arboricultural Method Statement would be required to demonstrate how construction methods would protect those trees that may be otherwise harmed by standard method. A Reserved Matters application would be expected to provide a tree planting scheme to strengthen site boundaries, green corridor buffers to the southern boundary, the western boundary with the canal and Barden Lane frontage as well as providing street trees on new estate roads and around new areas of open space. A condition is recommended to require the landscaping scheme to include locally native species. Subject to these conditions, the loss of trees would be adequately compensated and new planting would help to create a landscaped setting for new homes. The proposal would not therefore conflict with Policy NE4.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets or their settings will be assessed having regard to significance of the asset and states that all levels of harm should be avoided. Policy HE4 seeks to protect archaeological assets.

Lodge Canal Bridge on Barden Lane stands to the north western corner of the application site and is a Grade II listed building. The key feature of its setting is the canal. Subject to further details of the layout, scale and appearance of the development that would be considered as part of a Reserved Matters application and the use of sensitive landscaping and a green buffer along the canal bank, the proposed development is unlikely to lead to harm to the setting of the Grade II listed stone bridge.

The submitted Heritage Impact Assessment states that the original cotton spinning mill was built on this site in 1863 (initially called Barden Mill but renamed Lodge Mill by 1893) and was converted to weaving after a fire in 1905. Historic images show that the building plan was rebuilt following this event and that the original mill building had been removed prior to the demolition of Lodge Mill in 2014/15. It concludes that given

the destruction of the earlier mill by fire and the more recent demolition of its successor, that there is unlikely to be anything of historic interest on the site. On this basis, any further archaeological investigation would not be worthwhile.

The proposal would not therefore significantly affect historic assets and complies with Policies HE2 and HE4.

Accessibility, impact on traffic and highway safety

Policy IC1 states that development schemes should, as appropriate to their nature and scale, be located in areas well served by walking, cycling and public transport, should maximise opportunities for the use of sustainable models of travel, and provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A Transport Statement (TS) has been submitted with this application to assess the impact of traffic from the development and the proposed improved vehicular access on Barden Lane.

The site is just over 100m from the nearest bus stops on Barden Lane which provide an hourly service to Burnley and Colne; is adjacent to a national cycle route on the towpath to the west of the site and adjacent to a network of public footpaths and a bridleway. It is therefore an accessible location with good links to recreational facilities and amenities.

The existing access would be relocated by approximately 5m to the east and realigned and constructed to provide a new estate road with a 5.5m carriageway and 2m wide footways to each side. LCC Highways is satisfied that this would provide an acceptable junction with adequate visibility and recommends conditions to agree detailed matters.

In terms of trip generation, the Transport Statement calculates that based on 73 dwellings there would be less than one additional car departing in every two minute period within the AM peak and just over one car (1.1) arriving at the site every three minutes within the PM peak hour. This would only represent a minor change to traffic using Barden Lane which would not lead to a perceptible impact on the highway network. LCC Highways concur with this view and make no request for any significant off-site highway works.

The proposed residential scheme also provides the opportunity to improve the accessibility and connectivity of the site with its surroundings. The applicant has agreed to provide an informal pedestrian route from the south west corner of the site to Heald Bridge. This would provide good links to the canal towpath and to the public bridleway and the footpath network to the south side of the site. In addition, the applicant has agreed to improve the surfacing of the public bridleway that bound the south boundary of the site between Heald Road and Heald Bridge. This would be a benefit to new occupiers of the development as well as existing local residents.

In conclusion, the proposed outline scheme that also seeks approval for access is acceptable subject to conditions recommended by LCC Highways.

Housing requirements

Policy HS4 sets out various requirements for new housing, including open space provision, separation distances to provide appropriate outlook and privacy and adaptable homes. Policy HS3 refers to housing density and Policy SP5 requires a high standard of design and sustainability in developments.

The outline application seeks approval for up to 73 dwellings. Notably, the housing allocation at Policy HS1/29 refers to the site being suitable for around 35 dwellings. This lower figure takes into account the presence of woodland and the Lancashire Ecological Network to the southern end of the site. The applicant has sought to deal with this issue in order to achieve a quantity of development on the site that would be viable. The approach is an acceptable one and following detailed consideration it is concluded that a greater proportion of the site is capable of being satisfactorily developed which would increase the capacity of the site. Policy HS3 states that new housing should be built at a density appropriate to its location and setting and at a minimum, should seek to achieve 25 dwellings per hectare. The Indicative Layout submitted with this application displays a density of 26 dwellings per hectare which remains a low density and reflects the amount of the site given over to landscaping, green corridors, woodland, drainage pond and open space. A low density in this case, as presented, would be in keeping with the site and its surroundings and it also acknowledges other constraints posed by the railway line on the eastern boundary and a culvert that crosses the site. A figure of up to 73 dwellings would therefore be appropriate and subject to detailed consideration of Reserved Matters can, in principle, be adequately accommodated on the site.

The Indicative Layout indicates a 6m green buffer along the bank of the canal and the orientation of formal frontages to the canal. This would allow adequate spacing from properties on the west side of the canal and would maximise the benefits of waterfront locations, optimising views and natural surveillance of the canal and opportunities to access it, as sought by Policy SP5.

Occupiers of the proposed development would be exposed to noise from road traffic, passing trains and the cement works. A Noise Assessment has been submitted that indicates that mitigation measures would be necessary, including attenuation fencing on the eastern boundary and trickle ventilation to parts of the site. A condition is recommended to require a further detailed noise assessment to accompany a Reserved Matters application.

The proposed residential development would be principally up to two storeys, although the Design and Access Statement indicates that there would be a number of 2.5 storey dwellings. A two storey development would be in keeping with the dominant scale of development. Given, however, that scale is a Reserved Matter, this will be considered with full details at a later stage. An Informative can be added to the decision notice to indicate that a development principally no more than two storey is considered to be suitable for this site.

Policy HS1/29 requires a mix of dwelling types at this site. The Indicative Layout display a mix of semi-detached, terraced and a smaller number of detached houses which would provide the opportunity to provide a range of properties and bedroom numbers to cater for a range of housing needs. The details of the range and type of housing will form part of the assessment of a Reserved Matters application.

Details of the design of dwellings to comply with a 20% compliance with the optional Part M4(2) standards of the Building Regulations to provide adaptable homes will be considered as part of a Reserved Matters application. A condition is recommended to require the details of adaptable homes to be submitted with the appropriate Reserved Matters application.

The Planning Statement submitted with the application acknowledges the requirements of Policy SP5 in respect of measures to minimise energy and water consumption and states that this will be presented at the Reserved Matters stage.

Open Space

Policy HS4 requires new housing developments to provide or contribute to public open space provision at a rate of 0.3ha per 50 dwellings (inclusive of 0.09ha of equipped childrens play space). In this case, the developable areas of the site are reduced by retained woodland, green corridors and a sustainable drainage pond. As such, the Indicative Layout displays only a small area of amenity open space that would add to the openness of the residential area but wouldn't provide functional open space for activities or play equipment. In this case, the site sits adjacent to Barden Gardens that offers public open space and childrens play facilities. In these circumstances, the Head of Greenspaces and Amenities has requested a contribution towards improving the open space and play facilities at Barden Gardens. This would be easily accessible from the site and would provide adequate open space and play facilities for the future occupiers of the development. The contribution would be calculated at the Reserved Matters stage based on £350 per bedroom in accordance with the Developer Contributions SPD. The applicant is willing to enter into a s106 Agreement to secure this contribution. In addition, the site also benefits from the recreation opportunities of the canal. The proposal would therefore provide access to satisfactory open space and equipped childrens play space to provide a good standard of amenity for future occupiers.

At this outline stage, the amount of development on the site would be suitable for the site and would secure a good quality new residential development.

Provision of Affordable Housing

Policy HS2 requires the provision of affordable housing through all housing developments of over 10 units unless plan policies and viability evidence demonstrate otherwise. The Developer Contributions SPD which applies evidence from the Local Plan Viability Assessment indicates that there is likely to be a ceiling of a 5% contribution towards Affordable Housing. Policy HS2 states that this should be provided on-site where this can be achieved without compromising other important policy considerations. The applicant has agreed to a 5% contribution which would be delivered on site, in which case the exact number would be calculated at the Reserved Matters stage. The applicant has indicated that that the Affordable Housing units would be delivered as First Homes which have been recently introduced by the Government and will provide a first home at a discount of 30% below market value for eligible first time buyers (at a price that must not exceed £250,000). This would comply with the requirements of Policy HS2 and provide a significant benefit and would be secured through a s106 Agreement.

Impact on flooding

Policy CC4 states that the Council will seek to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

A Flood Risk Assessment has been submitted with the application that identifies the site within Flood Zone 1 where there is the least risk of flooding. No objections are raised by the Local Lead Flood Authority or United Utilities subject to conditions to require a detailed drainage strategy and details of asset protection, management and maintenance and pollution prevention measures. With these provisions, the proposal would not lead to a significant increase in the risk of flooding on the site or elsewhere and would not conflict with Policy CC4.

Impact on ground conditions

Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks.

A Preliminary Geo-environmental Appraisal has been submitted that identifies potential contamination from past industrial uses and the need for intrusive investigations and appropriate remediation.

The Geo-environmental Appraisal also reports that there are five mine entries beyond the southern boundary that whilst are unlikely to affect the built development should be further assessed. A condition is recommended to require this.

Network Rail and the Canal and Rivers Trust have highlighted the need to maintain the structural integrity of their structures and in addition to any permits or agreements that they will require between themselves and the developer, have requested various conditions which are mostly reasonable and necessary.

Air quality

An air quality assessment has been submitted that indicates that there would be no significant adverse impact on air quality resulting from the proposed development. In accordance with the Air Quality Management SPD, electric vehicle charging points will be required as standard mitigation. A condition is recommended to require these details to be provided as part of a Reserved Matters application.

Conclusion

The proposed development would deliver a brownfield housing allocation identified in Burnley's Local Plan which would be beneficial by providing new homes, including a small portion of First Homes. It would enable the cleaning up and redevelopment of a former mill site and provide new homes at an accessible and attractive location. The outline application has had full regard to the challenges and constraints of the site. The approach to mitigate the loss of an area of woodland with new native tree planting close to the site would protect and enhance the Lancashire Woodland Ecological Network. An Indicative Layout shows how the site could accommodate up to 73 dwellings whilst creating a green buffer along the canal corridor and a setting that would provide an appropriate canal frontage as well as a green woodland buffer to the south side of the site. Access can be satisfactorily provided to the site and the proposal would improve connectivity to its surroundings by a new informal path to the public bridleway at the south western corner of the site and improvements to the surfacing of the public bridleway. Whilst the site would not provide functional on-site public open space, it is accessible to Barden Gardens to the east side of the site. The applicant has agreed to a contribution to improving this public open space and equipped area for play which would adequately cater for the recreational needs of future occupiers. It has been demonstrated that the proposal complies with the development plan and there are no material considerations that would outweigh this finding.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to open space improvement, affordable housing, off-site woodland mitigation, off-site woodland management and enhancement, provision of new pedestrian link and improvements to public bridleway.

Conditions:

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. 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.

5. An application for the approval of Reserved Matters shall provide for a minimum 6m wide green buffer along the bank of the Leeds and Liverpool Canal and a 15m green buffer (with a short localised 10m exception) on the southern elevation of the site.

Reason: To protect the wildlife of the canal corridor which is a designated Biological Heritage Site and to maintain a woodland buffer to the south side of the site to protect the Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

6. An application for the approval of Reserved Matters shall be accompanied by details of how a minimum of 20% of the proposed dwellings would comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to be provide adaptable homes. None of the identified dwellings to be constructed with the approved details 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).

7. An application for the approval of Reserved Matters shall be accompanied with details of how energy and water efficiency measures have been designed into the proposed scheme. The approved measures shall thereafter be implemented in full prior to each dwelling being first occupied.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. A scheme for the provision of electric vehicle charging points for the proposed development shall be submitted with an application for the approval of Reserved Matters. The approved scheme shall thereafter be carried out and completed in accordance with the approved scheme prior to each dwelling being first occupied.

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).

9. No development shall be commenced until an updated badger survey by a qualified ecologist has been undertaken within a period not exceeding six months prior to the start of construction and has been submitted to and agreed in writing by the Local Planning Authority. In the event that the survey finds evidence of badger activity on the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between current ecological reports and the potential start of construction in order to protect badgers which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

9. No development shall be commenced until an updated inspection for bats by a suitably qualified bat specialist or ecologist of the trees to be removed or affected by the development (which may include the use of aerial activity inspection) has been carried out and submitted to and approved in writing by the Local Planning Authority within a period not exceeding six months prior to the tree works taking place. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between current ecological reports and the potential start of works to trees, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

10. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
- i) temporary fencing of the retained woodland and scrub on the site;
 - ii) temporary fencing at a minimum stand-off distance of 6m from the edge of the adjacent canal protection of retained trees; and,
 - iii) details of the construction lighting to be designed to avoid light spillage onto the canal and woodland edge.

The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect the wildlife along the canal bank and woodland during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

12. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st 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).

13. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-
- a) description and evaluation of the features to be managed;
 - b) ecological features and constraints that may influence management;

- c) aims and objectives of management;
- d) appropriate management options and prescriptions for management actions;
- e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- f) details of the body or organisation responsible for implementation of the plan; and,
- g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the ecologically sensitive areas of the site, including the canal bank and retained woodland are appropriately managed to ensure their long term protection and benefits to biodiversity, having regard to the designated Biological Heritage Site and Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

14. An application for the approval of Reserved Matters for the landscaping of the site shall provide for locally native tree and shrub species to be used and details of enhancement of the retained areas of woodland to the southside of the site.

Reason: To ensure adequate regard for the ecological benefits of a landscaping scheme and to ensure details are included for improvements to existing woodland, in accordance with Policies SP5 and NE4 of Burnley's Local Plan (July 2018).

15. An application for the approval of Reserved Matters shall provide a detailed external lighting plan for all roads, access paths, communal areas and domestic external or security lighting. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the Institute of Lighting (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

16. Prior to any dwelling being first occupied, the biodiversity enhancement measures identified at Table 4 in the submitted Ecological Impact Assessment shall be carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To contribute to the biodiversity enhancement measures of the completed development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

17. All planting, seeding or turfing comprised in the approved details of landscaping to be approved as a Reserved Matter 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).

18. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. 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.

19. 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).

20. 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.

21. 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).

22. 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).

23. 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.

24. 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).

25. 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, 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.

26. 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).

27. 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.

28. 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.

29. 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.

30. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details that shall be submitted with an application for the approval of Reserved Matters. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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

31. Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

32. No development shall be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement.

Reason: To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented to prevent any harm to retained trees from the on-set of the development.

33. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and the extent of zones of influence/instability of off-site mine shafts; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance and a verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling.

Reason: To ensure that the issues arising from historic shallow coal mine workings close to the site are adequately dealt with in order to ensure the safety of the construction, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

34. An application for the approval of Reserved Matters shall be accompanied by a further noise assessment that shall detail remedial measures for mitigating

against identified external noise sources. The approved measures shall thereafter be carried out and completed prior to each dwelling being first occupied and the completion of the development. The approved measures shall be retained at all times thereafter.

Reason: To ensure a satisfactory level of amenity for occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

35. Prior to the commencement of any development, the following shall be submitted to and approved in writing by the Local Planning Authority in respect of works in proximity to the railway line to the east side of the application site:
- i) A Method Statement and Risk Assessment for the construction and subsequent maintenance of the development in proximity to a railway line shall be submitted to and approved in writing by the Local Planning Authority.
 - ii) a Method Statement and Risk Assessment for vibro-impact works on site;
 - iii) details of the disposal of both surface water and foul water drainage directed away from the railway;
 - iv) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary;
 - v) details of a minimum 3m easement between structures on site and the railway boundary; and,
 - vi) details of appropriate vehicle safety protection measures along the boundary with the railway.

The development shall thereafter only be carried out and maintained in accordance with the approved Method Statements, Risk Assessments and approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Janet Filbin
1st December 2021