



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Monday, 24th January, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), F Cant, P Chamberlain, S Cunliffe, S Graham, S Hall, J Harbour, J Inckle, K Ingham, M Ishtiaq and A Royle

OFFICERS

Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer
Chris Gay	– Governance Manager

73. Apologies

Apologies for absence were received from Cllrs Birtwistle, Hosker and Mottershead.

74. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

Mr Ian Chapman – FUL/2021/0270
Cllr Andy Fewings – FUL/2021/0270
Ms Debbie Smith – FUL/2021/0270

RESOLVED That the list of deposited plans be dealt with in the manner shown in these minutes.

75. FUL/2021/0270 - Land at Stoneyholme Recreation Ground and Burnley College, Grosvenor Street, Burnley

Decision

That approval be delegated to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to secure Playing Pitch Mitigation works and a Travel Plan contribution and the following conditions.

Conditions and Reasons

1. The development comprising the Full application (Phase 1) 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. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters" for Phase 2 of the development) shall be submitted to and approved in writing by the Local Planning Authority before any development of Phase 2 begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

3. 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.

1. The development at Phase 2 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.

5. The development hereby permitted comprising the Full application (Phase 1) shall be carried out in accordance with the following approved plans:
Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021;
Masterplan – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Full planning application indicated by Dashed red line);
Landscape General Arrangement – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;
Landscape Philosophy – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Ground Floor – drawing number BURN02-ABW-IH-A-DR-A-2101, received on 19th May 2021;

Proposed First Floor – drawing number BURN02-ABW-IH-B-DR-A-2102, received on 19th May 2021;
Proposed Elevations (South and North) - drawing number BURN02-ABWIH-ZZ-DR-A-2800, received on 19th May 2021;
Proposed Elevations (East and West) - drawing number BURN02-ABW-IHZZ-DR-A-2801, received on 19th May 2021; and,
Proposed Roof Plan - drawing number BURN02-ABW-IH-ZZ-DR-A-2103, received on 19th May 2021.

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

6. The development hereby permitted comprising the Outline application (Phase 2) shall be carried out in accordance with the following approved plans:
Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021;
Masterplan (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Outline planning application indicated by solid red line);
Landscape General Arrangement (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;
Landscape Philosophy (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Site Section (Indicative only for purposes of Outline planning application) – drawing number BURN02-ABW-IH-ZZ-DR-A-1111, received on 16th December 2021.

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

7. The development comprising the Outline planning application (Phase 2) shall be limited to a maximum gross floorspace of 5,300 sqm.

Reason: To ensure the amount of development is appropriate and not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings as well as the provision of car parking, open space, footpaths and landscaping as indicated on the proposed Masterplan, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

8. The development comprising the Outline planning application (Phase 2) shall be limited to buildings(s) no more than 3-4 storeys in height.

Reason: To ensure the scale of development is not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the development hereby approved shall be used for the provision of education only (Class F1) and shall not be used for any other use falling within Class F1 or for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the basis of the proposed use only and would require further assessment, particularly in respect of the site's employment land allocation, access and parking arrangements, for an alternative use, in accordance with Policies EMP1/3, IC1, IC2 and IC3 of Burnley's Local Plan (July 2018).

10. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details and representative samples of the external materials of construction to be used on the elevations and roof 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 materials.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters for the appearance, layout and scale of the development, shall be accompanied by details and representative samples of the external materials of construction to be used on the elevations and roof of the development. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure an appropriate and high quality appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

11. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, full details of the existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) 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.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters shall be accompanied by full details of the existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site). The development shall thereafter only be carried out in accordance with the approved details.

Reason: In order to ensure that these details are satisfactory and to ensure the satisfactory implementation of the proposal, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). These details are required prior to the commencement of development to ensure that the development is carried out as agreed at the early stages of development.

12. An application for the approval of Reserved Matters shall be accompanied by details of the construction, drainage and layout of the proposed car park that shall include a

minimum of 2no. electric vehicle charging points. The approved car park shall thereafter be constructed, completed and available for use (including the approved electric vehicle charging points) prior to any building in Phase 2 (the outline application) being first brought into use. The car park shall thereafter be retained as approved for the purposes of parking at all times.

Reason: To ensure the proposed car park is suitable and appropriate and is provided as approved to cater for the needs of the development, In accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

13. The car park in Phase 2 of the development (the Outline application) shall be for use by for staff and visitors of the development as a whole (including Phase 1) and not for students.

Reason: To ensure the car park that is to be provided for the scheme is able to service the key parking requirements that have been identified which are for staff and visitors, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

14. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details of secure cycle storage to be provided for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied by details of secure cycle storage to cater for Phase 2 of the development. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To encourage the use of cycles as a sustainable mode of travel, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

15. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details of refuse and recycling storage, facilities and means of disposal for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied by details of refuse and recycling storage, facilities and means of disposal for Phase 2 of the development. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To ensure that these details are satisfactory, to ensure a clean and tidy appearance to the site, in accordance with Policy SP5 of Burnley's Local Plan. The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

16. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: No development shall be commenced within Phase 1 until an assessment of how energy efficiency measures have been designed into Phase 1 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the approved industry hub building in Phase 1 being first brought into use.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied with an assessment of how energy efficiency measures have been designed into Phase 2 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method). The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any building in Phase 2 of the development being first brought into use.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The assessment and measures are required prior to the commencement of development in order that the agreed measures can be factored into the design and construction of the development at the earliest stages of construction.

17. No development shall be commenced until details and specifications for the multi-use games area (MUGA), outdoor gym and improved 7v7 grass pitch (including details of illumination) that form part of Phase 1 of the development, together with details of the future management of these facilities, have been submitted to and approved in writing by the Local Planning Authority. Each of these facilities shall thereafter be constructed and completed in accordance with the approved details and specifications and shall be made available for unrestricted access for use by members of the public prior to any part of the approved development being first brought into use. The approved MUGA, outdoor gym and 7v7 grass pitch shall be managed in accordance with the approved details of the future management of the facilities and shall be retained and remain available for use by the public at all times, in perpetuity.

Reason: To ensure that the details of new and improved community outdoor facilities and their future management arrangements are appropriate and that these facilities are provided for use by the public to partly mitigate against the impact of the development from the loss of recreation open space, in accordance with Policies EMP1/3 and the

National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented as early as possible in order that the agreed mitigation is available for use without delay.

18. Prior to the commencement of development, details of the design and construction of the proposed 5-a-side pitch within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The 5-a-side pitch shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure that the details and specifications are appropriate for the use of the pitch, to ensure that it contributes fully to the outdoor sporting activities to be provided on the site, in accordance with Policies EMP1/3 and the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented at the appropriate stage of Phase 1 of the development.

19. Prior to the commencement of development, details of improvements to the width, construction and surfacing of Public Footpath No. 11 that crosses the northern side of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved improvements to the footpath shall be carried out and completed prior to any part of the development being first brought into use.

Reason: To ensure that the footpath is made suitable for the additional use that will be generated by 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 they can be satisfactorily implemented and if applicable, to allow the applicant to seek a diversion of the public right of way.

20. Notwithstanding the submitted scheme of landscaping for the site, a revised detailed Landscaping Scheme for Phase 1 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in this phase. The revised scheme shall provide for a revised seed mix for the enhancement of off-site grassland; replacement of dogwood (*Cornus sanguinea*), lavender species and beech (*Fagus sylvatica*) with species to improve biodiversity; details of the planting in and around the open water body of the site; and details of the surfacing materials to be used in the hard landscaped areas and paths within this phase, together with timescales for the implementation of such works.

Reason: To ensure that the landscaping scheme is appropriate for the site, has full regard to the benefits of landscaping to enhance biodiversity and provides full details for the hard landscaping aspects of the scheme, in accordance with Policies SP5, NE1 and NE4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in Phase 1 to ensure that the details are satisfactory and can be implemented at the appropriate stage in the development.

21. All planting, seeding or turfing comprised in the approved details of landscaping within Phases 1 and 2 of the development 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, within each phase of the development.; 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. All hard landscaping works shall be carried out in accordance with the agreed timescales.

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).

22. Prior to the commencement of development in each phase 1 and 2, a fully detailed scheme for the construction of the site access works and access roads and footways as indicated on the Masterplan for that phase (to include engineering, drainage, street lighting and constructional details of access roads and footways and details of their maintenance and timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The site access, access roads and footways shall thereafter be constructed, completed and maintained in accordance with the approved scheme and made available for use prior to any building in each phase of the scheme being first brought into use.

Reason: To ensure the details are satisfactory, in the interests of public safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase to ensure that the agreed details can be correctly implemented at the beginning of the development process.

23. Phase 1 of the development shall be carried out and completed in accordance with the approved boundary treatment plan prior to the approved building in this phase being first occupied. Notwithstanding the approved Boundary Treatments Plan, details of materials, height and specification of the boundary treatment adjacent to the River Calder shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development above ground level in Phase 2 of the development. Phase 2 of the development shall thereafter be carried out and completed in accordance with the revised approved boundary treatment plan prior to any building in Phase of the development being first occupied. All approved boundary treatments shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development along the riverside, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to any built development above ground level in Phase 2 of the development to ensure that they can be implemented at the appropriate stage of Phase 2 of the development.

24. No development shall be commenced in each phase (Phases 1 and 2) of the development until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site in that phase, 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 for each phase of the development shall be implemented in its entirety before any works are carried out, including any site clearance work, within that phase and shall thereafter be retained during building operations until the completion of the development in each phase.

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 Policies NE1 and NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development in each phase to ensure that provision can be made for their implementation at the appropriate stage of the development process.

25. No development shall be commenced until a Construction Environment Management Plan (CEMP) to include details of protective measures to prevent earthworks, storage of materials or equipment, or any construction activities within a 8m wide buffer of the top of the bank of the River Calder adjacent to the site and to control external lighting during the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The protective measures and lighting details in the approved CEMP shall thereafter be strictly adhered to from the start of any site clearance works, site preparation works or development taking place and shall be retained and adhered to at all times until the completion of the development.

Reason: To protect the habitats of the site and the adjacent watercourse, in order to protect biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that protective measures can be put in place when needed at the earliest stages of the development process.

26. None of the trees that are indicated on the approved plans to be removed or require pruning shall be removed or pruned unless and until the Reasonable Avoidance Measures outlined in section 5.3.9 of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists Ltd, dated May 2021) have been carried out and adhered to in full.

Reason: To ensure that there are sufficient checks prior to any harm to such trees to ensure that there are no bat roosts present, in order to protect bats which are a protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development in each phase (Phases 1 and 2), an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the types and design of light sources and luminance levels and demonstrate how it has been designed and located to avoid excessive light close to wildlife habitats and trees.

Only the external lighting hereby approved shall be installed at the site and this shall be retained as approved. No additional external lighting shall thereafter be erected or installed at the site without the prior written permission of the Local Planning Authority.

Reason: To protect birds, bats and other wildlife that are sensitive to artificial lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase in order to provide sufficient time for a scheme to be agreed and for the appropriate lighting to be sourced and installed at the appropriate stage in the construction process.

28. 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).

29. Prior to the commencement of development in each phase (Phases 1 and 2), a scheme of biodiversity enhancement measures for that phase, in accordance with the recommendations of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists, dated May 2021), to provide a minimum of five bat boxes and five bird boxes across the site as a whole, shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to any building in each phase being first brought into use.

Reason: To ensure that the scheme provides adequate benefits for bats and birds in order to enhance the biodiversity of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of the development in each phase so that it can be effectively implemented from the earliest stages of the development.

30. Prior to the removal of any vegetation on the site or commencement of development in each phase (Phases 1 and 2), a method statement for the removal of Indian balsam and to prevent its spread both within and from the area covered by that phase 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 method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

31. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, a Landscape and Habitat Management Plan (LHMP) pertaining to

that phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted LHMP for each phase of the development, 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) timescales for the implementation of the LHMP;
- g) details of the body or organisation responsible for implementation of the plan; and,
- h) on-going monitoring and remedial measures.

The LHMP shall also include details of the resourcing 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 LHMP shall thereafter be carried out and adhered to at all times in accordance with the approved details.

Reason: To ensure that the ecologically sensitive areas of the site, including the riverside, areas of trees, woodland and new habitat areas are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

32. Prior to the commencement of the development in each phase of the development (Phases 1 and 2), a programme of archaeological work for that phase, in accordance with a Written Scheme of Investigation, shall be submitted to and approved in writing by the Local Planning Authority. This programme of works shall include a phase of trial trenching to investigate the presence or absence of buried archaeological remains and their nature, date, extent and significance. In the event that archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority which shall thereafter be implemented before any development is commenced. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the approved details. Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of each phase of the development to ensure that any archaeological interest can be identified and

recorded or mitigation proposed prior to any work which may remove, harm or destroy any such finds.

33. Prior to any building being first occupied, a full and up to date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 of Burnley's Local Plan (July 2018).

34. No development shall be commenced until an Arboricultural Method Statement which shall incorporate the elements listed in section 3.9 of the submitted Arboriculture Impact Assessment (Revision A) (prepared by MP Trees, dated January 2022) 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 start of the development.

35. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, details of the design and implementation of a surface water sustainable drainage scheme for that phase, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for each phase shall thereafter be implemented and completed in accordance with the approved scheme prior to any building within that 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.

36. No building within each phase (Phase 1 and 2) of the development shall be first brought into use until a Verification Report pertaining to that phase to demonstrate that the approved surface water drainage scheme has been completed (within that phase) as approved by Condition 35 above and details of a sustainable drainage management and maintenance plan for the lifetime of the development in each phase have 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 management and maintenance plan.

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

37. 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.

38. Foul and surface water shall be drained on separate systems. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase (Phases 1 and 2) of the development. The approved scheme shall be implemented in full and completed within each phase prior to any building in that phase being first brought into use. The foul water drainage scheme shall thereafter be retained at all times.

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 development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

39. No development shall be commenced in each phase of the development (Phases 1 and 2) until a scheme to deal with contamination within the area of that phase has been 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 building in each of Phase 1 and 2 of the development shall be first brought into use until a Verification report (produced by the suitably qualified person) for that phase, 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 users of the site by the historic uses of the site and 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.

40. No development shall be commenced in each phase (Phases 1 and 2) of the development until the following has, in respect of that phase, been submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity; and,
 - b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary.
- The intrusive site investigations and remediation works shall be carried out in accordance with the approved details and in accordance with authoritative UK guidance. A verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full within any phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any building within that phase of the development being first brought into use.

Reason: To ensure that the issues arising from historic shallow coal mine workings that may affect 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). The scheme is required prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remediation and mitigation measures to be factored into the construction of the development.

41. 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).

42. 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).

43. No development shall be commenced in each phase (Phases 1 and 2) of the development, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) for that phase 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 fully adhered to throughout the construction period in each phase of 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.