



Appeal Decision

Site visit made on 22 February 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/Z2315/W/21/3286494

Land off Harrogate Crescent, former Isaac Centre BB10 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McDermott Developments Ltd and Lancashire County Council against the decision of Burnley Borough Council.
 - The application Ref FUL/2021/0264, dated 5 May 2021, was refused by notice dated 13 September 2021.
 - The development proposed is the erection of forty four two storey three and four bed houses.
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Decision

1. The appeal is allowed and planning permission is granted to demolish former school buildings and erect 44 houses with new access at land off Harrogate Crescent, former Isaac Centre BB10 2NX in accordance with the terms of the application, Ref FUL/2021/0264, dated 5 May 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by McDermott Developments Ltd and Lancashire County Council against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development used in the banner heading is taken from the application form. The description used by the Council on its decision notice and on the appeal form is 'demolish former school buildings and erect 44 houses with new access'. This more accurately describes the proposed development, and it is the description that I have used in my decision.

Main Issue

4. The main issue is the effects of the proposed development on local community infrastructure, in particular education and healthcare facilities.

Reasons

5. The appeal site is a former school complex which closed in 2012. The former school buildings are located in the northern part of the site. The remainder of the site comprises a car parking area, a hard surfaced area and grassed grounds with occasional trees within the site and on its boundaries. The proposed development would comprise the demolition of the buildings and

structures and the erection of 44 houses with associated car parking and landscaping, with access taken from Harrogate Crescent.

Education Facilities

6. The Council has confirmed that its concern relates to the impact of the proposed development on primary school places. This is also a concern that has been expressed in objections to the planning application and by a number of the interested parties.
7. Lancashire County Council (LCC) is the local education authority for the area. The LCC Education Contribution Methodology Infrastructure and Planning Annex 2, September 2020 (the Education Contribution Methodology) sets out the approach that LCC uses for assessing the potential impact of proposed housing developments on education provision within the local area of the development. The Education Contribution Methodology confirms that the assessment will measure the projected impact of a development on surrounding primary schools within a two mile radius. The assessment is based on five year pupil projections, which incorporates a number of factors including ONS birth data, inward and outward migration of pupils and data from local planning authorities' Housing Land Supply, Annual Monitoring Reports and Strategic Housing Land Availability Assessments.
8. The site is not allocated in Burnley's Local Plan adopted 2018 (the Local Plan). It is larger than the allowance for brownfield windfalls in Policy SP2 of the Local Plan, which references sites of under 0.4ha. Although the education infrastructure needed to support the proposed development may not have been specifically considered as part of the Local Plan process, the Education Contribution Methodology provides a mechanism for assessing the demand for and supply of school places which is not solely dependent on the Local Plan context.
9. Using the figures on pupil yield in the Education Contribution Methodology, the main parties identify that the proposed development would generate a need for 13 primary school places. Extracts from the primary school table and the calculator that LCC used in its assessment of the proposed development¹ show that there are 23 primary schools within two miles of the site. At January 2026, there are expected to be 350 surplus places available, which reduces to 311 surplus places when the yields from committed development, planning applications in the area and the proposed development are taken into account.
10. Based on these figures, there would be sufficient capacity in primary schools within a two mile radius of the site to accommodate the demand generated by the proposed development. This would include Briercliffe Primary School which has been recently expanded. Whilst this expansion would not have taken account of the proposed development, this would not, however, prevent children from the proposed development attending that school.
11. The Council considers that, as the distances provided by LCC in the primary school table are based on 'as the crow flies', actual walking distances might be greater, and in some cases may be too far to walk, thus generating car trips. Furthermore, reasonable walking distances for primary school children relate to distances of around half a mile. The Council therefore has concerns that the

¹ Statement of Case on behalf of the Appellants, appendix 3

- proposed development would result in existing residents and future occupiers of the proposal being faced with less choice and a distance to travel that would make walking to school impractical.
12. The Education Contribution Methodology sets out that the two mile radius for primary schools is based on Department for Education guidance and is considered to be a reasonable walking distance for pupils. The Draft Burnley Infrastructure Delivery Plan July 2017 Version 2 (the Draft IDP) reiterates that LCC works on the basis that pupils are able to access primary school places within two miles.
 13. The Council identifies a Department of Education and Employment publication dating from 2000 relating to school travel plans in support of its contention that half a mile is a more reasonable walking distance for primary school children. However, no information is provided on the guide, including its status or the context for the half mile distance. There is no substantive evidence before me that would justify a departure from the approach in the Education Contribution Methodology.
 14. LCC's School Places Provision Strategy 2022 - 2025 (the Strategy) sets out that the aim is to commission sufficient high-quality accessible places to maximise the number of place preferences secured. It highlights that Lancashire was able to achieve a slightly higher than the national average of first preference choice in September 2021. The Strategy also notes that meeting parental preference comes at a significant cost therefore, where pupils are able to access a reasonable alternative, it may not always be seen necessary to provide additional places in a more popular school.
 15. Based on the figures provided by LCC in the primary school table, St James' Lanehead C of E Primary School, which is the nearest primary school to the site, is forecast to be at capacity in 2026. Whilst the additional demand for places generated by the proposed development may not therefore be accommodated within the nearest school, the Education Contribution Methodology and the Strategy acknowledge that this is not a requirement of the approach for assessing the demand for and supply of school places.
 16. The submitted information shows that there is a high take up of primary school places within Burnley Borough² and an understandable concern of residents is the effect that further housing developments would have on the ability to access local primary school places. Nevertheless, LCC has a methodology to identify and secure education contributions against housing developments which are expected to create a shortfall of school places within a reasonable walking distance of that development. The Education Contribution Methodology confirms that an education contribution will only be sought where there is a projected shortfall of places at schools within the local area of a development. No such contribution was required for the proposal.
 17. Consequently, I am satisfied that there would be sufficient education facilities to support the proposed development, and that the additional demand generated would not be to the detriment of existing local residents.

² Draft Burnley Infrastructure Delivery Plan July 2017 Version 2, paragraph 3.7

Healthcare Facilities

18. The Council's concern regarding health provision relates to primary health care services which includes general practitioner (GP) services and dentists. I also note the concerns that local residents have about pressure on local GP and dentist surgeries in the area, which is apparent in a number of objections to the proposed development.
19. The East Lancashire Clinical Commissioning Group (CCG) is responsible for commissioning most community health services in the Burnley area. The Draft IDP states that the CCG estimates that the growth proposed in the Local Plan may require an additional requirement of four whole time equivalent GPs, with associated nursing and administrative staff over the plan period. It is anticipated that these additional requirements would be needed in the later part of the plan period.
20. The proposed development has not been progressed through the Local Plan process, and therefore may not have been taken account of in the additional capacity requirements identified in the Draft IDP. However, there would be scope for the CCG to advise on additional healthcare requirements arising from new proposals outside of the Local Plan process. I also note the evidence provided on the Briercliffe GP Surgery, including that it is open for new patient registrations.
21. Whilst noting the concerns about pressures on primary healthcare providers, there is no substantive evidence before me to suggest that there is a shortage of capacity such that they would be unable to respond to the additional demand generated by the proposed development, or that the additional demand would reduce the services for existing residents.

Conclusion

22. Although the proposed development represents a reasonably large windfall site which may not have been considered as part of the Local Plan process, there is no evidence to suggest that there would be insufficient education or healthcare facilities to support the demands generated by it. Consequently, the proposed development would accord with Policy SP1 of the Local Plan, which seeks to achieve sustainable development.

Other Matters

23. The proposed dwellings would be two storey. A number would back onto the bungalows on Minehead Avenue. The separation distances proposed between the existing dwellings surrounding the site, including the bungalows, and the proposed dwellings would comply with the distances set out in the Local Plan. These separation distances are aimed at ensuring appropriate levels of privacy and outlook are provided. The privacy and outlook for existing residents would therefore be safeguarded, even taking account of the difference in ground levels between a number of the proposed dwellings and existing properties.
24. The appellants' Transport Statement concludes that the additional traffic generated by the proposed development would not significantly affect traffic rates on the local roads. I note that the Highway Authority does not object to the proposed development subject to a number of conditions. Accordingly, I am satisfied that there would not be an unacceptable impact on the road network, even taking account of other development in the area, subject to appropriate

- conditions. No substantive evidence has been submitted to demonstrate that the additional traffic would give rise to unacceptable levels of pollution.
25. Several of the trees and tree groups within the site would need to be removed to accommodate the proposed development. However, this could be adequately compensated for through a landscaping scheme for the site which would make provision for new tree planting including native species. This could be secured through a condition.
 26. The appellants' Preliminary Ecological Appraisal indicates that the site is largely low value grassland and overall, the habitats are of 'site' ecological value. Biodiversity enhancement measures could be secured through a condition. The appellants' bat survey recommends mitigation measures, which could be secured through conditions, and subject to these measures, the proposed development would not affect the favourable conservation status of the species in the local area.
 27. The site, although not publicly accessible, would change in character from open green space associated with the former school grounds to one of a residential development. Given the size of the proposal, the Local Plan requires an open space provision. The Local Plan allows for a commuted sum to be used to improve open space nearby, which is what is proposed here.
 28. I note the housing targets set out in the Local Plan and that the site is not an allocated Local Plan site. However, significantly boosting the supply of housing is an objective of the government. Furthermore, the housing requirement in the Local Plan is identified as a minimum figure rather than a maximum.
 29. Other potential uses for the site have been suggested. However, I am not aware of any such proposals, and they are therefore no more than a theoretical possibility. I have assessed the proposed development on its own merits.
 30. I note that these issues did not form part of the Council's case at appeal. Therefore, whilst I acknowledge those points, they are nevertheless insufficient to outweigh or alter my reasoning regarding the overall acceptability of the scheme.
 31. I have received a copy of a unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. This was completed following the Council's decision on the application. The Council has not disputed its content. It includes a number of obligations to come into effect if planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations), which are restated in paragraph 57 of the National Planning Policy Framework (the Framework).
 32. Local Plan Policy HS2 requires affordable housing on sites of over 10 units and that this should normally be provided onsite. Taking account of the Vacant Building Credit, the UU provides for three such units onsite. In these circumstances this obligation would be fairly and reasonably related to the development proposed and it would pass the statutory tests.
 33. Local Plan Policy HS4 requires new housing developments to provide or contribute to public open space provision. Where this cannot be provided on site a payment may be made for the benefit of a nearby public open space. The Developer Contributions Supplementary Planning Document, 2020, sets out the

open space requirements, which, for offsite provision is based on bedroom numbers. The submitted information sets out that a contribution of £55,300 would be required. The UU includes a contribution of this amount for improving specified open space in the vicinity of the site. Given the size of the proposed development, the number of units involved and the lack of space onsite for this type of amenity, this obligation would pass the statutory tests.

34. The East Lancashire Hospitals NHS Trust (the Trust) has requested a contribution of £75,086 towards capital and revenue funding within the Trust area. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy (2.3 persons per household) at a calculated contribution rate of £1,707 per dwelling. However, it is unrealistic to assume that all future occupiers of the proposed development would be new to the Trust's area, given its geographical coverage and the fact that some future occupiers may result from changes to existing household compositions. In addition, a number of future occupiers may choose alternative providers. Without any evidence to support the assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings, there is no reliable reasoning or evidence to conclude that it would have an impact on the health care services provided by the Trust. This contribution would therefore fail the CIL Regulations tests.
35. The terms relating to affordable housing and open space are fairly and reasonably related in scale and kind to the proposed development. The obligation requested by the Trust is not substantiated in evidence to demonstrate compliance with the CIL Regulations. The appellants are not therefore required to make this contribution.

Conditions

36. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
37. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
38. A number of conditions are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm. These are summarised in the following paragraph.
39. To ensure that no harm is caused to bats, details of lighting is necessary. A scheme for the provision and implementation of biodiversity enhancement measures is necessary to maintain and enhance biodiversity on the site. In the interests of biodiversity and the character and appearance of the area, landscaping details are necessary. To ensure that trees are protected during the construction phase, details of mitigation measures including protective fencing are necessary. In the interests of highway safety and satisfactory site access, a scheme for the detailed design of the site access, footpath link and offsite highway improvement works, and details of the estate roads and the maintenance of all streets, access roads and drives are necessary. Details of the construction phase is necessary to ensure that the impacts of construction on the living conditions of neighbouring occupiers and highway safety are

- minimised. A conditions survey is necessary to ensure that any damage caused by the construction of the development can be identified and remedied. Drainage details are necessary to make sure that there is no increased risk of flooding. In the interest of public health and safety, a scheme to address land contamination risks is necessary.
40. A condition requiring that the development takes place in accordance with the identified bat mitigation measures is necessary to ensure no harm is caused to bats and in line with Policy NE1 of the Local Plan. It is necessary to restrict when certain works take place in the interests of protecting nesting birds and in line with Policy NE1 of the Local Plan.
 41. In the interests of the character and appearance of the area and in line with Policy SP5 of the Local Plan, it is necessary to require samples of the external materials to be used on the walls and roofs of the development. For the same reason and in line with Local Plan Policies SP5 and NE1, a condition is necessary to require the implementation of the boundary treatments.
 42. During the construction phase, it is necessary to restrict the time period during which delivery vehicles can enter and leave the site, and to ensure that wheel cleaning facilities are provided and used, in the interests of highway safety and in line with Policy IC1 of the Local Plan. It is also necessary to restrict hours of operation during the construction phase in the interests of the living conditions of neighbouring occupiers and in line with Local Plan Policy NE5.
 43. To ensure that satisfactory access is provided before the development becomes operative and in line with Policy IC1 of the Local Plan, it is necessary to require that the access junction and estate road is constructed in accordance with the relevant specification to at least base course level.
 44. In the interests of highway safety and amenity and in line with Policy IC3 of the Local Plan, a condition is necessary to require that all associated car parking is constructed, drained, surfaced and is available for use, and retained as such.
 45. In the interest of the living conditions of neighbouring occupiers and in line with Local Plan Policies SP5 and HS4, it is necessary to remove rights for works permitted to take place without the need for express planning permission on a selective basis for plots 31-37 inclusive, referring to classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) concerned with the enlargement, improvement or other alteration to a dwellinghouse and additions etc to the roof of a dwellinghouse.
 46. To ensure the continued compliance with the Council's parking standards, avoid reliance on on-street parking, and in line with Local Plan Policy IC3, a condition is necessary to require that the garages are not altered to provide habitable space.
 47. To help reduce emissions and protect local air quality in line with Policy IC3 of the Local Plan, a requirement for the installation of electric vehicle charging points for each dwelling is necessary.
 48. To ensure the provision of satisfactory drainage and in line with Local Plan Policies CC4 and CC5, conditions requiring implementation of the measures set out in the appellants' Flood Risk and Drainage Assessment, a scheme for the disposal of foul water and that foul and surface water are drained on separate systems are necessary. 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, a Verification Report and an Operation and Maintenance Plan pertaining to the surface water drainage system is necessary.

49. In the interest of residential amenity and in line with Policy SP5 of the Local Plan, a condition is necessary to ensure that refuse bins and recyclable waste containers for each dwelling is provided within a concealed area of the curtilages.
50. A requirement for the development to be carried out in accordance with the measures for water and energy efficiency contained within the appellant's Energy Statement is necessary in the interests of sustainable design in line with Policy SP5 of the Local Plan.
51. In the interests of providing adaptable homes in accordance with Policy HS4 of the Local Plan, a condition is necessary to require that certain plots comply with the optional technical standards of Part M4(2) of the Building Regulations 2010.
52. The Council has recommended a condition requiring confirmation, prior to the commencement of development, that a licence has been issued by Natural England that authorises the development to proceed or that a licence is not required. Decisions about whether a licence is granted are the responsibility of Natural England and are separate from the decision on whether or not to grant planning permission. Such a condition is not necessary as it relates to compliance with other regulatory requirements.

Conclusion

53. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan v1.4p;
 - Site Layout SL-06B;
 - Materials Plan ML-01B;
 - Boundary Treatments Plan BT-01C;
 - Site Sections SEC-01;
 - Applebury house type (brick) floor plans and elevations APP 1.7;
 - Arnside house type (brick) floor plans and elevations ARN 1.7;
 - Arnside house type (brick and render) floor plans and elevations ARN 1.7;
 - Ashdown house type (brick) floor plans and elevations ASH 1.7;
 - Ashdown house type (brick and render) floor plans and elevations ASH 1.7;
 - Bowfell house type (brick) floor plans and elevations BOW 1.7;
 - Cleveland house type (brick and render) floor plans and elevations CLE 1.7;
 - Millrigg house type (brick) floor plans and elevations MIL 1.7;
 - Millrigg house type (Plot 30) floor plans and elevations MIL 1.71;
 - Moulton house type (brick) floor plans and elevations MOU 1.7;
 - Moulton house type (brick and render) floor plans and elevations MOU 1.7;
 - Oakhurst house type (brick) floor plans and elevations OAK 1.7;
 - Oakhurst house type (brick and render) floor plans and elevations OAK 1.7.
- 3) Prior to the commencement of development, a Lighting Design Strategy for Biodiversity which shall protect replacement bat roost sites from external lighting shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
 - a) identify those areas/features on site that are sensitive for bats and that are likely to cause disturbance in and around their breeding sites and resting places or along important routes used to access key areas of their territory; and,
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, technical specifications and explanation) to demonstrate that areas to be lit will not disturb bats or prevent bats from using their territory or having access to their breeding sites and resting places.All external lighting shall only be installed, prior to the completion of the development, and thereafter maintained in accordance with the specifications and locations of lighting set out in the approved Lighting Design Strategy for Biodiversity. Under no circumstances shall any other external lighting be installed within the sensitive areas identified in a) above.
- 4) Prior to the commencement of development, a scheme for the provision and implementation of Biodiversity Enhancement Measures on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied (or in accordance with a phasing plan where approved as part of the Biodiversity Enhancement Measures) and shall be retained thereafter.

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

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Development shall be carried out in accordance with the approved measures and details.

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

- 8) No development shall commence until a scheme for the detailed design of the proposed site access and separate footpath link and off-site works of highway improvement to include the following has been submitted to and approved in writing by the Local Planning Authority:
- i. the provision of two new quality bus stops on Briercliffe Road Stops in the locality (Nos 2500IMG2652 and 250010774);
 - ii. the provision of tactile pavements and lowered kerb across Ramsey Grove, Minehead Avenue and Lytham Road; and,
 - iii. facilitating a Traffic Regulation Order to revoke and remove the existing school markings on Harrogate Crescent.

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

- 9) Prior to the commencement of development, including any works of demolition or site clearance, a Construction Management Plan or Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:
- i. 24 Hour emergency contact number.
 - ii. Details of the parking of vehicles of site operatives and visitors.
 - iii. Details of loading and unloading of plant and materials.
 - iv. Arrangements for turning of vehicles within the site.
 - v. 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.
 - vi. Measures to protect vulnerable road users (pedestrians and cyclists).
 - vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - viii. Wheel washing facilities.
 - ix. Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
 - x. Measures to control the emission of dust and dirt during construction.
 - xi. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - xii. Construction vehicle routing.
 - xiii. Delivery, demolition, and construction working hours.

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

- 10) Prior to the commencement of development, a Conditions Survey of the adopted highways immediately surrounding site shall be submitted to and approved in writing by the Local Planning Authority. Within a period of six months from the substantial completion of the last dwelling the same highways shall be re-surveyed, the findings from which shall be submitted to and approved in writing by the Local Planning Authority. Any damage that is identified to have occurred between the period of the two surveys shall thereafter be remedied in order to return the condition of the highways to their pre-construction condition by no later than three months from the date of the last of the approved surveys.
- 11) Prior to the commencement of development, the engineering, drainage, street lighting and constructional details of the estate roads and details of the maintenance of all streets, access roads and drives shall be submitted to and approved in writing by the Local Planning Authority. Development shall be constructed and maintained in accordance with the approved details.
- 12) Prior to the commencement of development, a detailed surface water sustainable drainage strategy for the site, based on sustainable drainage principles and the Flood Risk & Drainage Assessment (prepared by Ironside Farrar Limited reference 30491/SRG – Rev 1.1, April 2021), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved details prior to any dwelling being first occupied. The approved drainage scheme shall be retained thereafter.

- 13) Prior to the commencement of development, 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. The remedial strategy shall include nomination of a suitably qualified person to oversee the implementation of the works.

Prior to any dwelling being first occupied, 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, shall be submitted to and approved in writing by the Local Planning Authority.

- 14) Foul and surface water shall be drained on separate systems and 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 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 be retained thereafter.
- 15) Notwithstanding the materials shown on the plans hereby approved, representative samples of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground level. Development shall be carried out in accordance with the approved materials.
- 16) Prior to any dwelling being first occupied, a Verification Report and an Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system (which shall be prepared by a suitably competent person) shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed in accordance with the scheme approved under condition 12. The Operation and Maintenance Plan must provide details of appropriate operational, maintenance and access requirements for each sustainable drainage component for the lifetime of the development as constructed and shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements where applicable. The approved surface water drainage system shall be retained, maintained and managed at all times in accordance with the approved Operation and Maintenance Plan.
- 17) Car parking for each dwelling shall be constructed, drained, surfaced (in black bitumen macadam as stated on the application form) and be available for use in

accordance with the plans hereby approved prior to its first occupation. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

- 18) Refuse bins and recyclable waste containers for each dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Layout plan (plan number SL-06-B) prior to its first occupation. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
- 19) The demolition of the existing building and the development shall not be carried out other than in full accordance with the bat mitigation measures set out in the Dusk Bat Survey Results report (prepared by Pennine Ecological, dated July 2021). Permanent replacement provision for bats as set out in the approved mitigation measures shall be retained thereafter.
- 20) No removal of or any works to hedgerows, trees and shrubs or works to or demolition of buildings or structures shall take place between the 1st March and 31st August inclusive unless a competent ecologist has inspected the area no more than 24 hours prior to its removal and has provided written confirmation to the Local Planning Authority that no nests or breeding birds will be harmed by the development and/or that there are appropriate measures in place to protect nesting bird interest on the site.
- 21) The boundary treatment indicated on the Boundary Treatments Plan (plan number BT-01C) shall be carried out and completed prior to the completion of the development, in accordance with details of the materials and design of the proposed stone screen walls which shall be first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no boundary treatment other than soft landscaping has been proposed for the entire length of the site's frontage on Harrogate Crescent and no fences or walls shall therefore be erected on this boundary.
- 22) The applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 09:30 and 14:30 Monday to Friday inclusive during the construction period.
- 23) 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.
- 24) All works and ancillary operations in connection with the construction of the development, including the use of any equipment, shall be carried out only between 08:00 to 18:00 hours on Mondays to Fridays and between 08:00 and 13:00 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.
- 25) 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.

- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.
- 27) Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development as specified in Classes A and B of Part 1 of Schedule 2 of that Order shall be carried out at plots 31 – 37 inclusive.
- 28) Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.
- 29) The development shall be carried out in accordance with the principles set out within the Flood Risk & Drainage Assessment (prepared by Ironside Farrar Limited reference 30491/SRG – Rev 1.1, April 2021) and shall be fully implemented prior to any dwelling being first occupied or, where appropriate, of any previously agreed phase of the development.
- 30) The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency contained within the Energy Statement (prepared by FES Group, reference 008076, dated April 2021) and shall be completed in their entirety prior to the completion of the development.
- 31) Plots 1, 2, 14, 22, 23, 27, 28, 31, 32 and 39 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes.