

**Application Recommended for Delegation to
Approve subject to a S106 Agreement**

FUL/2022/0149

Coal Clough with Deer Play Ward

Town and Country Planning Act 1990

Full planning application for the erection of 200 no dwellings and associated works

Hollins Cross Farm, Woodplumpton Road, Burnley

Applicant: Prospect Homes

Background:

The application is before Planning Committee following its deferral from the Planning Committee in December 2022. Additional information is provided for consideration to Members along with the Planning Committee report which was produced for December Planning Committee. It is recommended that both reports are read in conjunction with each other.

A letter of objection has been received on the morning of 6th December 2022, prior to the December meeting which was addressed in the committee update sheet and is summarised below for clarification:

- Biodiversity; 'the level of biodiversity loss is totally unacceptable and can be reduced through higher habitat retention on site by fewer dwellings and provisions of nature areas throughout the site'. This is considered in the next section of this report.
- Drainage; 'As submitted even with the use of detailed conditions it has not clearly been demonstrated that the new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere'. This is considered in the next section of this report.
- Noise and disturbance/overlooking in relation to the Golf Club: The Golf Club is suitably distanced away not to cause concern to officers in relation to overlooking. Although there are events held at the Golf Club, again due to the distance this does not raise concern to officers in relation to amenity of future residents or the Golf Club receiving any complaints in relation to statutory nuisance. The Golf Club have not objected. It is also noted there has been no objection raised to the application by Environmental Health Officers in relation to these matters and in any case, that the opening hours of the Golf Club are not late: 10pm is the latest opening hours the club operates at, with winter hours being significantly reduced. The opening hours therefore significantly reduce any risk of noise or disturbance.
- Design; 'Amended plans have now been received featuring materials which are more appropriate to the area, however, these still feature house types that are generic across other Prospect Homes developments and not designed in the context of the surrounding area. The layout of the site and the areas of public open space are also

noted to be inadequate in terms of useability. This is addressed within the original report and officers do not consider it is necessary to repeat this information.

Some further information was requested from Members at the December Planning Committee which is provided below. The following section of the report will provide this extra information as requested.

- Local Plan Policy NE1 – Biodiversity. To clarify the net position following the late submission on behalf of some residents.
- Flood risk/surface water drainage - specifically in relation to the SUDs across the development – capacity and flooding and how this will be mitigated. Also, post-construction management and maintenance of the SUDs, including safety measures.
- Local Plan Policy HS4 Part 4 - The plans should also include accessible homes as well as adaptable homes of which there are a number included.
- Local Plan Policy HS4 Part 7 - accessibility of the Public Open Space contribution, particularly related to a stepped footpath. Also the off-site POS contribution at Scott Park – could this be provided closer (Rosehill Road)
- Local Plan Policy SP5 Parts 5a and 5b – Accessibility – Transport Plan - Clarity re. numbers and safety management. How will the works manage traffic and improve highway safety?

An additional objection was also received after the planning committee meeting which raised no new planning issues from those that have been addressed in the previous report presented to Members.

- **Biodiversity:**

Members requested that the net position is clarified following the late submission on behalf of some residents.

The objection letter received from Kirkwell's left it necessary for the biodiversity net gain position to be clarified. Further information was requested from Greater Manchester Ecology Unit, and they have provided their response to each point raised. This is provided below:

Para 5.1.3 – Kirkwell's state that the site supports a number of breeding birds that are identified as birds of Conservation Concern as identified in the additional ecological surveys.

GMEU responded that:

'This is true but as I noted in my comment of the 27th of October, the majority can be mitigated for and enhanced on the site.

One farmland bird species was identified, skylark for which one pair was recorded. Other priority species on site identified as breeding or probably breeding were house sparrow, starling, reed bunting, bullfinch, dunnock and song thrush, all in low numbers.

None of these species are protected and the majority adapted to suburban environments. The only species that cannot adapt to this sort of environment is the

pair of skylark and the reed bunting, though the latter will likely benefit from the SUDs pond and associated wetland. We would not be able to uphold a refusal based on one pair of skylark being displaced’.

Para 5.1.4 – Kirkwell’s state that ‘In addition, the westernmost field of the site supports ‘MG6 Lolium perenne- cynosurus cristatus’ unimproved grass land’.

GMEU responded that:

‘MG6 grassland is not unimproved grassland as noted it covers a range of typical grazed farmland ranging from Semi-improved neutral grassland to improved grassland, dependent on the level of wildflowers present. It is a widespread and typical habitat of open farmed countryside’.

Paras 5.1.5 – 5.1.7 Kirkwell’s noted that the layout of the development has not followed the recommendations of the ecological report.

GMEU responded that:

‘This is not unusual with developers rarely taking on board all the recommendations in the various reports they commission. Given none of the habitats lost are of high value, we would not regard this a reason we could object. Only when a clearly avoidable high value habitat or protected species is being lost would we utilise the mitigation hierarchy of avoid, mitigate and compensate’.

Para 5.1.9 Kirkwell’s noted that Field A is the MG6 grassland as noted above.

GMEU responded that:

‘This is a low to medium value grassland dependent on the floristic diversity. I would not expect this to be re-created. The consultants have classed it as medium value in the net gain assessment. As noted, this is not a particularly diverse grassland and is dependent on grazing. Other medium value grasslands are being created on-site, though the actual species mix has not been spelled out. The off-site compensation as yet to be identified is likely to consist of grassland and could include MG6 grassland, though I would recommend a higher value grassland such a MG5 lowland hay meadow was utilised’.

Paras 5.1.10 – 5.1.15 relates to the level of loss on-site.

GMEU responded that:

‘They are clearly correct that more could theoretically be achieved on-site if the level of housing was reduced. This is more a planning issue than an ecological argument i.e. is the development compliant with the allocation: are they putting more houses on the site than the policy was aiming for. None of the habitats on site are irreplaceable and there are no particular species issues. Therefore, whilst always better to have more on-site from an ecological perspective we would not object based on the habitats and species impacts for this development if off-site compensation was provided’.

In conclusion:

Policy NE1 requires that all development proposals should, appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

Officers have fully considered the implications of the development on biodiversity throughout the application process and have had ongoing discussions with the applicant, their ecologist and GMEU to ensure that the development meets with the provisions of the relevant local and national planning policy.

Although it is accepted that more could theoretically be achieved on-site if the level of housing was reduced, the development is in accordance with the provisions of Policy HS1/2 which notes that the development of the site would be acceptable at around 184 dwellings. Officers regard this proposal as being at an acceptable level at 200 houses. There is quality landscaping and open space to be provided within the site which will help to achieve an on-site provision of biodiversity units, and this will be controlled through the use of a condition to remain at 22.63 biodiversity units.

As noted by GMEU, none of the habitats on site are irreplaceable and there are no particular species issues. Therefore, whilst always better to have more on-site from an ecological perspective it is accepted that the balance of Biodiversity units can be secured off site.

It has been negotiated with the applicant that a 10% overall net gain will be achieved as a result of the development. The requirement for 10% is not yet mandatory and is in excess of 'net gain' required by local policy and national legislation; it is considered good practice. Under the Environment Act 2021, it is expected that it will be compulsory to deliver net gain from November 2023 of 10%; whilst this is not mandatory, Prospect Homes have confirmed they are committed to achieving that through this development.

The government guidance directs that on-site mitigation should be explored, as it has been through this proposal, and if necessary, the improvement and creation of off-site habitats can be appropriate to mitigate any on-site losses. The Department for the Environment, Farming and Rural Affairs Biodiversity Metric generates a numerical figure for biodiversity gain or loss, and loss can then be mitigated through financial contribution to improvement of local sites at a fixed financial value per Biodiversity Unit. The proposal off site and on site provision, therefore accords with the mitigation hierarchy in national policy.

The 10% net gain has been successfully negotiated with the developer and the relevant monies will be secured through the S106 agreement. The Council will retain the control of where this money will be spent. The levels of contribution weigh in favour of the development in the planning balance.

Therefore, with the inclusion of the on-site and off-site contribution, and the conditions as listed at the end of this report, Officers are satisfied that the development is acceptable and in accordance with the relevant planning policy in this regard.

- **Flood risk/surface water drainage**

Members requested that further information is provided specifically in relation to the SUDS across the development, capacity and flooding, and how this will be mitigated.

Also, post construction management and maintenance of the SUDS, including safety measures.

Policies CC4 and CC5 in the Burnley Local Plan are relevant and are in place to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere and to assist in minimising surface water runoff from sites.

Following December's committee, the applicant has undertaken a further assessment of the proposed drainage strategy focusing on the culvert to the north-east, water attenuation basin to the north, and the overall improvements to the currently uncontrolled surface water runoff which has current impacts on the properties on Wilkie Avenue and New Road. This has been provided to the LLFA for further comment.

The proposed Technical Note shows the water run off rate for all hard surfaces on the site will be restricted to a rate of 35.8 litres per second. This restricted run-off rate includes all flooding events up to a 1 in 100-year event plus allowance for climate change in accordance with Lancashire County Council approved approaches. The controlled run off rate is a significant improvement on the current uncontrolled run off rate for 170 litres per second.

The applicant has also confirmed that the drainage strategy intercepts water that currently flows off the site and diverts this towards the attenuation basin to the north of the site, away from Wilkie Avenue. The attenuation basin would sit at 1.5m below existing garden boundary levels and is of sufficient scale to hold water in a 100-year floor event (plus climate change allowance), enabling discharge to the culvert to the northeast at the maximum rate of 38l/s. It is also confirmed that the assessment and calculation of peak run off flows and the scale of the existing culvert confirms that the diameter at 60cm is entirely sufficient for the runoff rates anticipated.

Only the eastern third of the basin will permanently wet, with the remainder only in use for part of the year. A permanent water level of 30cm will be within the eastern third as a biodiversity improvement feature.

The water level therefore will remain below the adjacent land and properties with a further 0.5m height difference between the 1 in 100-year fill level, and the top of the basin.

In terms of the management and maintenance of the open space areas and the SUDs on the site, the applicant has confirmed the following:

- The headwall, channel through the SUDS Basin, and outflow will all be offered up to United Utilities for adoption under the S.104 agreement.
- The wider basin area beyond the central channel will be privately maintained as POS by the Private Management Company Management Company will be set up by the applicant to manage the areas of open space incorporating the SUDS basin.

These areas are shown in Fig 1 below. The establishment of this management company will be a requirement as part of the s106 agreement with the Council and will be retained in perpetuity. The applicant has also confirmed that the attenuation basin

will be designed, managed and maintained in accordance with all the relevant health and safety requirements, and will for the significant majority of the time (i.e. outside of significant flooding events) have a depth of water of between zero centimetres and thirty centimetres.

The applicant has also addressed matters raised in relation to septic tanks on Glen View Road and have confirmed that they have approached the residents at 91-97 Glen View Road and offered to connect their sewage systems (septic tanks) to the proposed development's foul water system which then connects to the main sewers. This offer has been declined but the applicant confirms it remains an open offer to the residents / landowners at the time of writing this report.

As the offer has been declined, the applicant has designed the drainage system to enable these septic tanks to remain in place unaffected and the applicant will grant the necessary access rights over its land to enable owner of the septic tanks to manage and maintain them. This is welcomed, but in any case, access to them is not a planning matter for consideration here.

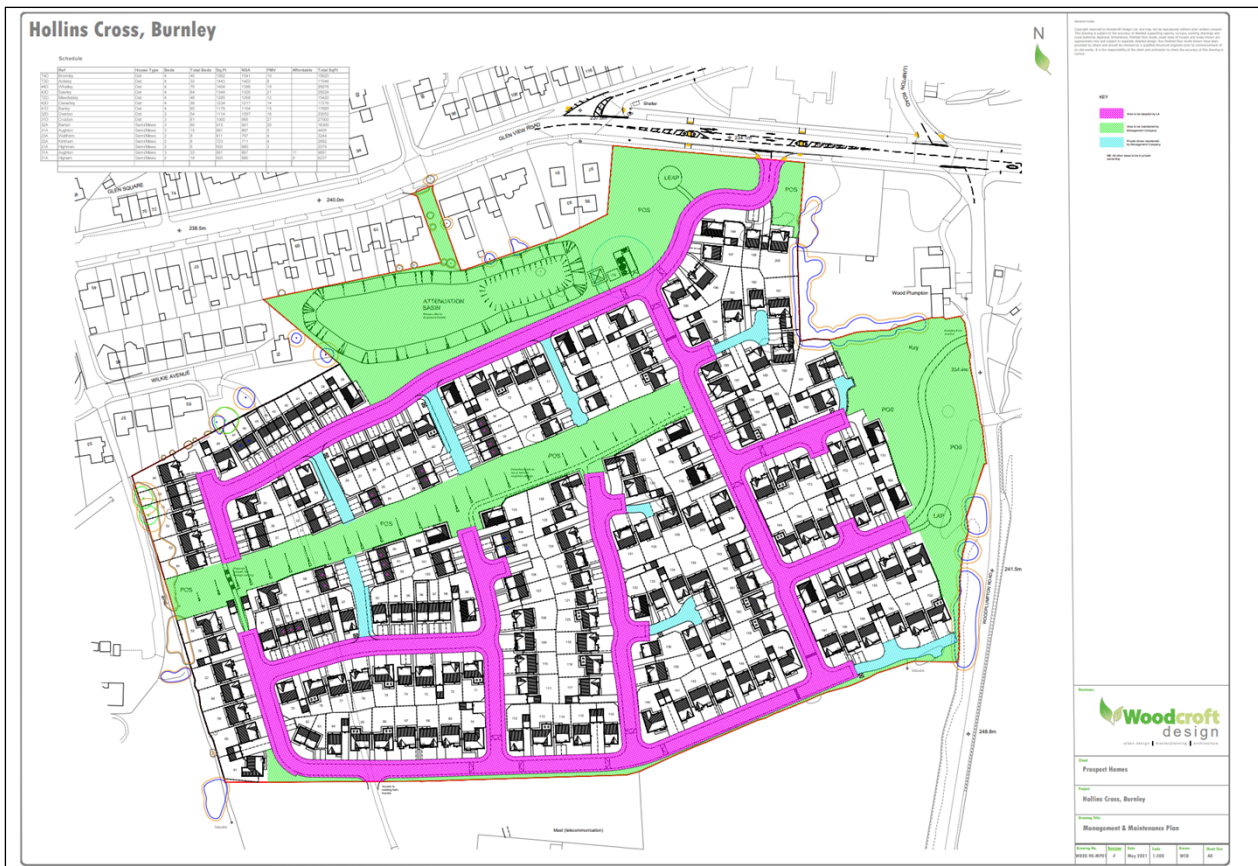


Fig 1: Management and maintenance areas (SUDs and open space in green)

The Lead Local Flood Authority have confirmed that their position as previously stated in the previous committee report remains unchanged. They have reviewed the further information submitted (Supplementary Planning statement, December 2022, Prospect Homes and REFA) and are satisfied that all required details can be secured by applying, in full, the conditions recommended previously. Albeit in light of further information being submitted, they have recommended that paragraph 2 of the

recommended condition 2 (Final Surface Water Sustainable Drainage Strategy) shall be updated to read:

‘The details surface water sustainable drainage strategy shall be based upon the site specific flood assessment *and indicative drainage strategy and drainage calculation report* submitted and sustainable drainage principles...’. This amendment has been made to the condition at the end of this report (no 24).

They have also commented as set out below:

‘a) The applicant has now clarified in section 4.8 of the submitted Supplementary Planning Statement (December 2022, Prospect Homes), that the proposed SuDS will be maintained by a private management company. As the SuDS will not be offered for adoption, a Section 106 agreement, secured in agreement with the Local Planning Authority, should be entered into prior to the grant of any planning permission to ensure the in-perpetuity maintenance of the SuDS.

b) The Lead Local Flood Authority now understand that the applicant intends to install a cut-off ditch around the southern boundary of the site to intercept runoff from higher land, which will discharge to existing watercourses in the east. Full details of this can be secured at the discharge of conditions stage via our previously recommended planning conditions. For the avoidance of doubt, the Lead Local Flood Authority expect this to be located within an area of public space and provided as an open swale for maintenance access as this will be a critical asset in protecting the development from runoff from higher land.

c) In an exceedance event, flows from the pond will be directed towards the proposed site access road via a spillway. It is recommended that this route is formalised by landscaping such as providing a shallow swale towards the site entrance at the detailed design stage. Careful consideration will also need to be given to how this will operate with regard to the levels (curbs etc.) of the access road. Full details of this can be secured at the discharge of conditions stage via our previously recommended planning conditions’.

As such with the added information and confirmation from the Lead Local Flood Authority as statutory consultee, and the inclusion of their recommended conditions (as amended), officers remain satisfied that the development is in accordance with the relevant local and national planning policy in this regard.

- **Adaptable/Accessible homes.**

Members highlighted that although there are a number of adaptable homes on the development, there is no clarification in terms of accessible homes.

Policy HS4 part 4 requires that:

‘For scheme over 10 dwellings, 20% of dwellings should be designed 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’. (Part M4(2) of the building regulations relate to Category 2 homes which are Accessible and Adaptable).

The provision for adaptable homes on the site does, in effect make these homes accessible for all types of users. There is no specific requirement within the policy for accessible homes.

As noted in the previous report 65.5% of homes on the development will be built to M4(2) standards (shown on Fig 2 below), which is well in excess of the 20% local policy and building regulation requirements. The plan also demonstrates that whilst the allocated housing site has relatively steep topography in areas, the majority of the homes at the lower areas to the north of the site are M4(2) compliant, including all homes at the entrance to the development which are the closest to existing sustainable transport routes on New Road.

For clarification, the key differences between M4(2) and non M4(2) homes include;

- level door thresholds throughout,
- wider approach routes and parking bays,
- larger bedrooms and staircases,
- bathrooms and toilets all having structural features sufficient for mounting of support such as grab rails,
- and a ground floor toilet sufficient in size to accommodate as shower with appropriate drainage connections in place.

A condition has been included which ensures that this provision is made on the site thought confirmation and a verification report to be approved by the local planning authority.



Fig 2: Location of M4(2) homes on the site

Accessibility of the site in terms of the open space is discussed in the next section of this report.

Therefore, with the inclusion of 65.5% M4(2) homes on the site which weighs in favour of the development in the planning balance, and the condition as listed at the end of this report, Officers are satisfied that the development is acceptable and in accordance with the relevant planning policy in this regard.

- **Accessibility of open space**

Members also highlighted at the meeting that the site in general is not very accessible, specific reference was made to the open space in the centre of the site.

Local Plan Policy HS4 Part 7 states that the development should be landscaped to a high standard of design and the space must be usable, and easily accessible by all residents, including those with disabilities, and provide a safe place to play and relax whilst not causing a nuisance to other nearby residents. Policy SP5 part 5b requires that developments be inclusive and accessible to all and promote permeability by creating places that connect with each other and with existing services and are easy to move through, and as such is also a relevant policy in this regard.

In relation to the accessibility of the site the Greenspaces team have confirmed that the developers have responded to their request for a path to be put in the central area of the site this will allow that area of the site to be accessible and the top and bottom areas of the site to be accessible by prams and wheelchair users through this path. The step remain on the western side of this area and that side is steep and requires steps, a levelled path would not be achievable due to gradients.

The play areas on the site have also been designed to be as accessible as possible and the equipment and layout has been conditioned to ensure this is the case.

The applicant has provided a plan (Fig 3 below) which shows the pavements, footpaths, and permeable links through the site providing access to all homes and open space within, and to facilities off-site. The allocated site has a significant north-south gradient to the western edge, with results in the highway being to the eastern side, to be of an adoptable standards, and the steps at the western end of the central green space being required.

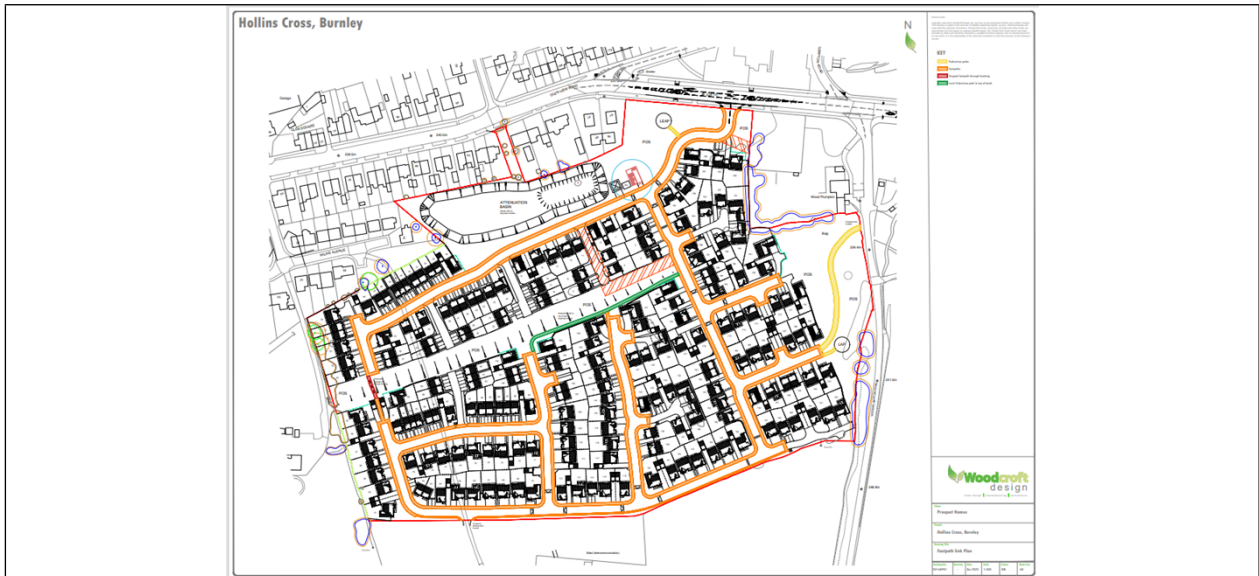


Fig 3: Footpath link plan

The plan also incorporates an accessible path through the central POS which has already been added to the layout at the request of the local planning authority to reduce the impact of the necessary steps to the west. The path ensures that residents can move between the properties to the southern side of the central open space, to the site entrance, without needing to use the pavements to the southern extent of the site, which would require greater changes in level.

Officers have also approached the Greenspaces team at the Council with regards to the option of upgrading facilities at Rosehill Road instead of the proposed Scott Park.

Their response to this is provided below:

'The Hollins Cross development is within the Coalclough with Deerplay ward and as such we feel that due to the lack of recreational facilities provided for older children and teenagers on site that it would be best to ask for an off-site contribution of £75,000 towards informal recreation provision at Scott Park which is the nearest District Park to the housing site and is also situated within the Coalclough with Deerplay ward.

As it is a District Park it has a larger catchment area than a single play area site. The improvement to informal recreation provision would bring added benefit and play value to the Park.

In Burnley's adopted Green Spaces Strategy, the accessibility standard for a District Park is 15 minutes' walk or 1.2km. Thus, the distance between the Hollins Cross site and Scott Park would be well within this recommended local standard.

The Healey Heights ball court on Rosehill Road (within the Trinity ward) is in decent condition and only really needs re-line marking and potentially re-colouring. We have already identified the upgrade work necessary for this ball court within the Football Foundation's Play Zone funding portfolio which we hope to pursue in 2023/24. As part of the funding criteria, we must contribute 25% match funding towards any improvements.

As such, we could use some of the £75,000 towards match funding of the ball court as well as upgrading/improving the existing path network between Healey Heights and Healeywood. This would be a mixture of upgrading most of the stone surface paths as well as taking out some paths that are not needed. Subsequently, if we were to utilise part of the money from the Section 106 contribution, then we would suggest that £20,000 be set aside for this purpose and the remaining amount (£55,000) be assigned to Scott Park'.

They have also confirmed that the full £75000 towards Scott Park is their preferred way of spending the monies. The applicant is entirely flexible in terms of where the money is spent.

In conclusion

Officers have adjusted the recommendation at the end of the report so that there is flexibility in regard to where the monies should be spent, rather than restricting this to Scott Park only. As such the finer details of where the monies can be spent can be negotiated through the S106.

Officers are satisfied that the development is acceptable and in accordance with the relevant planning policy in this regard.

- **How will the works manage traffic and improve highway safety:**

Members also made comment in relation to how the works will manage traffic and improve highway safety.

Local Plan Policy SP5 parts 5a and 5b seek to incorporate and promote sustainable methods of transport, including cycle routes, walking routes and good links with public transport, and be inclusive and accessible to all and promote permeability by creating places that connect with each other and with existing services and are easy to move through.

The traffic and highways safety and accessibility of the development has been comprehensively detailed in the first planning committee report and officers do not consider it is necessary to repeat this information in this report. However, for clarification, in order to assess the sustainability of the site in terms of transportation, and the benefits of the proposed highway improvement works, a further Technical Note has been produced by Eddison's Transport Consultants. This concludes that;

'the site is located within a sustainable location. The development proposals have been designed to ensure that they link with the existing infrastructure located within the vicinity of the site.

It is therefore concluded that the proposed development is accordance with both local and national planning policy'.

Notwithstanding this, the accessibility of the site was also considered during the Local Plan process and found to be appropriate by the Planning inspector through the Examination process.

The proposed vehicular access arrangements to the site have been agreed with Lancashire County Council and include pedestrian islands, and additional tactile pavings and junctions.

The vehicular transport improvements will incorporate a formal right hand turn off Glen View Road into the site, and the speed limit on Glen View Road is to be reduced from 40mph to 30 mph, starting 90m east of the site access.

The Technical Note also confirms the following:

- The proposed access junctions off the A646 New Road have been designed to accord with highway design standards and will have sufficient capacity to accommodate the proposed development traffic.
- The A646 New Road /A671 Todmorden Road/A646 Bacup Road signal-controlled junction will be able to accommodate the traffic likely to be generated by the proposed development.
- The proposed development will have a minimal impact A682 Manchester Road/A646 Rossendale Road/A674 Glen View Road signal-controlled junction based on the existing signal staging. In addition, a potential mitigation scheme can be provided at the junction which will further reduce the impact of the proposed development on the junction.

For clarity, the original committee report shows the access arrangements as proposed.

Following committee, additional comments were sought from the Highways Authority. They continue to support the application.

'The works have two elements to them, the immediate junction provides pedestrian crossing island and associated tactile paving's to the closest bus route which will also have the improved stops and additional buses at a later date.

The second element will provide additional funds for the replacement of the traffic signals at Manchester Road - Glen View Road, which alongside other monies from other developments will provide pedestrian crossing facilities at the junction an improved system for vehicle movements and further improved timing reflecting the more current traffic flows, alongside other bus stop improvement works'.

With the inclusion of the S278 works at the access, the bus service/stop improvements, the monies secured through s106 and the conditions listed at the end of the report, officers are satisfied that the development is acceptable and in accordance with the relevant planning policy in this regard.

- **Other Matters:**

Use of Pre commencement conditions: It was also raised at Development Control Committee that there were too many pre commencement conditions listed and that information should be available upfront for members to consider. As such officers would like to provide clarification in relation to the use of pre commencement conditions in planning permissions.

Pre-commencement conditions are those conditions on a planning permission which must be fulfilled before work starts on site or before the use of land changes.

Due to historical overuse of pre commencement conditions by local planning authorities and the associated resultant delays in developments commencing the government introduced the 'The Town and Country Planning (Pre Commencement Conditions) Regulations 2018'. This came into force to ensure that planning permission for the development of land may not be granted subject to pre-commencement conditions without agreement of the applicant. This in turn kept the number of pre commencement conditions to a minimum as applicants would not agree for these to be dischargeable prior to commencement of development unless it was absolutely necessary.

The government's stated aim is to reduce the time lag between planning permission being granted and work commencing on site. It sees the need to reduce 'the number of unnecessary and otherwise unacceptable conditions attached to permissions' and 'to ensure that conditions are only imposed where they meet the tests that are currently set out in the National Planning Policy Framework. Such pre-commencement conditions should only be used where there is a clear justification.

Having reviewed the conditions listed at the end of this report, which have been agreed with the applicant, officers are satisfied that the pre commencement conditions proposed are necessary and meet the relevant tests in relation to their use.

Conclusion

The proposal seeks to develop a site that is acceptable in principle as it is allocated for housing purposes in Burnley's Local Plan. The proposed scheme has been amended since first submitted and proposes a high-quality scheme, in line with the requirements of local and national planning policy as set out in the report. Specifically, the following is delivered as part of the development

- Low density housing with a housing mix providing excess of the policy requirements in terms of 4 plus beds and 3 bed housing (weighing in favour of the development in the planning balance)
- Protection of the amenities of neighbouring properties in terms of distances and overlooking.
- A safe access and egress to and from the site, with a resultant reduced speed limit and safe pedestrian links
- Contribution towards the upgrading of an under functioning junction in the vicinity which will provide improvements to traffic flows
- Contribution towards improved bus services within the area and upgraded bus stops for local people
- Provides 2 play areas for younger children within the site and additional functions open space for use by residents
- Contributions towards facilities for older children at Scott Park
- Improvements to the design of the houses, including the proposed materials
- Significant carbon reduction measures
- High quality landscaping throughout the site
- Adaptable housing in excess of policy requirement (weighing in favour of the development in the planning balance)

- Affordable housing in excess of policy requirement (weighing in favour of the development in the planning balance)
- Education contribution which will provide the uplift in secondary places required as a result of this development.
- Contribution to Biodiversity Net Gain off site £384600, with overall net gain across the development of 10% uplift

The NPPF states that decisions should apply a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. The late objection received has been considered, and additional information requested by Members has been provided in the report. Officers consider that proposal complies fully with the development plan and there are no material reasons to outweigh this finding in which case the application should be approved.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the conditions listed below and the applicant entering into a section 106 Agreement to secure the following:

- Education £569,319
- 10% affordable housing
- Public Open space off site contribution £75000
- Biodiversity off site contribution: £384600
- Highways off site contribution £60000 towards bus service improvements
- Highways off site contribution £70000 towards upgrade of junction
- £26140 Bin provision
- Open Space Management and Maintenance Plan (including SUDs area in perpetuity)
- Management and maintenance details for any sections of highways within the development which are not to be adopted in perpetuity.

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.
 - Application form received 13th May 2022
 - Topographical survey sheets 1,2,3
 - Site Location Plan WD20 90 LP01A
 - Existing site Plan HCB ESP 001
 - Planning Layout WD20-90-DL01 Rev H
 - Landscaping proposals GL1942 01, GL1942 02GL1942 03 and GL1942 04
 - Revisions F
 - Boundary Treatments WD20 90 BT01 Rev H
 - Material finishes WD20 90 MF01 Rev H
 - Drainage Strategy 21061- 100- 1B

- Drainage Strategy 21061-100-2-B
- Drainage Strategy 21061 100 3 A
- Supplementary Planning Statement, dec 2022 Prospect hHome and REFA)
- Affordable Housing plan HCB AHP01
- Refuse Layout WD20 90 RL 01 Rev H XXX
- Garages SG 001
- House Type Booklet Dated Aug 2022
- Management and Maintenance Plan WD20-90-MP01 Rev H
- Arboricultural Impact Assessment
- Ecology Surveys
- Energy Efficiency Statement
- Flood Risk Assessment
- Geo Environmental Investigation Report
- Noise Impact Statement
- Transport statement inc Travel Plan
- Water Vole Survey Report
- Construction Method Statement
- Amended Planning Statement Addendum

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

Phasing plan

3. Prior to the commencement of development, detailed phasing plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved phasing plan.

Reason: To ensure a satisfactory development in accordance with the provisions of the Policies SP5 and IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Floor levels

4. Prior to the commencement of development on the site, details of the finished floor levels and existing and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

Reason: To ensure a satisfactory development in accordance with the provisions of Policy SP5 and IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Materials

5. Prior to their use in the development hereby approved, details of the materials to be utilised shall be submitted to and approved in writing by the Local Planning Authority for the following:

External walls and roofs of the dwelling houses and garages
Rain Water Goods
Windows and doors
Boundary walls
Driveway surfacing

The development shall be built in accordance with the approved details only.

Reason: In the interest of a high-quality finished development and visual amenity in accordance with the provisions of Policy SP5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Highways

6. Prior to the commencement of development and scheme and programme for the access and egress from Hollins Cross Farm, Hollins Cross Farm Barn and Hollins Cross Cottage shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the development process.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 and the provisions of the National Planning Policy Framework.

7. Garage wall hanging cycle storage suitable for 2 bicycles shall be provided within each garage with a separate secure cycle storage facility, suitable for two bicycles being provided for units without a garage.

Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. Prior to the occupation of each dwelling house garage wall hanging cycle storage suitable for 2no bicycles shall be provided within each garage with a separate secure bicycle storage facility, suitable for 2no bicycles being provided for units without a garage.

Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. In line with the approved phasing plan, prior to the occupation of the dwelling houses, verification report shall be submitted to and approved in writing by the local planning authority which demonstrates the houses have achieved the adaptable homes standards set out in the application (at 65% of homes on the site). The houses shall be built to the approved standard.

Reason: To ensure that adaptable homes are provided at the agreed level of 65% which is more than the policy HS4 (part 4) requirement of the Burnley Local Plan.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highways works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a s278 Agreement, under the Highways Act 1980. Thereafter the site access and off-site highway works shall be completed in accordance with the approved scheme prior to first occupation of the development hereby approved.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

11. Prior to the occupation of the first dwelling house hereby approved, drop kerbs shall be installed at the carriageway edge and a vehicle cross over constructed across the footway (and /or verge) fronting the site in accordance with the approved plans. These shall thereafter be retained for the duration of the development.

Reason: In the interest of traffic and highway safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

12. The new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will also be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

14. No building or use hereby permitted shall be occupied or the use commenced until the car parking area for that building has been surfaced or paved in accordance with a scheme prior approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times for the duration of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

15. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption 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, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

16. Once the access to the existing dwellings at Hollin Cross Farm has become redundant due to the development, the agricultural field access shall be reinstated to the pre-development arrangements and the track grubbed up and replanted as a grassed area, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interest of traffic and highways safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

17. Prior to its occupation, each house shall be fitted with an electric vehicle charging point at in line with regulations at the time of installation.

Reason in the interest of encouraging sustainable travel in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

18. Notwithstanding the approved plans, prior to the commencement of development a scheme and programme shall be submitted to and approved in writing for the final parking provisions on the site in accordance with the provisions of the Burnley Local Plan. Parking provision shall be implemented in accordance with the approved details and be fully available for use prior to the occupation of each unit.

Reason: In the interest of traffic and highway safety in accordance with Policy IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Play provision

19. Prior to the occupation of any dwelling houses hereby approved, a scheme and programme shall be submitted to and approved in writing by the Local Planning Authority for the play areas to be provided within the site. Details shall include but not be limited to:
- Specific play provision, including surfacing materials
 - Boundary treatment
 - Timings of installations and expected availability for each play areas.
- The play areas shall be installed strictly in accordance with the approved details and retained as such for the duration of the development.

Reason: To ensure adequate open space/play areas are provide don site for the proposed development in accordance with Policy HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework
Bins

20. Waste and recycling receptacles shall be kept at the rear of the dwelling units apart from collection days, unless otherwise prior approved in writing by the Local Planning Authority.

Reason: In the interest of a high-quality finished development and visual amenity in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Contamination

21. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as

identified in the verification report, and for the reporting of this in writing to the Local Planning Authority’.

Reason: In the interest of Environmental Protection in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

22. No development shall take place on each phase until a site specific Construction and Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Noise monitoring protocol
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 14 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours;
 - Control measures for dust and other air-borne pollutants, including on-site wheel washing facilities;
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interest of protecting residential amenity, in accordance with the provisions of Policies SP5 and NE5 of the Burnley Local Plan and the National Planning Policy Framework.

Surface Water drainage

23. 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 (14.12.21, 680259-R1(02)-FRA Issue 02, RSK). 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.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

24. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative drainage strategy and drainage calculation report submitted and sustainable drainage principles submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

- c) Evidence of an assessment of the existing on-site watercourse(s) to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

25. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

26. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in

accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

27. The occupation of each phase of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy CC4 of the adopted Burnley Local Plan and the provisions of the National Planning Policy Framework.

Ecology

28. Prior to any site clearance the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) an updated preliminary ecological appraisal and updated species surveys;
- b) any species survey updates determined as requiring an update and;
- c) additional mitigation and or measures provided for any new ecological value or constraint not identified in the original reports

Any additional mitigation shall be provided in accordance with the approved additional reports.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

29. Prior to the clearance of scrub or areas of rush pasture a reasonable avoidance measures method statement for mammals and common toad will be provided to and agreed in writing by the local planning authority. The measures identified shall be implemented in accordance with the approved method statement

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

30. Prior to the clearance of the site a bird nesting and bat roosting plan shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the plan and any mitigation implemented in accordance to identified timings.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

31. No works to trees, hedge or shrub or earthwork shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

32. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class A of Part 2, Schedule 2 of the Order shall be carried out within the curtilage of Plots 49-56.

Reason: In the interest of protecting the landscape character in accordance with the provisions of NE3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework

33. Prior to the commencement of development hereby approved, a biodiversity net gain plan will be submitted to and approved in writing by the local planning authority. This plan shall detail, in full, measures to protect and enhance retained habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 22.63 Biodiversity Units. Within the biodiversity net gain plan the following information shall be provided, but not be limited to:

- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary negative impacts on retained habitats and areas proposed for habitat creation;
- Planting schedules including proposed species, planting or sowing density, size of plant material and seed source(s) for both habitat creation and or habitat enhancement purpose;
- Proposed management prescriptions for all habitats created or enhanced including measures designed to enhance conditions, for a period of no less than 20 years;
- Timetable of delivery for all habitats both in terms of distinctiveness and condition.
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all

recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority;

- Information on organisations responsible for implementing, managing and monitoring

The development shall be undertaken and thereafter maintained in accordance with the approved biodiversity net gain plan

Reason: In the interest of protection of biodiversity and ecological networks in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

34. Notwithstanding the plans submitted, and prior to the commencement of development, a full revised scheme and programme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both hard and soft landscaping works to include, but not be limited to:

Proposed finished levels and contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, indicating lines, manholes, supports etc); and proposed for restoration where relevant. Soft landscaping works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed number/ densities where appropriate. All hard and soft landscaping shall be carried out in accordance with the detail provided in the scheme. Should any planting die, become diseased, or be removed it shall be replaced within the same or is not possible, next planting season and be retained in accordance with the approved scheme.

Reason: In the interest of protecting the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

35. Prior to the first occupation of the development hereby permitted, a management and maintenance plan shall be submitted to and approved in writing by the local planning authority for the management and maintenance of all the open space on the site which will not be in direct ownership. The plan shall be implemented in accordance with the approved details and the areas management for the duration of the development.

Reason: In the interest of ensuring a quality development for the duration of its lifetime in accordance with the provisions of Policy SP5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Informative:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.

2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

3. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

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06.01.2023