

Application Recommended for Approval
Gannow Ward

FUL/2022/0277

Town and Country Planning Act 1990
Erection of five detached dwellings with access from Southern Court
Land At Southern Court Burnley

Background:

The application is being considered by this Committee due to the number of objections that have been received from neighbouring properties.

The proposal is to erect five detached houses on a parcel of open land (approximately 0.18ha) surrounded by residential properties and accessed from Southern Court which is a single width private road off Ightenhill Park Lane.

The land is covered in grass and scrub vegetation and is bound by the rear gardens of houses at Kirkfell Drive to the north west, the gardens of properties on Ightenhill Park Lane and Southern Court to the east and the gardens of nos. 21 and 23 Stephenson Drive to the south west.

Application site and rear of properties at Kirkfell Drive



Side of 3 Southern Court adj to application site



South west boundary with 21 & 23 Stephenson Drive



Access to site from Southern Court



Southern Court is a narrow private road that currently serves nine houses at Southern Avenue and Southern Court (planning permission FUL/2020/0363 for a new dwelling

adjacent to 7 Southern Avenue would increase the number of dwellings with access from Southern Court to ten).

Southern Court access to site

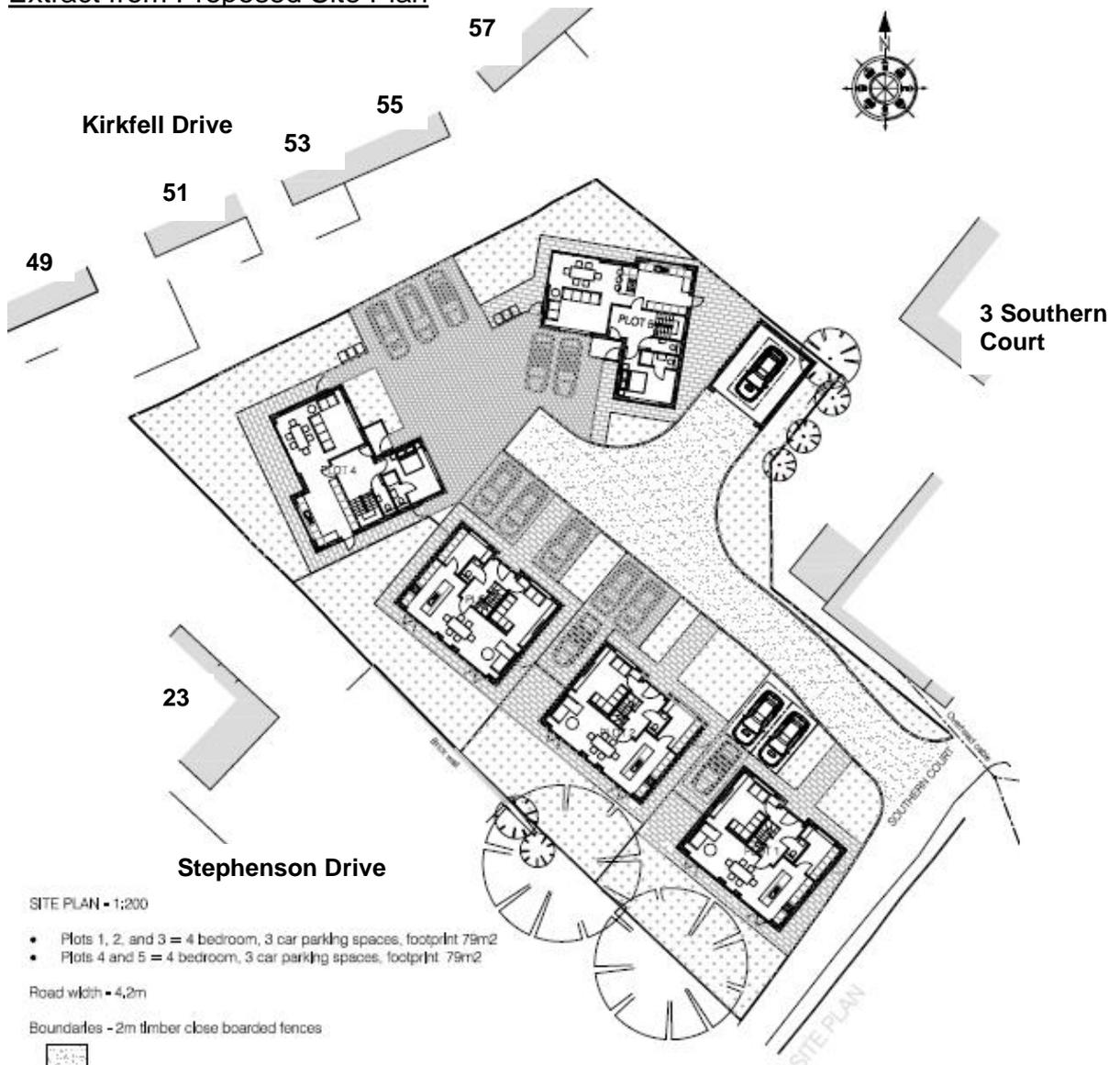


Egress onto Ightenhill Park Lane



The scheme for five detached houses has been amended since first submitted in order to respond to objections and concerns raised by the occupiers of neighbouring properties.

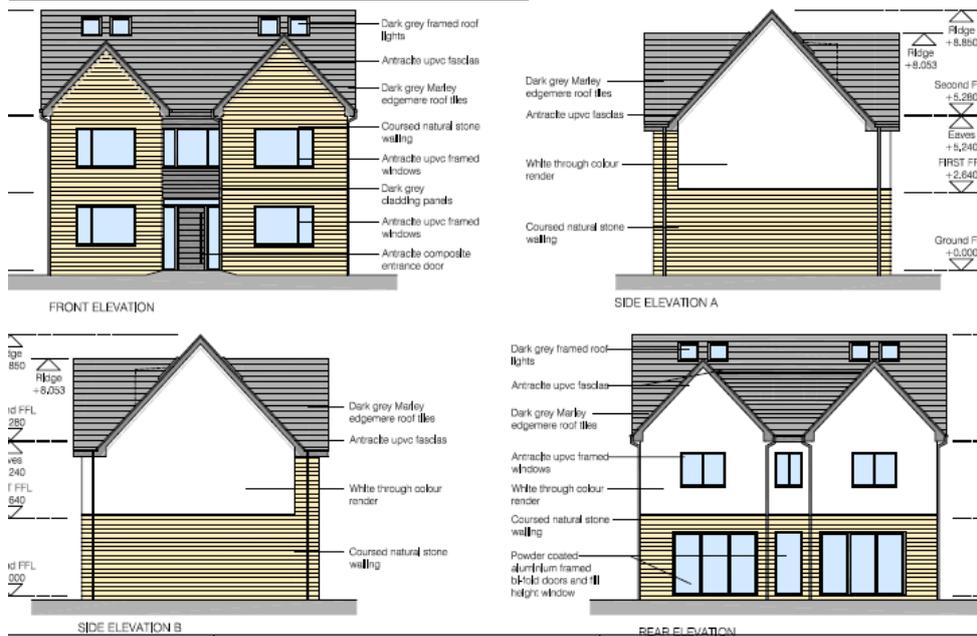
Extract from Proposed Site Plan



The key changes are a reduction in the footprint of the proposed dwellings and garages, removal of windows in three storey projecting gables, minor reduction in height of Plots 1-3 and change in house type at Plot 4. All properties have four bedrooms.

Plots 1, 2 and 3 would be similar in appearance, being two storey dwellings with additional rooms in the roofspace (with a ridge height of 8.8m). Plots 1 and 2 would be constructed in natural coursed sandstone and white through render whilst Plot 2 would be all white through render with the exception of the upper half of the front elevation that would be faced in grey cladding panels.

Proposed Elevations – Plots 1 and 2



Plots 4 and 5, although have differences between them are similar in design, height and appearance.

Proposed Elevations for Plot 4



Plots 4 and 5 are single storey with 3 out of the 4 bedrooms in the roofspace, served by rooflights and a feature window to the front. The height to the ridge of these plots would be 6.4m.

All plots would have three off-street parking spaces which includes a detached garage at Plot 5.

Relevant Policies:

Development Plan

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

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

Material Considerations

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

The National Planning Policy Framework (2021)

National Design Guide (2021)

Site History:

APP/2008/0092 – Proposed erection of 5no. dwellings including details of access (all other matters reserved for future approval). Withdrawn April 2008.

APP/2008/0553 – Proposed erection of 5no. detached dwellings including details of access via Southern Court to Ightenhill Park Lane (all other matters reserved for future approval) re- submission of APP/2008/0092. Refused September 2008 on the grounds that it would result in the development of a greenfield site which would be contrary to housing and other plan policies; that it would be an over intensive development and result in an unacceptable increase in the volume of cars using a complex and substandard junction which would have a detrimental effect on highway safety. Allowed on Appeal June 2009. [The Inspector considered it to be a suitable site for housing and that a condition to require a scheme of improvement works to the junction of Southern Court and Ightenhill Park Lane and surfacing works would overcome the highway concerns].

APP/2012/0230 – Proposed erection of 5no. detached dwellings including details of access via Southern Court to Ightenhill Park Lane (all other matters reserved for future

approval). (To replace an extant Outline Planning Permission) (APP/2008/0553).
Approved June 2012.

APP/2015/0233 – Erection of 5no. detached dwellings including details of access (all other matters reserved for future approval). Approved July 2015.

APP/2018/0224 -Erection of 5 detached dwellings including details of access (all other matters reserved). Approved June 2018.

Consultation Responses:

LCC Highways

No objections. The proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site, subject to conditions. As part of a previous application, an acceptable solution for improvements to the sightlines was agreed which involves the construction of a kerbed build-out on Ightenhill Park Lane at its junction with Southern Court. It is requested that the previously agreed highway improvement works are repeated. The applicant will be required to enter into a legal agreement with the highway authority which will require the submission of a detailed design and safety audit of any proposed scheme. The internal layout including parking as shown in the submitted drawings is acceptable in principle, however it should be noted by the applicant that the internal layout is not to an adoptable standard and Southern Court is not an adopted highway, therefore the proposed internal highway would remain private for the life of the development. With the internal roads remaining private I would recommend that Burnley Borough Council's refuse collection service is consulted regarding refuse collection arrangements. A charging point for electric vehicles shall be included with-in the development for each dwelling. Conditions are recommended to require a Construction Management Plan and details of the future management and maintenance of the proposed street within the development.

United Utilities

Recommend conditions to require details of a sustainable surface water drainage scheme, a foul water drainage scheme and a sustainable drainage management and maintenance plan for the lifetime of the development.

Coal Authority

The Coal Authority records indicate that within that part of the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals. Whilst there may be recorded mining features within the application site, the specific part of the site where the structure is proposed actually falls outside the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. An Informative is recommended for a Decision Notice.

Environmental Health

No objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend a condition to restrict construction hours of work and deliveries and to prevent the burning of waste [the latter would be an Informative].

Burnley Civic Trust

The application is inappropriate. The proposal would create buildings much higher than the present buildings in the area and the access for traffic onto Ightenhill at this point would be devastating. We support the Parish Council in its comments. Further comments have been received following the submission of amended plans which maintain their objection to the intensity of the development and the poor sight lines for entering onto Ightenhill Park Lane. The comments are summarised below:-

- There are already 20+ motor vehicles using the access and this proposal would add 15 more spaces for cars.
- All vehicles have difficulty turning left or right from Southern Court onto Ightenhill Park Lane at close proximity to the Ighten Road obtuse angled junction.
- There is increased heavy goods vehicle traffic using the road; it is also a local bus service route; high volumes of cyclists use this route to access the River Calder Greenway; as well as school pupils.
- Reduction in the width of Ightenhill Park Lane would be inappropriate where the Ighten Road junction is poorly sighted and traffic speeds are excessive.
- Supports the objection from Ightenhill Parish Council and requests that the number of proposed houses is reduced.

Ightenhill Parish Council

We are concerned that the properties will overlook existing houses on Kirkfell Drive. They would be too near the boundary fences and being of exceptional height, would seriously impose on privacy. The traffic exit onto Ightenhill Park Lane is very restricted and is at the busiest point on the lane – a junction with Ighten Road and Lakeland Way. This is exacerbated by parking on the lane. We would certainly oppose any reduction in the width of the lane in order to improve sighting as was proposed previously.

Further comments have been received following the submission of amended plans, stating that their concern regarding the safety of traffic on Ightenhill Park Lane remains unchanged. A summary of the points by the Parish Council is listed below:-

- Proposal will produce an increase of at least 10 extra vehicles in addition to existing traffic and visitors.
- This short section of Ightenhill Park Lane is the busiest along its whole length, serving traffic between Ighten Road and Lakeland Way as well as other traffic.
- Ightenhill Park Lane narrows here, reduced further by parked cars on both sides.
- Is also a bus route and there has been an increase in heavy good vehicles, also used by walkers, cyclists and horseriders to access the river and the Calder Greenway.
- The sight line for existing traffic is poor and dangerous, especially when turning right.
- Lack of pavement on west side of Ightenhill Park Lane, leading to pedestrian crossing movements at this area.
- The Parish Council has campaigned for the speed limit to be reduced to 20mph
- Object to the idea of further reducing the road width at this point (as suggested by LCC Highways).
- An increase in joining traffic at this spot would be dangerous and should not be approved without a radical solution to this problem.

Councillor Don Whitaker

Wishes to object on the following grounds:-

- The road network at the junction of southern Court and Ightenhill Park Lane, that is also almost directly opposite to Ighten Road, is not suitable for multiple dwelling access or exit without substantial redesign of the junction;
- The design of the properties includes parking spaces for three vehicles which will only add to the traffic congestion in Ightenhill Park Lane;
- The house design at Plot 4 will completely overshadow the properties on Kirkfell Drive. The plots are too near to the fenceline on Kirkfell Drive; and,
- Planning permission has been previously refused, as deemed unsuitable for the area [see site history above – outline planning permission was previously refused on one occasion but was Allowed on appeal).

Publicity

Nine letters, expressing objections or concerns from occupiers of neighbouring properties were received to the original plans submitted this application. Re-consultation on amended plans has led to three letters that maintain their objections to the application. A summary of the points raised in all the letters is provided below:-

- Access is a single track narrow road leading onto a busy highway on a blind bend.
- Lack of visibility for cars exiting on Ightenhill Park Lane until cars are into the road.
- Parked cars opposite the junction and at each side of the entrance impact on sight lines.
- History of accidents/collisions here.
- Road surface freezes in winter, causing a skidding risk on entering Ightenhill Park Lane.
- Difficult of emergency access vehicles to enter the site.
- An additional 10-15 cars would make conditions worse and increase hazards.
- Two cars cannot pass, leading to reversing movements.
- Cars on Southern Court leave no space for pedestrians and no pavement.
- No street lighting.
- Deliveries block road.
- Length of construction will be longer due to difficult access.
- Health and safety risks associated with the use of large construction vehicles.
- Southern Court is unadopted and in poor state of repair. Just a small amount of heavy duty traffic (from construction wagons, machinery) would make it unusable and unsafe.
- Proposed houses are very close to the boundary fences on Kirkfell Drive.
- Object to having three car parking spaces up to the rear boundary fencing to adjoining rear garden
- The height of the new build will result in a significant loss of light and privacy.
- Proposed houses will overwhelm the surroundings.
- Loss of sunlight to garden and rear of properties on Kirkfell Drive.
- Increase in noise and disturbance from car noises etc due to close proximity of houses.
- Proposed houses are very close together.
- Houses are too close to boundary fence and would be a risk to an ash tree and other trees.
- Light pollution from new homes.

- Noise levels during construction.
- Not in keeping with neighbouring properties, particularly those on Kirkfell Drive.
- Impact on wildlife – the land provides habitat for hedgehogs, badgers, birds, bats and pollinators.
- Importance of urban wasteland sites to ecology.
- Impact on already poor drainage.
- There was previously a spring in the field and this area becomes flooded after heavy rain and takes a long time to clear.
- No information is given on how drainage will be managed.
- The development will limit the natural drainage of the land.

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). Outline planning permission for five dwellings has been previously granted on this site on four occasions, starting with an appeal decision in 2009, but has not been followed by a Reserved Matters application and lapsed in June 2021.

The proposed site is approximately 0.18 ha in size which is too small to be considered for site allocation in which case it should be assessed as a windfall site. The site is situated in the urban area of Burnley within the Development Boundary as defined on the Policies Map of Burnley's Local Plan. Burnley is the principal town, falling within Tier 1 of Policy SP4 which 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. 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. It is therefore a reasonably sustainable location that would be suitable for new homes subject to detailed consideration to the impacts and quality of the scheme in respect of highway safety, residential amenities, design and appearance, drainage, ecology and ground conditions.

Impact on highway safety

Policy IC1 requires development, as appropriate to its nature and scale, to promote sustainable travel and provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays. Policy IC3 requires three off-street parking spaces for new dwellings with four or more bedrooms.

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

All properties would have three parking spaces which would comply with Policy IC3 and the parking standards.

Objections on highway grounds have been received from the Ightenhill Parish Council, the Burnley Civic Trust and neighbours. These refer to the safety of the junction of Southern Court and Ightenhill Park Lane due to poor visibility in a southerly direction at an awkward location close to the junction of Ighten Road and Ightenhill Park Lane and the unsuitability of a narrow unadopted access road (Southern Court) to cater for the traffic that is likely to be generated by a further five large dwellings.

This piece of land is accessible from Southern Court which currently provides access to nine dwellings (with an extant permission for land adjacent to 7 Southern Avenue that would increase the number to ten) which includes houses that front Southern Avenue. The addition of traffic from a further five dwellings would therefore be a significant increase in its use. The access road is narrow and unlit and has no opportunities for two vehicles to pass but due to its straight line does provide intervisibility between its junction at Ightenhill Park Lane and the application site which would help to reduce inconvenience from reversing movements. The proposed development itself would provide the means for turning vehicles towards the south westerly end of Southern Court which would ensure that vehicles can enter and exit Southern Court in a forward gear. Refuse vehicles currently collect directly on Southern Court and would be able to service the proposed development from a bin collection point at the entrance to the proposed cul-de-sac layout. Similarly, emergency vehicles would also be able to access the site.

The main issue is the safety of the junction of Southern Court and Ightenhill Park Lane. At an appeal in 2009 (APP/2008/0553) the Inspector accepted that due to the impaired visibility in a southerly direction that a further five dwellings which would equate to an additional 30-50 trips per day, would create a hazard to highway safety but that this issue could be satisfactorily overcome by a scheme of improvements to the junction and surfacing work to Southern Court. The Inspector allowed the appeal subject to a condition to require a scheme to be first approved by the Local Planning Authority and for the approved scheme to be implemented before the commencement of development. A similar condition has been imposed on successive outline permissions granted in 2012, 2015 and 2018. A repeat of this condition would similarly secure the same objective and secure improvements to the junction which would provide a safe access for the proposed new dwellings and also improve conditions for the existing nine properties that use this access. Planning permission was granted in December 2020 (FUL/2020/0363) for a new dwelling adjacent to 7 Southern Avenue which is also subject to a condition to require a scheme of improvements to the junction of Southern Court and Ightenhill Park Lane to be agreed with the Council and carried out prior to the start of the development.

LCC Highways affirms that it has no objections to the application subject to the same condition as previously imposed to require a scheme of junction improvements. It also recommends conditions to require a Construction Management Plan; details of the future management and maintenance of the proposed access road; and, a charging

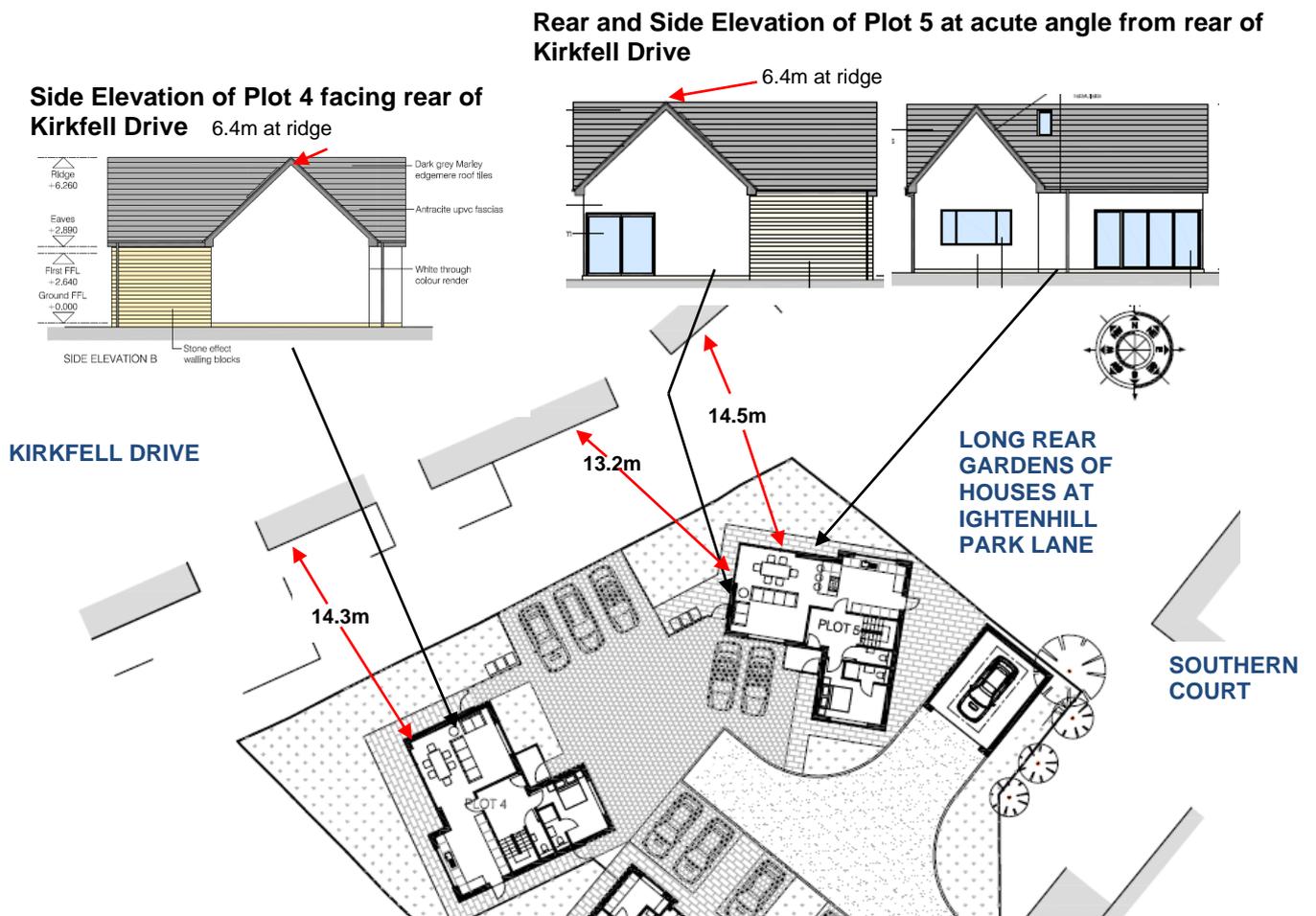
point for electric vehicles for each dwelling. With these provisions, the proposal would provide adequate and safe access which would comply with Policy IC1 and would not significantly affect highway safety.

Impact on residential amenities

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development.

The site is surrounded on all sides by residential properties. Amendments have been made to the layout and house types to reduce the impact of the development, particularly in respect of properties on Kirkfell Drive but also on properties at Stephenson Drive and Southern Court. Neighbours have been re-consulted on amended plans and further letters of objection have been received from some of these properties, including properties on Kirkfell Drive. Policy HS4 seeks to achieve adequate spacing in housing developments, with a minimum distance of 20m between elevations with habitable rooms and 15m between a blank gable and habitable windows. The purpose of this is to protect privacy and provide an adequate outlook.

Plots 4 and 5 are closest to the rear boundary fence of properties on Kirkfell Drive. These plots are chalet style bungalows with rooms in the roofspace



Where elevations would be directly opposite in the case of Plot 4 and the rear of 51 Kirkfell Drive, the extract plan above shows that there would be approximately 14.3m between the main rear elevation (excluding rear extension) and the short side elevation of Plot 4 which would be blank and up to a ridge height of 6.4m. The wider body of the proposed house would be approximately 20.4m from the main rear

elevation of 51 Kirkfell Drive. Whilst the ground levels are slightly lower at Kirkfell Drive, the spacing, design, layout and height of Plot 4 would protect privacy and provide a satisfactory outlook. In the case of the proposed Plot 5, the positioning of the plot provides acute angles to the rear elevations of the existing houses at Kirkfell Drive. Whilst these distances (indicated on the extract plan above at 13.2m and 14.5m) are less than the 20m standard in Policy HS4, the windows are not directly facing and are at ground floor level only which, with a standard 1.8m garden fence, would screen any potential overlooking. The eastern boundary of Plot 5 bounds the long rear gardens to houses fronting Ightenhill Park Lane where a garden fence would provide adequate privacy and the scale and design of the chalet style bungalow would provide a satisfactory outlook.

An objection has been made to the siting of three car parking spaces (for Plot 4) close to the common boundary with a rear garden at Kirkfell Drive. The car parking would be screened by a garden fence and the comings and goings of cars from one property is not likely to cause a significant noise, emissions or loss of amenity.

The amended house type at Plot 4 and spacing between the side boundary of the garden of 23 Stephenson Drive would also protect the privacy and outlook from this neighbouring property.

Plots 1-3 are 2.5 storey in scale, utilising roof space for a fourth bedroom and storage, with a ridge height to 8.8m which is reduced from the original drawings. The amended house types, including the removal of high level glazing above the first floor, the positioning and size of windows and a minor increase in the spacing between the rear elevations and the garden boundaries, would satisfactorily protect the privacy and outlook of neighbouring properties at 21 and 23 Stephenson Drive.

The spacing would also be sufficient to protect the roots of an ash and sycamore tree which overhang the site from a neighbouring garden. A condition is recommended to require protection measures and an Arboricultural Method Statement to ensure the trees are not harmed during construction.

The side gable of the existing 2.5 storey house at 3 Southern Court contains a small window to each floor (photo shows this at the start of the report) which would be approximately 13m from the front windows of the proposed house at Plot 1. Given that the main habitable room windows are not on this elevation, there would not be a significant loss of amenity and the outlook between properties would be satisfactory.

Some neighbour objections refer to noise and disturbance during the construction period but this is a temporary situation only and can be adequately controlled through a Construction Management Plan and the control of working hours.

The amendments that have been made to the house types and layout of the scheme would safeguard the residential amenities of occupiers of existing properties and provide a good standard of amenity for the proposed dwellings. As such, the proposal complies with Policy SP5.

Design and appearance

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. The proposed houses have a contemporary design and the part use of natural coursed sandstone in

combination with white through render and grey cladding panels would be sensitive to the characteristics of the local area. The variety in size and scale of the properties is in keeping with the site's surroundings. The private rear gardens vary in shape and size across plots but provide adequate private outdoor space for occupants. In respect of energy efficiency, 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.

The design and layout of the scheme would be suitable at this location and would comply with the objectives of Policy SP5.

Drainage

The site is within Flood Zone 1 where there is the lowest risk of flooding. Some neighbour objections have referred to a former pond and spring on the site and surface flooding after heavy rainfall. Standing advice from the Lead Local Flood Authority (Lancashire County Council) recommends that a drainage layout be provided for the site that shows how surface water will be sustainably managed, using sustainable drainage systems to manage surface water run-off from the additional impermeable surfaces resulting from the proposal. A condition to require a drainage scheme and its implementation would therefore ensure that the site is adequately and sustainably drained and discharge rates are controlled to pre-development run-off rates. Subject to this provision and conditions recommended by United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The site has no conservation designations or features that would indicate the presence of protected species but has an overgrown appearance that would have a limited benefit to wildlife. In order to address this and to seek opportunities to actively enhance biodiversity, a scheme of biodiversity enhancement measures is necessary. This would include the use of bird and bat boxes and the inclusion of native species in a landscaping scheme for the site. With this provision, the proposal would comply with Policy NE1 and would provide for its future enhancement.

Ground conditions

The site is affected by coal mining legacies but the Coal Authority has recommended that the development does not coincide with a high risk area, in which case no further investigation is required for planning purposes. Given that no information has been submitted to assess the presence of contamination from past uses of the land and its surroundings then a condition to require this is recommended.

Conclusion

The current application seeks full planning permission following a series of outline planning permissions for five dwellings on this site. The proposal would be beneficial in providing new homes at a sustainable location in an urban area. The scheme has been amended since first submitted to take account of the close proximity of neighbouring properties in order to safeguard residential amenities. Concerns relating to an increase in traffic and use of a substandard junction can be satisfactorily

overcome by a condition to require a scheme of improvements which is similar to previous approvals on this site as well as an extant permission (FUL/2020/0363) on an adjacent site. The proposed development would comply with the development plan and there are no material considerations which would outweigh this finding.

Recommendation: Approve with Conditions

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. Details and/or 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 being commenced. The development shall thereafter be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

4. Prior to any site clearance or commencement of development, 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 measures and methods of construction and protective fencing in relation to the retained trees within, on, or adjacent to the boundaries of the development site which shall include the ash tree and sycamore tree at 21 Stephenson Drive; and,
 - b) a service plan to demonstrate that all service runs and drainage is routed outside of the Root Protection Areas of retained trees.

The development shall not be commenced until protective fencing to protect retained trees has been erected in accordance with the approved Tree Protection Plan and 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 development shall be carried out strictly in accordance with the methods of construction and protection measures in the approved Arboricultural Method Statement and Tree Protection Plan at all times for the duration of the development.

Reason: To ensure appropriate construction methods, avoidance of Root Protection Areas for service runs and tree protection measures, in order to safeguard the long term health of trees that make a significant contribution to visual amenity, in accordance with Policy NE4 of Burnley`s Local Plan (July 2018). The measures and details are required prior to the commencement of development in order that the retained trees are adequately protected at all times.

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 (to include native species) and details of their cultivation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory scheme that provides a high standard of new and appropriate landscaping, in the interests of the visual amenities of the site and its surroundings and the biodiversity of the site, 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 to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping as approved in accordance with Condition 5 above 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. 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 and shall be retained thereafter.

Reason: To maintain and enhance biodiversity on the site, in accordance with NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that it can be coordinated with the landscape related scheme for the site and be implemented at the appropriate stages of the development.

8. No development shall be commenced unless and until a scheme detailing improvements to the junction of Southern Court and Ightenhill Park Lane and

resurfacing works to Southern Court has been submitted to and approved in writing by the Local Planning Authority. The approved scheme in respect of junction improvements shall be implemented and completed in its entirety prior to the commencement of any development. The approved scheme in respect of resurfacing works to Southern Court shall be carried out and completed prior to any of the approved dwellings being first occupied.

Reason: The existing junction of Southern Court and Ightenhill Park Lane has poor visibility in a southern direction and is unsuitable to cater for any additional traffic without significant improvements to its safety. The surfacing of parts of Southern Court is in a poor condition and improvements to this are necessary to cater for an increase in its usage. These improvements are necessary in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development as it is fundamental to providing satisfactory access from the start of the development.

9. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and maintained in perpetuity 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.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
- 24 Hour emergency contact number.
 - Details of the parking of vehicles of site operatives and visitors.
 - Details of loading and unloading of plant and materials.
 - Arrangements for turning of vehicles within the site.
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
 - Measures to protect vulnerable road users (pedestrians and cyclists).
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to deal with dirt, debris, mud, or loose material deposited on the highway because 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, 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.

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.

11. 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).

12. 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).

13. 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. The garage at Plot 5 shall remain available at all times for the parking of a car and shall not be used for any other purposes.

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).

14. Prior to the commencement of development, details of boundary treatment to all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. No unit shall thereafter be first occupied until all the approved boundary treatments to the site have been carried out and completed

in full. The approved boundary treatments to the site shall be retained at all times.

Reason: To ensure appropriate treatment to the edges of the site, to ensure the satisfactory implementation of the proposal and a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

15. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No dwelling shall be first occupied until the approved surface water and foul water schemes have been completed in accordance with the approved details and verification of this has also been submitted to and accepted in writing by the Local Planning Authority. The approved surface water and foul water drainage schemes shall thereafter be retained in perpetuity.

Reason: To promote sustainable development and ensure appropriate drainage in order to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018). The schemes are 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.

16. Prior to any dwelling being first occupied, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed, maintained and managed at all times in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

17. Electric vehicle charging points shall be installed externally at each plot prior to its first occupation and shall be retained thereafter.

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).

18. No development shall be commenced unless and until a scheme to deal with contamination 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 submitted GeoEnvironmental Desk Study (prepared by Earth Environmental & Geotechnical Ltd, report reference A4286/21, dated August 2021); and
- b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with any unknown risks posed to the future occupiers of the development by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

19. 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 Class A, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out at of the approved dwellings without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement or alteration of the approved dwellings in respect of the privacy, outlook and amenities of existing adjacent properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

20. Prior to the commencement of development, details of finished floor levels for all the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the dwellings are constructed in accordance with the approved levels.

21. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each dwelling shall be provided within a concealed area of the curtilage and a common refuse collection point constructed and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling and refuse collection point shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views and the provision of a convenient and accessible collection point to ensure that refuse and recyclable waste can be efficiently collected from the site, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Janet Filbin
6th January 2023