

FUL/2022/0023

Coal Clough With Deerplay Ward

Town and Country Planning Act 1990

The erection of 61no. dwellings with associated infrastructure and landscaping works
Land At Kinross Street & Airdrie Crescent Burnley BB11 4DP

Background:

The proposal is to erect 61no. dwellings on land fronting Kinross Street and Airdrie Crescent within a primarily residential built-up area south east of Burnley town centre. The land is currently used as amenity grassland but has in former times been occupied by housing.



The proposed housing consists of 58no. houses (12no. three bedroom and 46no. two bedroom) and three bungalows (1no. three bedroom and 2no. one bedroom). The

proposed dwellings are mostly semi-detached and in terraces of four with one of the bungalows attached to a pair of semi-detached houses.

All properties would have access to the rear for bin storage.

The scheme has been amended since first submitted to provide adequate spacing with existing houses, to improve car parking provision, to introduce street trees where possible and to alter the proposed materials from render to reconstituted stone (Marshalls Cromwell pitched faced and Weathered). In addition, the design of part of the scheme (15 dwellings, that is 24% of the development) has been amended to comply with the optional Part M4(2) standards of the Building Regulations 2010 to provide adaptable homes to allow occupiers to remain in their homes as their needs change. Electric Vehicle Charging points are proposed for 13 plots (21% of all proposed dwellings).

The full scheme would provide affordable housing.

Relevant Policies:

Development Plan

Burnley's Local Plan 2012-32 was adopted on the 31st July 2018.

Burnley's Local Plan

SP1 – Achieving sustainable development
SP2 – Housing requirement 2012-2032
SP4 – Development strategy
SP5 – Development quality and sustainability
SP6 – Green infrastructure
HS2 – Affordable housing provision
HS3 – Housing density and mix
HS4 – Housing developments
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 Planning Practice Guide
National Design Guide (2021)

Site History:

No relevant planning history.

Consultation Responses:

LCC Highways

No objection. In order to ensure that the adopted highway is reinstated to a suitable standard it is expected that a Section 278 Agreement will be entered into to ensure that the structure of the existing highway construction is not compromised by the re-development of the house stock. It is likely that following the reinstatement of the general utility connections to the new housing stock in addition to the reinstatement and construction of a number of dropped crossings that in order to ensure the sound construction of the highway a full resurfacing of the carriageway and footway will be required. Additionally, a number of lowered kerbs with tactile paving will be required at junctions of Kinross Street and Harold Avenue, Kinross Street and Melrose Avenue, Airdrie Crescent and Melrose Avenue, and Kinross Street with Melrose Avenue. Further details relating to the construction phasing are required, Kinross Street and Airdrie Crescent are both currently adopted highways and may require to be temporarily closed for some periods during the construction process. A plan showing the phasing and potential road closures should be provided an indication of the length of potential closures should be provided. It is not expected that both roads will be closed at same time to allow for the movement of traffic. Additionally, access to the children's centre on Airdrie Crescent will need to be maintained. The transport statement refers to the sustainability of the site but notes that there is no storage provision for cycles. Recommend that a charging point for electric vehicles is provided for each dwelling. Conditions are recommended to require full engineering, drainage, street lighting and constructional details of the streets; an Estate Street Phasing Plan; a scheme for the reconstruction of the highway and off-site works of highway improvement; and, a highway surface water scheme.

Local Lead Flood Authority

No objections subject to conditions to require the scheme to be constructed in accordance with the final submitted Flood Risk Assessment and drainage strategy; a Sustainable Drainage System Operational & Maintenance Manual; and, a Verification Report of the constructed sustainable drainage system.

United Utilities

No objection. Request that a condition be imposed to require the development to be carried out in accordance with the principles set out in the Foul and Surface Water drawings submitted by the applicant. United Utilities state that no surface water will be permitted to drain directly or indirectly into the public combined sewer. A condition is also recommended to require a management and maintenance scheme for the sustainable drainage systems.

Greater Manchester Ecology Unit (GMEU)

The proposal and the submitted information: -

- Preliminary Ecological Appraisal (Pennine Ecological, August 2021)
- Biodiversity Metric 3.1
- Biodiversity Net Gain Assessment

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance. The Report concludes that the site supports a number of trees which are of negligible value to bat roosting and the habitats within the site are of only local value to biodiversity. GMEU advise that there is no need for any further assessment

in this regard but sought further information in relation to Biodiversity Net Gain which has been subsequently submitted. GMEU accept the submitted Biodiversity Net Gain calculation that finds that the scheme would result in a 66.6% loss equating to -1.95 habitat unit and state that in order to achieve net gain for this scheme > 1.95 habitat units will need to be secured either within the scheme or as off-set in another location. This is in the absence of the formal adoption of the 10% net gain signalled within the Environment Bill, which received Royal assent in November 2021. An Environment Bill compliant scheme would require significantly greater habitat units to achieve the target uplift. GMEU note that the Council is currently in discussion with the applicant over improvements to the adjacent POS to the west of the application site and consider that this could be an appropriate location for off-set. GMEU advise that the Council need to have confidence that an appropriate scheme can be delivered in this location and/or an appropriate monetary contribution is provided to secure the uplift. Currently GMEU are using a figure of £11,000 per habitat unit, which is the assumed median cost formulated by Defra. This sum includes the costs of management and monitoring within the 30 year time frame required by the BNG process. GMEU has suggested a suitable condition that would achieve these requirements. GMEU also recommend conditions to require a Control and Eradication Method Statement to remove Japanese Knotweed from the site; tree protection measures; an external lighting scheme that is sensitive to ecology; to avoid vegetation clearance within the breeding season (March – August inclusive); to require boundary treatment to be designed with Ecological Permeability (gaps for small mammals and amphibians); and, a Biodiversity Enhancement Plan (to include the details, quantum, location and specification for bat boxes integral to the units and bird boxes, for example, house sparrow, swift, starling etc).

LCC Schools Planning Team

No contribution is sought for primary school places. In respect of secondary school places, the projected number of pupils in the next five years is 5628 whilst the future planned net capacity is 5625. This means, therefore, based on current figures, there would be an existing shortfall of three secondary school places within a 3 mile radius within the next five years. LCC Schools Planning Team has applied their adopted methodology to calculate that there would be a yield of three additional secondary school places that would arise as a result of this development. At a rate of £23,061.75 per secondary school place, a request is made for a contribution of £69,185.25 in order to make up for the identified shortfall of places. In the event that the contribution is not agreed with the applicant, the Schools Planning Team object to the development. A full copy of their assessment is available to view on the Council's web site.

Burnley Civic Trust

Do not object to this application but are concerned that the proposed insulation of the houses is of a minimum standard. In view of climate change and rising energy costs the Council ought to be requiring high standards of insulation.

The Coal Authority

No objection. The application site falls 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 the determination of this planning application, specifically probable shallow coal mine workings and probable shallow coal mine workings associated with a thick coal outcrop. The Geo-Environmental Appraisal (September 2021, prepared by

Groundtech Consulting Ltd), which accompanies the planning application correctly identifies that the application site may have been subject to past coal mining activity and has been informed by an appropriate range of sources of information. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning to demonstrate that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Contaminated Land Officer

No objection. Recommend a condition to require a verification statement is submitted following the remediation of the ground.

BBC Greenspaces and Amenities

There is no provision in the plans for children's play space on site. There are play facilities at Hargher Clough Park and Scott Park that are fairly close. Hargher Clough has good provision for all age groups including a play area and skate park. Scott Park has good younger children play facility provision but the youth provision is minimal as there is no wheeled sport offer available and the existing MUGA needs upgrading/refurbishment. There is green space close by at Melrose Avenue for informal recreation, but this does not offer any new formal provision of recreational/play value which would be of benefit to the residents of the new housing development. As such, and in lieu of provision on site, and due to the site's proximity with Scott Park and Hargher Clough Park, an off-site contribution is requested to be used to refurbish and/or upgrade the existing MUGA in addition to the development of a wheeled sports area around the existing bandstand. The contribution would also be used towards additional play equipment at Hargher Clough Park. Based on the provision of 61 dwellings with 203 bed spaces, the S106 contribution would be £46,550.

Designing Out Crime Team (Lancashire Constabulary)

Advocate that the development be designed and constructed using the security principles and security rated products as stated in the Secured By Design (2019) document.

East Lancashire NHS Trust

Request a contribution. In summary, the Trust states that they currently provide acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The impact of non-recurrent (capital) and recurrent (service provision) infrastructure costs as a direct result of new housing development are very significant and as such a contribution is now sought to address the direct impact which the application will have on the Trust. A scheme for 61 new dwellings will support a population increase of 140 (assuming an average of 2.3 people per dwelling) all of whom will need to access health services. It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available. The Trust will in due course be able to obtain funding to meet the needs of the population which arises from the development but this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding. The Trust therefore request a contribution for this development in the sum of £104,097.00. The Trust consider that this request meets the requirements of the appropriate tests.

Electricity North West

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Informatives and guidance on necessary precautions is offered to the applicant.

Publicity

No comments received.

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. This is a minimum rather than a maximum requirement. The proposed site has no allocation in Burnley's Local Plan and should be assessed in accordance with Policy SP4 which sets out the Development Strategy as well as other relevant plan policies.

The application site is situated within the urban area of Burnley which falls within Tier 1 of Policy SP4, serving as the Principal Town which is home to the majority of the borough's population and is suitable for the development of large scale, major and a variety of smaller sites to deliver a comprehensive range of choice of types and tenures. The application site falls within the defined Development Boundaries. At Paragraph 2 of Policy SP4 it states that in addition to allocated sites, new development within the Development Boundaries will be supported where it is of an appropriate type and scale, having regard to the role of the settlement in the hierarchy and where it satisfies given criteria:-

- a) It makes efficient use of land and buildings;
- b) It is well located in relation to services and infrastructure and is, or can be made, accessible by public transport, walking or cycling;
- c) It does not have an unacceptably detrimental impact on residential amenity or other existing land users.

In addition to the above, consideration will also be given to whether schemes appropriately re-use existing buildings and infrastructure; or whether schemes make use of previously developed land that is not of recognised high biodiversity value.

The application site is situated within a primarily residential area, close to services and amenities and accessible by public transport services. The land was historically occupied by housing but is currently amenity grassland that is not protected and bound by a wider area of amenity grassland that affords protection under Policy NE2. The loss of this area of amenity grassland would not in this instance lead to a significant loss of available amenity grassland or green infrastructure in the immediate

or wider area. The use of the land for an appropriate development would in principle satisfy Policy SP4 subject to detailed considerations which are considered below.

Design and layout considerations

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping; ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. Principles for good design are set out in the National Design Guide. Policy HS4 sets out open space requirements and relevant spacing distances to safeguard outlook and privacy.

The development has been designed at a density that is consistent with the surrounding residential area and provides formal frontages to the street which would be consistent with existing pattern of development surrounding the site. The development is mostly two storey with a minor proportion of single storey development and designed with gable roofs which is in scale and in keeping with the surrounding area.

Examples of Proposed Street Elevations



10 Kinross Elevation Plot 1 to 7



11 Kinross Elevation Plot 8 to 19



12 Kinross Elevation Plot 20 to 35



14 Airdrie Crescent Plot 43 to 49

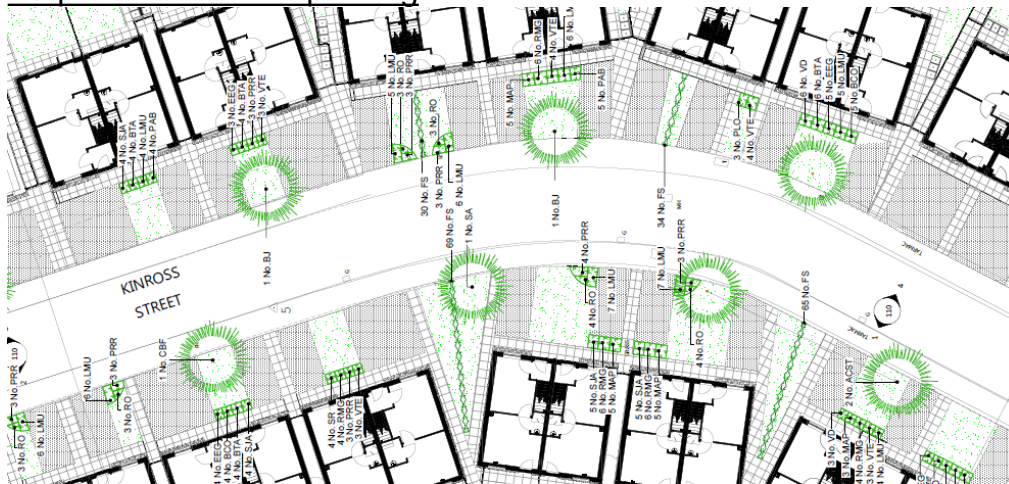


15 Airdrie Crescent Plot 50 to 61

The proposed external materials have been changed from render with brick plinth to reconstituted stone which is in response to the Case Officer's request to reduce the amount of render in order to create more variety in materials in the immediate local area. The use of reconstituted stone and flat grey concrete interlocking tiles would achieve this objective and provide an attractive appearance that reinforces the distinctive character of the wider local area.

The NPPF (2021) states that new streets should be tree lined. Trees have been incorporated into the front gardens of plots to achieve tree lined streets where possible.

Proposed street tree planting



The proposed tree planting would enhance the public realm.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has provided a total of 15 dwellings compliant with this higher standard which equates to 24% of the development. This includes all of the three bungalows that are proposed. The proposal therefore complies with this requirement of Policy HS4.

Residential Amenities

Policy HS4 requires a minimum of 20m between elevations with habitable rooms and 15m between a blank gable and habitable rooms. The applicant has made some minor adjustments to the layout to ensure that adequate privacy and outlook can be achieved for the development. Notably, the site is constrained to some extent by the existing positions of the streets and the need to make efficient use of the land by having a house frontage to each of these streets. In places, this has led to shorter separation distances between the rear elevations of some of the plots on Airdrie Crescent and Kinross Street. Where this occurs, plots 44 to 61 (all semi-detached houses) have been designed without a first floor rear window to avoid overlooking

between bedroom windows. There would be a minimum separation of 12.6m (where 15m would normally be required) towards the northern section of the site. This would still provide an adequate private garden space, outlook and privacy for occupants. In these circumstances, the design and layout would provide an adequate level of amenity for future occupiers. At the southern end of the site, bungalows have been sited adjacent to the side/rear of existing houses on Airdrie Crescent and Kinross Street which at a minimum separation distance of 8m (between the side/rear containing kitchen/diner window on ground floor) would safeguard the privacy and outlook of existing occupiers.

Open Space

Policy HS4 requires open space to be provided at a rate of 0.3ha per 50 dwellings which where not practical for schemes less than 50 houses can be catered for by a commuted sum to be used to improve open space nearby. In this case, no formal public open space is proposed on site. Whilst the total number of dwellings would be greater than 50, it is acknowledged that the site is bound by informal amenity greenspace and is also within walking distance of Hargher Clough Park and Scott Park. The Head of Greenspaces and Amenities has requested a commuted sum of £46,550 which would be used to improve facilities for children and young people at these existing sites. In this case, the improvement of existing areas of open space would adequately cater for the needs of the development and would also benefit residents in the local area. The applicant has agreed to the open space contribution which would be secured through a s106 Agreement.

Energy Efficiency

Policy SP5 requires developments to incorporate measures to minimise energy and water consumption and seek opportunities for on-site energy supplies from renewable or low carbon energy sources. The submitted Design and Access Statement states that there will be 'fabric first' approach to improving the energy performance of the proposed dwellings. A new Part L to the Building Regulations (2013) came into force on the 15th June 2022 which sets new standards for energy efficient homes, requiring a 30% betterment on carbon dioxide emissions to the previous requirements. Compliance with the new standard will therefore provide energy efficient homes which would comply with the objective of Policy SP5.

The design and layout of the proposed scheme would therefore provide a suitable development.

Traffic and parking

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

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

The proposal makes efficient use of the existing streets and requires minimal street works which include some reconstruction to install new street lighting, services and access points. Direct access and parking is provided to all new dwellings. Two car parking spaces would be provided for all three bedroom houses and one car parking space would be provided for two bedroom houses. The latter provision is lower than the standard. Given, however, that the properties are to provide affordable housing,

one car parking space (for a 2 bedroom) house where there is available on-street parking for occupiers and visitors, is likely to be sufficient to meet the needs for car parking. LCC Highways encourages the use of sheds for storing cycles. Each property has sufficient space for sheds which can be provided by the applicant/occupiers where needed.

The amount of additional traffic that would be generated by the development would be accommodated within the existing highway with no significant impacts.

Policy IC3 only requires new EVC points on detached homes but these are encouraged by LCC Highways, in which case, these would be installed at 13 properties which would be a benefit of the proposal.

Subject to the conditions recommended by LCC Highways, the proposed development would have an acceptable impact on traffic and parking and would not conflict with Policies IC1 and IC3.

Impact on Biodiversity

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.

There are a small number of trees on the site which are a mainly low quality (Cat C) which would be removed to accommodate the development. None of these have been found to be used by bats and GMEU is satisfied that there would no harm to protected species subject to various precautionary measures, including the avoidance of vegetation clearance during the bird breeding season. The loss of a large area of grassland would, however, lead to a loss of biodiversity which has been calculated at a 66.6% loss equating to -1.95 habitat unit. The Biodiversity Net Gain Assessment submitted by the applicant states that this loss would be compensated through habitat improvements close to the site. The applicant has discussed options for doing this with the Council's Head of Greenspace and Amenities which includes suitable improvements (including meadow grasses and native shrubs) on the adjacent amenity land to the west of the application site. The details of a scheme for off-setting the loss of biodiversity can be secured by a planning condition. With this provision and further conditions recommended by GMEU (to remove Japanese Knotweed; tree protection measures for retained/adjacent trees; an external lighting scheme; to avoid vegetation clearance within the breeding season; to require gaps for small mammals in boundary treatment; to require a Biodiversity Enhancement Plan), the proposal would have an acceptable impact on biodiversity and would comply with Policy NE1.

Affordable Housing provision

Policy HS2 requires affordable housing on sites of over 10 dwellings. In this case, the applicant, Calico Homes, is a Registered Provider (RP) and intends to provide 100% Affordable Housing on the site which will be in the form of Affordable Rent.

The proposal would therefore go well beyond the requirements of Policy HS2. As such, the provision of affordable housing would be a key benefit of the development. In these circumstances, where the scheme is for 100% affordable housing by a RP, the implementation of the affordable housing can be adequately secured through a planning condition. It is recognised that the RP will have its own mechanisms for controlling the occupancy and affordability of the units and for their retention as

affordable units for future occupiers and that this to some extent will also be controlled through any restrictions that are imposed by Homes England who award grants to RPs.

The provision of the whole scheme as Affordable Housing would therefore comply with Policy HS2 and a condition is recommended to ensure its implementation.

Contributions

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. LCC has requested a contribution towards three secondary school places which is based upon a three mile radius of schools from the site. In this case, the Developer Contributions SPD indicates that it is unlikely that development on this site (due to abnormal costs in the development from past uses) would be viable with contributions. A contribution has however been agreed for improving public open space at Hargher Clough Park and Scott Park which is necessary to cater for the open space needs of the development to comply with Policy HS4. An open space requirement is prioritised above education places. In this case, the advantages of the development in terms of providing affordable housing across the full site would outweigh any disadvantage in not funding the identified secondary school places. Notably, in this instance, where the scheme would not be viable with the contribution, the application should not be rejected as funding will be provided, as needed, through other means. In these circumstances, the applicant has not been requested to make a secondary school contribution.

In addition, a health contribution has been requested by NHS East Lancashire for £104,097.00 towards secondary healthcare. No evidence has, however, been submitted to support their assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings on this site. As such there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust. On recent appeals where a similar request had been made (FUL/2020/0321- Butchers Farm and FUL/2021/0264 – Harrogate Crescent), the Inspector agreed with the Council's reasoning on this matter. In these circumstances, a contribution is not necessary to make the development acceptable. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Other issues

The site is within Flood Zone 1 where there is the lowest risk of flooding. Subject to conditions recommended by the Lead Local Flood Authority and United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

The site is subject to past coal mining legacies which as been assessed through a Coal Mining Risk Assessment that demonstrates that the application site is safe and stable for the proposed development.

A condition is recommended to require Verification report following the completion of remediation measures that have been submitted to deal with land contamination. With this provision, the development would not pose a risk to human health.

Conclusion

The proposed development would be beneficial in delivering 100% affordable housing on an accessible urban site and sustainable location for development within the Development Boundaries as identified in Burnley's Local Plan. The proposed scheme is designed to complement the street pattern of the surrounding residential area and would introduce some variety in terms of the external materials. It would also include landscaping and new planting to compensate against small numbers of tree losses and, subject to a condition, would provide the means to off-set a loss of biodiversity. Provision for open space and play facilities for future occupiers would be accommodated through a contribution to improve facilities at the nearby Hargher Clough Park and Scott Park. Contributions towards health provision and education have been assessed but have not been adequately justified and/or would not be viable in this instance. The proposed scheme would make a positive contribution to the Council's delivery of housing. The development complies with the development plan and there are no material reasons which 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 to secure contributions to public open space improvement

Conditions

1. The development must be begun within three years of the date of this decision.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by BTP Architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall:

- a) be based on prevailing DEFRA guidance;

- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that there is no net loss to biodiversity resulting from the proposed development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that compensation for the loss of biodiversity resulting from the proposal can be adequately mitigated at an early stage.

5. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (prepared by ACS Consulting, dated November 2021). There shall be 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. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees 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).

6. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6676.01RevD) 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, 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).

7. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and

approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To protect bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

8. Prior to the removal of any vegetation on the site or commencement of development, a Control and Eradication Method Statement for the removal of Japanese Knotweed and to prevent its spread from 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 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 the development so that it can be effectively implemented from the earliest stages of the development.

9. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

10. Prior to the commencement of development above ground level, a Biodiversity Enhancement Plan which shall include details of ecologically permeable boundary fencing (to include gaps for small mammals and amphibians) and bird and bat boxes (including the location, quantum and specification) on the site, together with details of the timescales for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved Biodiversity Enhancement Plan shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure that the development provides opportunities for on-site biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Biodiversity Enhancement Plan is required prior to the commencement of development above ground level to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

11. Prior to the commencement of development above ground level, a scheme for the re-construction of the highway and off-site works of highway improvement to include lowered kerbs and tactile paving (at the junctions of Kinross Street and Harold Avenue; Kinross Street and Melrose Avenue; Airdrie Crescent and Melrose Avenue; and, Kinross Street and Melrose Avenue) site 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 or flat being first occupied.

Reason: To ensure that satisfactory access is provided to the site and safe conditions for pedestrians in the immediate surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development above ground level 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.

12. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced 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).

13. 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).

14. The development shall at all times be constructed in accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed, Kinross Street, dated January 2021, and in accordance with an Estate Street Phasing Plan that shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of 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 Estate Street Phasing Plan is required prior to the commencement of development in order that the stages of the development can be controlled in order to maintain access to residential properties in the immediate area.

15. 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).

16. No built development above ground level 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 built development above ground level 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.

17. No built development above ground level shall be commenced until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground development to ensure that the approved scheme can be implemented at the appropriate stages of the construction of the development.

18. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (March 2022, AMO/210609/FRA rev C, SCP) and drawings:

- Drainage Layout - SCP-210609A-0500-001 Rev B
- Surface Water Catchment SCP-210609A-0500-003 Rev B
- Flood Routing Plan - SCP-210609A-0500-004 Rev A
- Finished Levels - SCP-210609A-0600-001 Rev A
- Construction Phase Surface Water Management Plan (Ring Stones, 7/6/22) and associated drawings.

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. 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).

19. The approved development shall not be first occupied until a Verification Report and Operation and Management/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).

20. Foul and surface water shall be drained on separate systems.

Reason: To reduce the risk of pollution and flooding, in accordance with Policies CC4 and NE5 of the Burnley's Local Plan (July 2018).

21. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Plan. 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).

22. The development shall not be carried out other than in accordance with the remediation works contained within the submitted Remediation Specification (prepared by Groundtech Consulting, report reference GRO-21190-3528, dated May 2022) and no dwelling shall be first occupied until a Verification Report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed remediation works have been completed and any further necessary steps, including an future monitoring have been identified.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

23. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

24. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number 3900 - 112Rev1) prior to the completion of the development.

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).

25. The plots identified on approved drawing number 3900-S3-106 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and none of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

Janet Filbin
1st July 2022