

**Application Recommended for Delegation to
Approve subject to s106 Agreement**

OUT/2023/0294

Gawthorpe Ward

Town and Country Planning Act 1990

Outline application for erection of up to 40 dwellings including details of access from Grove Lane (all other matters reserved for future approval). Proposal Affects Public Footpath no. 22

Land To The South Of Grove Lane Padiham Lancashire

Background:

The application is presented to committee as objections have been received.

The proposal seeks outline permission, including approval for access, for a residential development up to 40 dwellings on a long stretch of 1.99ha of land at the former Baxi site at the easterly edge of Padiham. Matters relating to layout, scale, appearance and landscaping are reserved for subsequent approval. Outline planning permission on this site for up to 40no. dwellings has been previously approved (application APP/2018/0598) but lapsed in May this year. The current application is similarly for outline approval for up to 40 dwellings with a new access from Grove Lane. The application site is within the Development Boundary with the exception of the easterly tip of the site which is designated as Green Belt, as indicated on the Policies Map of Burnley's Local Plan.

Part of the western portion of the site was previously occupied by an office building which has been demolished. Part of the site was also previously used as car parking for the former Baxi factory site with access from the main Baxi entrance at Wyre Street. The site is currently being partly occupied by a temporary office building occupied by the Environment Agency as part flood defence works in Padiham. The remainder of the site which bounds the south side of Grove Lane is under grass. The southern boundary of the site is marked by the edge of the former built-up factory works that were demolished in 2018.

Public Footpath No. 22 (Ightenhill) crosses the easterly tip of the site and follows the perimeter of the former Baxi factory site and also links with the footpath network within the surrounding open countryside. Public Footpath 21 (Ightenhill) passes along part of Grove Lane to the north side of the site.

The northerly site boundary along Grove Lane is defined by a hedge from where the land falls away into the site. There are also groups of trees on the steep banks of the site parallel to Grove Lane and to the western side of the site.

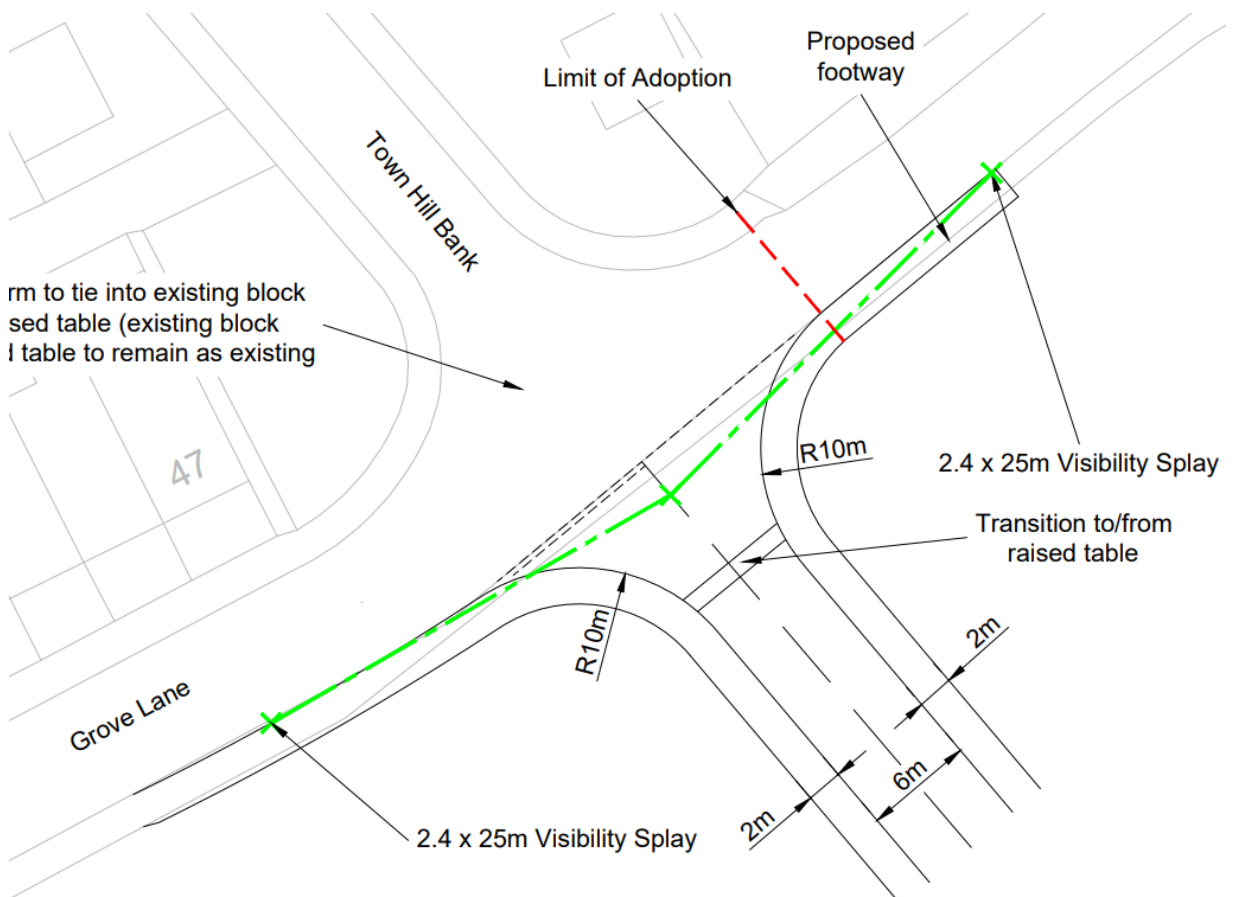
An Indicative Site Layout has been submitted with the application, as displayed below, to provide an indication of how the mass of up to 40 dwellings could be accommodated on the site with some areas of open space at the easterly tip of the site and the site's south west corner.

Proposed Indicative Site Layout



The proposal involves constructing a new access into the site from Grove Lane, forming a crossroads with Town Hill Bank. The submitted junction plan indicates that there would be a visibility splay of 2.4m by 25m in each direction along Grove Lane.

Proposed new access junction



The proposed access is designed as a new arm of a raised table junction to tie in with the existing Town Hill Bank/Grove Lane junction. The width of the access road at the site entrance has been increased from 5.5m to 6.0m at the request of the local highway authority.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure
- HS1 (HS1/5) – Housing allocations (Former Baxi site)
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

Material Considerations

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

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

The National Planning Policy Framework (2023)
National Planning Practice Guide
National Design Guide (2021)

Site History:

APP/2014//0042 – Outline application to replace existing redundant manufacturing facility with 300 dwellings and associated public open space, including details of access (all other matters reserved for future approval). Withdrawn.

APP/2016/0438 – Outline application for erection of approx. 50 dwellings including details of means of access from Grove Lane (all other matters reserved for future approval). Withdrawn March 2017.

NOT/2017/0474 – Demolition of factory buildings. Approved October 2017.

APP/2018/0598 - Outline application for erection of up to 40 dwellings including details of access (all other matters reserved for future approval). Approved subject to s106 Agreement 18th May 2020.

Consultation Responses:

LCC Highways

No objection to the general principle of the location and layout of the access. The developer would need to enter into a s278 Agreement to provide the following:

- a suitable footway to be formed on the Grove Lane to the north east to ensure that the visibility splay can be maintained;
- additional road markings on all the approaches to the new junction that is to be formed;
- signage (crossroads ahead);
- a street lighting assessment/replacement to current standards from outside No 7 Grove Lane up to and including the newly formed crossroads or access;
- There is a commemorative bench within the vicinity of the access it is expected that this bench will be accommodated and remain within the immediate area;
- A traffic count should be undertaken to ensure that the proposed length of the visibility splay is acceptable;
- It is expected that the access road is to mirror the junction table that currently exists at the junction of Grove Lane and Town Hill Bank, it should also be block paved.

Provision should be made within the south west part of the site for a footpath to link to the area beyond where proposals for flood alleviation works are being prepared.

Conditions are recommended to require a Construction Management Plan; to restrict construction deliveries outside peak traffic period; to require highway and hardstanding surface water drainage; to require a scheme for the site access and off-site highway works; to require the highway works to be constructed prior to occupation; to require the provision and retention of off-road parking and to restrict any change to an approved garage that would remove its use for parking.

LCC Public Rights of Way

No objection to the proposed site access. The site plan indicates cycling and pedestrian access from Grove Lane via the main vehicular access and a pedestrian link to the existing public right of way. The new links are welcome. However, there are flood defence works being proposed that are likely to alter the line of the existing footpaths, providing opportunities to improve them and also create new connections towards Padiham town centre. As a result, as part of the reserved matters application for the proposed site layout, new pedestrian and cycleway links should be provided to the south western corner of the site boundary to facilitate a future link to Wyre Street. Additional connectivity on the south side of the site boundary is also requested. A s106 contribution was initially requested to facilitate a pedestrian link to Wyre Street but this has been withdrawn whilst the Environment Agency finalise their plans for the flood defence works.

Lead Local Flood Authority (LLFA)

No objection subject to the inclusion of conditions to require the following:- the development to be in accordance with the submitted Flood Risk Assessment; a final surface water sustainability drainage strategy, a construction surface water management plan, a sustainable drainage system operation and maintenance manual and a verification report of the constructed sustainable drainage system, all to be submitted and agreed.

United Utilities

There are United Utility assets that cross the site that will affect the layout of the

development. A condition is recommended to require a sustainable surface water drainage scheme and a foul water drainage scheme.

Environment Agency

No objection subject to conditions being imposed to require a contaminated land assessment and remediation strategy, a verification report prior to occupation in any phase and a long-term monitoring and maintenance plan in respect of contamination.

Greater Manchester Ecology Unit (GMEU)

A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and Biodiversity Metric have been submitted with the application. The submitted metric currently shows that proposals will result in a small overall net gain in area based habitats and a large gain in linear habitat. Further assessment will be necessary based on a detailed landscape scheme in order to ensure that overall impact of the proposal maintains a net gain rather than a loss in biodiversity. The submitted Appraisal indicates that the development may negatively impact foraging and commuting bat species and recommends a hedgerow is planted to the site's southern boundary. Any reserved matter application should include full landscaping plans and include this hedgerow. Other conditions are recommended to control external lighting, to protect birds during the bird nesting season, to require a Construction Environmental Management Plan to protect other species such as hedgehogs and to require a scheme of biodiversity enhancement measures.

LCC Historic Environment Team (Archaeology)

The site is crossed by two 19th century tram roads (PRN6375 & PRN40071) from Ightenhill & Bancroft Collieries into Padiham, with the earlier of the two roads bypassing a small group of buildings fronting Grove Lane (PRN40072) to the south, whilst the latter appears to end at this group of buildings before re-appearing to the west, running along Partridge Hill. The coal mining industry is a significant one within the borough, however few if any colliery tramways survive and even fewer have been documented. They are not so significant as to require preservation in situ at the expense of the development, but they do merit the creation of a record prior to their loss. Details that cannot be obtained from mapping such as information about embankments, cuttings etc are of particular interest, along with evidence of how methods of working varied between horse drawn tubs or haulage systems (such as wire or chain driven by steam engines), both of which are thought to have been used here. Consequently, recommend a condition to require a programme of archaeological work. This should be carried out prior to any development of the site.

The Coal Authority

The application site falls within the defined Development High Risk Area due to coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that the application site is in an area of recorded and likely unrecorded underground coal mine workings at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. In addition, there are two off-site mine entries (shafts) located adjacent to the site boundary with their associated zones of influence extending into the site. The submitted Coal Mining Risk Assessment recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of shallow coal mining legacy any to inform any necessary remedial measures to consolidate these workings. The application is in outline with layout reserved for consideration at

a later date. Intrusive investigations must be undertaken prior to the submission of any Reserved Matters application relating to layout. The Coal Authority recommends conditions to achieve this and to secure the implementation of any remediation measures that may be necessary.

LCC Schools Planning Team

The most relevant sections of the response from LCC are copied below. The full copy is available to view on the Council's web site or can be provided on request.

Education requirements have been identified. This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met. The latest information available at this time was based upon the latest School Census available and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 6 secondary school places. However, LCC will not be seeking a contribution for primary school places.

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced. In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply: Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have. This assessment shows the level of impact on primary and secondary school places relevant to the following development and provides details on the level of contribution required to mitigate the development impact.

LCC will apply the accurate pupil yields to our assessment on full and reserved matters applications, as the bedroom mix is known at this stage. On outline applications, LCC will apply the 4 bedroom yield, to provide an initial worst case scenario. The accurate pupil yield will be calculated at reserved matters stage as required.

Primary:

Latest projections for the local primary schools show there to be 230 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 16 school places. There are also pending applications expected to generate demand for a further 92 school places. With an expected pupil yield of 15 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Secondary:

When assessing the need for an education contribution from this development Lancashire County Council considers secondary school provision within a 3 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2028) **	Projected Pupils by Jan 2028 ***
Padiham Shuttleworth College	1107	1070	1139
Burnley High School	580	634	683
Total	1687	1704	1822

Projected places in 5 years: -118 Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2024	JAN 2025	JAN 2026	JAN 2027	JAN 2028
1734	1760	1743	1727	1745

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year Housing Land Supply documents (or equivalent) and migration figures in 5 years' time we forecast there will be 1822 pupils in these schools.

Latest projections for the local secondary schools show there to be a shortfall of 118 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 6 places from this development the shortfall would increase to 124. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 6 places.

Summary and Calculations

This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met. This assessment represents the current position on 15/06/2023 but will be adjusted by indexation at the point of payment. The latest information available at this time was based upon the latest School Census available and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 6 secondary school places. However, LCC will not be seeking a contribution for primary school places. Calculated at the current rates, this would result in a claim of: Permanent expansion Secondary places: = £26,717 per place £26,717 x 6 places = £160,302 [based on the most recent cost per secondary school place].

The infrastructure project(s) where the secured education contribution will be spent to deliver additional school places will be determined at the point at which the application is considered for decision.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments where school land is required, to Lancashire County Council as the education authority, including

indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.

Green Spaces and Amenities

Although there is some provision for on-site Public Open Space within the development, there is no provision for equipped children's play. The development is for family housing and as such, 0.09ha of equipped children's play space per 50 dwellings, or proportion thereof, should be provided. A single plot minimum size of 1200sqm with a minimum of 720sqm equipped children's play space would be required. If a play area is not to be provided on the site then an off-site contribution (based on £350 per bedroom) would be requested and used to upgrade existing recreational/play facilities and infrastructure at Hargrove Avenue.

Publicity

Seven letters of objection have been received from neighbouring properties on Grove Lane. One letter states that they do not object to the development of the brownfield part of the site but object to the remainder. A summary of the points of objection is provided below:-

- Increased traffic on an overcrowded lane, due to double parking of cars and traffic from cars, work vans, farm traffic, traffic to Burnley Football Club;
- Adding 40-80 vehicles to Grove Lane will cause further problems;
- Impact of vibrations from lorries on properties on Grove Lane;
- Already struggle to park on Grove Lane;
- There should be an alternative access to the site, such as Lawrence Street;
- Proposed access would impact on the access to the public right of way;
- Increase in noise and disturbance on what was once a quiet lane;
- Impact on privacy;
- Impact on wildlife, object to the removal of trees/hedges which add beauty to the lane and should be retained to provide a natural screen and to protect wildlife;
- The site should be a wetland to help towards reducing the risk of flooding in Padiham.

Planning and Environmental Considerations:

Principle of Proposal

Policy SP2 identifies a housing requirement between 2012 and 2032 of 3,880 dwellings and a residual requirement of 1,798 dwellings which will be met by site allocations in line with the Council's overall development strategy which is set out at Policy SP4. Policy SP4 identifies Padiham as a Key Service Centre which will be suitable for large scale, major and a variety of smaller housing sites to deliver a comprehensive range of choice of types and tenures of housing. Policy HS1 identifies a total of 32 sites within the borough that will provide the housing requirement to be found from new allocated sites. Policy HS1/5 relates to approximately 8.23ha of brownfield land at the former Baxi site. The current application site which amounts to

1.99ha forms part of this larger site allocation at its northerly end. The application site is within the defined Development Boundary with the exception of the easterly tip of the site which is identified as Green Belt. A proposed indicative site layout indicates that the tapering easterly tip of the site would remain open as a green area and would not be built on. The principle, therefore, of expanding the built-up residential area of the town into this site has therefore been established by Policy HS1/5 of Burnley's Local Plan. Outline planning permission has also been previously granted through application APP/2018/0598 (now lapsed).

Suitability of site for development

Policy HS1/5 states that the housing allocation at the former Baxi site is acceptable for around 244 dwellings and also sets out a number of site specific policy requirements. Whilst most housing site allocations may come forward as a single development, this is not a stated requirement. It is now known that the portion of the allocation to the south side of the application site is part of a scheme that is being prepared by the Environment Agency to provide flood protection measures in Padiham. The main issues relate to how the development would address the site specific requirements of Policy HS1/5 and create a wholly connected and policy compliant development. This application is made in outline form only but includes details of the proposed access from Grove Lane. In respect of the amount of development, the outline application is for up to 40 dwellings. This was previously accepted as an appropriate amount of development that can be accommodated on the site. This would lead to a density of approximately 20 dwellings per hectare which is a relatively low dense development but reflects the constraints of the site in respect of levels and the need to retain trees/hedges and provide open space. Public Footpath No.22 crosses the easterly end of the site and, unless diverted, would need to be accommodated in the development. The proposed indicative layout indicates that this would be unchanged.

Impact on traffic and highway safety

Policy IC1 states that development schemes should, as appropriate to their nature and scale, be located in areas well served by walking, cycling and public transport, should maximise opportunities for the use of sustainable models of travel, and provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A Transport Statement (TS) has been submitted with this application to assess the impact of traffic from the development and the proposed new junction on Grove Lane.

Whilst the site is not served directly by public transport with no bus stops within 40m of the site, there are eight accessible bus stops between 450 and 750m walking distance with services to Burnley, Clitheroe, Preston, Blackburn and Nelson/Colne. The site is also accessible to Padiham Town Centre for shopping and amenities. It is therefore a reasonably accessible and sustainable location for development.

The application proposes a single point of vehicular access to the site by forming a new junction at Grove Lane. A new priority controlled junction would form a crossroads with Town Hill Bank. LCC Highways is satisfied that this would provide adequate visibility and request conditions to secure appropriate off-site works to form a suitable junction and extension of footways.

Using the TRICS database, the TS predicts that a development up to 40 dwellings would generate 15 departures and 8 arrivals in the morning peak period which is equivalent to one car either arriving or departing every 3 minutes and 18 arrivals. LCC Highways accept that the impact of an increase in traffic from the development would not significantly affect the operational capacity of local roads and junctions.

An indicative layout is submitted with the application that indicates a potential link to Public Footpath no. 22 at the east end of the site and open space at the

South west corner of site



Easterly end of site



South west corner of the site where a pedestrian/cycle link would increase the connectivity and accessibility of the site to the site's surroundings and amenities. Whilst preparations for a proposed flood defence scheme on the land to the south of the application site are still being made, there are no details of the location of any footpath or pedestrian links that could potentially connect with this site. Connectivity is however important as encourages walking and cycling. A condition is recommended to require an application for reserved matters to include a scheme for pedestrian and cycle links and connectivity to the north, south and east edges of the site.

In conclusion, the proposed new junction is acceptable subject to conditions regarding its design and specifications and it has been shown that the amount of new traffic that will be generated by the development can be satisfactorily accommodated within the existing highway network. No consideration has been given to the internal layout or parking and conditions are therefore necessary to secure such details and implementation at future stages. The proposal does however, in principle, comply with Policy IC1 and would provide a satisfactory form of access to the site.

Open Space provision

Policy HS4 requires new housing developments to provide or contribute to public open space provision at a rate of 0.3ha pe 50 dwellings. In some circumstances, for developments between 10 and 49 dwellings, the policy states that a commuted sum will be negotiated if on-site provision is impractical or unusable. Equipped play space is required at the rate of 0.09ha per 50 dwellings. In this case, the submitted indicative layout identifies two areas of open space. The first, to the easterly end of the site, is likely to be maintained for its biodiversity value, while the area of open space indicated to the south west corner of the site may provide an opportunity for play space. The applicant affirms that open space and play provision would be made within the site. A condition is recommended to require a scheme of public open space provision and an equipped area for childrens play to be submitted alongside a reserved matters

application. The outline application would accordingly secure open space and play provision to ensure open space and play facilities are an integral part of a detailed scheme.

Ecology and trees

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. Policy NE4 states that development proposals should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. There are no protected trees on this site.

The majority of the proposed site is unmanaged grassland with periphery trees, hedgerows and scrub. The site has no ecological designations but does have some habitat value and sits adjacent to ecological networks (grassland and woodland) as identified on the Policies Map of Burnley's Local Plan. An ecological appraisal has been submitted with the application and has been assessed by GMEU who advise on a number of measures and precautions that are necessary.

The existing hawthorn with goat willow, elm and elder hedge along the site's northern boundary would be retained with the exception of an opening to form a new vehicular access. There are a number of trees to be removed from the site. The Arboricultural Constraints Appraisal submitted with this application identifies that these are generally low quality trees. A group of Category B (Class B2) trees are located at the south west corner of the site and these together with trees on the site's western boundary (bounding allotments at the rear of Lawrence Street) are indicated to be retained. Details of tree removals and retentions would be expected to be provided with a Reserved Matters application. Policy NE4 provides that where the loss of trees is acceptable then the Council may require developers to replant trees of appropriate species on site where it is practical to do so. There would be scope within the site to mitigate for any loss by new planting and a detailed landscaping scheme would be required as part of the Reserved Matters submission. GMEU recommend a condition to restrict the removal of any trees/hedges or vegetation in the bird nesting season to avoid any potential harm to nesting birds. Subject to appropriate details, the metric assessment submitted with the application identifies that the development would lead to a small net increase in biodiversity which would comply with Policy NE1 and the NPPF. Landscaping is a Reserved Matter, in which case it would be appropriate to consider this further as part of the reserved matter application process. GMEU recommend other conditions to control external lighting, to require a Construction Environmental Management Plan and a scheme of biodiversity enhancement measures. With these provisions, the development would adequately protect and enhance biodiversity and trees which would comply with Policies NE1 and NE4.

Residential amenity and design

Policy SP5 requires the design and layout of development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users or result in unacceptable conditions for future users and occupiers of development. Policy HS4 sets out minimum distances between elevations with habitable windows and between habitable windows and blank gables in order to protect privacy and outlook.

The nearest neighbours to the site are at Grove Lane on its north side and Lawrence Street to its east side. It is apparent from the proposed indicative site layout that the site is capable of being developed with satisfactory separation distances to protect the

privacy, outlook and residential amenities of neighbouring properties on Grove Lane, Town Hill bank and Lawrence Street. This would need to be assessed as part of a Reserved Matters application.

Neighbours at Grove Lane would experience some increase in traffic that has the potential to increase noise and disturbance, particularly at the new junction. The level and frequency of additional trips (equivalent to one car every 3 minutes departing or arriving in the highest morning peak hour) is unlikely however to make a significant impact in terms of noise and disturbance. The positioning of the new junction to form a crossroads junction would also minimise the impact of headlight glare on neighbouring properties.

It is noted that a bench is located at the proposed entrance on Grove Lane and the applicant is willing to re-locate this to a suitable location. A condition is recommended to secure this.

In respect of the amenity of any new occupiers, it is anticipated that the former factory land to the south side of the site will be part of flood defence works and as such a further noise assessment and noise mitigation measures would not be necessary.

Policy HS1/5 requires a mix of dwelling types at this site, including a minimum of 60% 3+ bedroomed detached and semi-detached houses (with at least 50% being detached). This indicates a relatively low density development which is consistent with a development up to 40 dwellings (approximately 20 dwellings per hectare). Together with the constraints of the site from its long and narrow shape and the need to include biodiversity measures and open space, this justifies a lower density than the normal minimum 25 dwellings per hectare set out in Policy HS3. The details of the range and type of housing which should comply with Policy HS1/5 will form part of the assessment of a Reserved Matters application.

Policy HS4 sets out further requirements to provide a range of house types that includes a minimum of 20% to comply with the optional Part M4(2) standards to provide adaptable homes. This will be considered as part of a future Reserved Matters application. Policy SP5 also expects developments to achieve high energy efficiencies and to seek opportunities for the use of renewable energies. This will come forward through the uplift in requirements required by recent changes to Part L of the Building Regulations.

At this outline stage, the amount of development on the site would be able to secure acceptable living conditions for existing and new occupiers with detailed considerations being reserved for the later detailed stage of a Reserved Matters application.

Impact on flooding

Policy CC4 states that the Council will seek 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.

A Flood Risk Assessment has been submitted with the application that identifies the site within Flood Zone 1 where there is the least risk of flooding. The River Calder lies further south of the site where there is a higher risk of flooding. In respect of the remainder of the housing site allocation, circumstances have changed since the previous outline application with the site forming an integral part of a flood defence scheme. The current application site is not required for these works and can be developed without a significant risk to flooding subject to conditions as recommended

by the Lead Local Flood Authority and United Utilities to require detailed surface water and foul water schemes to be agreed and implemented. The proposal would not therefore lead to a significant increase in the risk of flooding on the site or elsewhere and would not conflict with Policy CC4.

Impact on ground conditions

Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks. The site is affected by past industrial activity on and close to the site. The Environment Agency recommends a series of conditions to require an appropriate contaminated land assessment to be carried out as well as a verification report to evidence the implementation of a remediation scheme and a plan for future monitoring and maintenance to protect groundwaters. Pollutants may in part be due to past coal mining activity as the site is within an area potentially affected by mining legacies. Following a coal mining report submitted by the applicant, the Coal Authority recommend that the risk from past coal mining can be satisfactorily dealt with by imposing conditions to require intrusive site investigations to be carried out prior to a reserved matters application (in respect of layout) and the implementation of any necessary remedial measures and verification prior to first occupation. This will enable the findings of the investigations to inform the proposed site layout. Subject therefore to these provisions, the site can be suitably and safely developed for residential purposes and would comply with Policy NE5.

Affordable Housing

Policy HS2 requires the provision of affordable housing through all housing developments of over 10 units unless plan policies and viability evidence demonstrate otherwise. The Developer Contributions SPD indicates that a ceiling of 5% Affordable Housing is viable for this site. The applicant has agreed to the principle of providing Affordable Housing to comply with these policy requirements and has included provision for it in a submitted s106 Agreement. This is expected to lead to 2no. Affordable Homes being provided which the applicant has requested be Discounted Market Sales. This should be considered alongside the viability of the development with other contributions that have been requested. A s106 Agreement is necessary to secure this.

Education and Contributions

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. LCC has requested a contribution for up to six secondary school places which is based upon a three mile radius of schools from the site. In this case, the Developer Contributions SPD indicates that it is unlikely that development on this site would be viable with contributions of more than £500 per dwelling. This would create a ceiling of £20,000. A single secondary school place would be £26,717 which would exceed this amount. It is likely therefore that a contribution of one secondary school place would be achievable with 2 Affordable Homes as Discounted Market Sales which would improve viability to allow for this. The full contribution request (which is an estimate at this stage as is based on the number of houses/bedrooms) is likely to lead to conditions that would make a development unviable. It could also lead to cost savings on the quality of the development which would jeopardise its success.

LCC affirm that failure to fund the full request for school places is an objection to the application. However, it is appropriate to apply a contribution level that would comply with the Developer Contributions SPD. The expectation of the Department for

Education (DfE) is that whilst DfE capital funding can be used for new school places that are required due to housing development, it is expected that it be the minimum amount necessary to maintain development viability. In this case, a level of one secondary school place is likely to maintain development viability and would provide some, albeit limited, contribution towards education provision. The advantages of providing new homes on an allocated housing site would outweigh the disadvantage of not funding the full 6no. secondary school places that have been estimated. In these circumstances, the applicant is requested to make a contribution to fund one secondary school place which would be secured through a s106 Agreement.

Conclusion

The proposal would be beneficial in bringing forward part of a housing allocation and would provide adequate access from Grove Lane. Further assessment in terms of the layout, appearance, scale and landscaping of the development will be required at the Reserved Matters stage in order to ensure a well designed, connected and integrated high quality scheme. Conditions are necessary to mitigate the impacts of a development on matters such as ecology, drainage, ground conditions and highway safety. A section 106 agreement is necessary to secure affordable housing (2no, affordable homes) and for education. Subject to these provisions, the proposal complies with the development plan and there are no material considerations that would outweigh this finding.

Recommendation: Approve subject to a section 106 contribution relating to affordable housing and education

Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. 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.

5. Prior to the commencement of any development, a phasing plan and strategy for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan and strategy unless any variation to this is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of construction that is effective and efficient, in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

6. Application for approval of the reserved matters for the layout of the development shall provide for the inclusion of public open space and an equipped area for play.

Reason: To provide adequate public open space to meets the needs of the development in accordance with the requirements for public open space at Policy HS4 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of any development, a scheme for the provision of an equipped area for childrens play shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a timescale for its implementation and completion. The approved scheme shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure the provision of adequate play facilities for children to cater for the needs of the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

8. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

9. Application for approval of the reserved matters for the landscaping of the site shall include a tree retentions and removal plan and provide for the retention of the hedge along the site's northern boundary (except where removal is required to form a new vehicular access on Grove Lane) and for the retention of trees, particularly at the site's western boundary and south western corner of the application site.

Reason: To ensure that existing hedgerows and trees are given adequate consideration in the detailed design of the development, in order to retain features that will contribute to the landscaping of the development, in accordance with Policy NE4 of Burnley`s Local Plan (July 2018).

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner, within any phase of the development, in accordance with the phasing plan agreed under Condition 5; 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, in accordance with Policies HS4 and SP5 of Burnley`s Local Plan (July 2018).

11. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy NE4 of the Burnley`s Local Plan (July 2018).

12. Vehicular access to the site shall be from a single point on Grove Lane only, as indicated on drawing number 856-P04-F and there shall be no other vehicular access from any other place and no direct pedestrian access to properties from Grove Lane.

Reason: To ensure the satisfactory implementation of the proposal, in order to provide a safe form of access to serve the development and control future traffic generation onto Grove Lane, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

13. Notwithstanding the provisions at Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no direct access of any kind shall be constructed to any dwelling from Grove Lane without planning permission being first obtained.

Reason: To deter on-street parking close to new homes on Grove Lane and in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. No development shall be commenced unless and until a scheme for the construction of the site access and associated off-site works of highway improvement which shall include additional signage; road markings; footway construction (to the north east side of Grove Lane); street lighting assessment/replacement; details of a traffic count to verify visibility splays; block paved junction table; and the re-location of a bench, has been submitted to and first approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

15. No dwelling shall be first occupied until the approved scheme referred to in Condition 14 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. Application for approval of the reserved matters for the layout of the development shall include details of the layout of the estate access road(s), footways and turning areas to an adoptable standard.

Reason: These details have not been provided or approved as part of this outline application and are required to ensure a satisfactory and safe means of access to serve the proposed development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. The estate road and access between the site and Grove Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

20. Application for approval of the reserved matters for the layout of the site shall include the provision of a footpath link and details of its design and construction (minimum 3m wide) between the site and the adjacent public footpath no. 22 at the eastern edge of the application site. The footpath link shall be constructed, drained, surfaced and available for use in accordance with the approved details prior to the completion of the development and shall thereafter remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the adjacent public footpath network, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

21. Any application for the approval of Reserved Matters relating to the details of Layout shall show how a cycle/pedestrian link is accommodated in the design of the scheme to facilitate pedestrian access (and cycle access where possible) between the development and Wyre Street. That part of the approved cycle/pedestrian link within the application site shall be constructed, drained and surfaced in accordance with the approved details prior to the completion of the development or the first occupation of any dwelling (whichever is the sooner) and shall be first open and available for use on completion of a connecting link on its southern side (which is expected to connect to Wyre Street). The approved cycle/pedestrian link shall thereafter be retained and remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the surrounding area, to promote walking and cycling (where practical) to amenities and town centre shops/facilities, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

22. No dwelling shall be first occupied unless and until its associated car parking spaces have been constructed, drained, surfaced and are available for use in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. All the car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate and suitable off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

23. No development shall take place until a Construction Management Plan/ Construction Method Statement which shall include the following has been submitted to and approved in writing by the Local Planning Authority:-

- 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;
- 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; and,
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan/Construction Method Statement shall be adhered to throughout the construction period until the completion of the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018).

24. 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 shall be available and 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).

25. 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, applications 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).

26. There shall be no deliveries of materials and equipment associated with the construction of the development accepted or permitted to enter or leave the site on Mondays to Fridays except between 09:30 hours and 14:30 hours unless any exceptional cases are agreed in writing in advance with the Local Planning Authority.

Reason: To manage traffic during peak traffic periods and to protect the amenities of local residents, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

27. A scheme of intrusive site investigations to identify potential mine entries and shallow mine workings shall be carried out to inform the design of the proposed development prior to the submission of a reserved matters application for the layout of the development and the following shall be submitted as part of a reserved matters application:
- i) a report of findings arising from the intrusive site investigations;
 - ii) a layout plan that identifies appropriate zones of influence for the mine entries, and the definition of suitable `no-build` zones;
 - iii) a scheme of treatment for mine entries present within the site for approval; and,
 - iv) a scheme of remedial works for the shallow coal workings for approval.

No development shall be commenced until the submitted information in i) to iv) above has been approved in writing by the Local Planning Authority. The development shall thereafter only be carried out at all stages prior to and during development, as appropriate, in accordance with the approved treatment and remedial works. No dwelling shall be first occupied until all the measures contained in the approved schemes of treatment and remedial works have been completed in accordance with the approved details.

Reason: To adequately deal with coal mining legacies that potentially pose a risk to the development, in order to ensure the safety and stability of the development, in the interests of public safety, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The reports and schemes must be approved prior to the commencement of development to ensure that the treatment and remedial works identified in those submissions can be carried out at the appropriate stages of the development.

28. Prior to the commencement of development, a scheme that includes all of the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing, by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
 - all previous 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) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Reason: The site is affected by past land uses that pose a risk of contamination to groundwaters and to public safety which must be adequately dealt with to achieve a safe development, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

29. Prior to the commencement of development, a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the monitoring and maintenance plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied and the long-term monitoring and maintenance plan shall continue thereafter to be implemented as approved.

Reason: To ensure the provision of effective long term measures for safeguarding against the pollution of groundwaters and protecting human health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

30. Prior to the commencement of built development, a Lighting Design Strategy to minimise the impact of external lighting on biodiversity shall be submitted to and

approved in writing by the Local Planning Authority. The submitted strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance around breeding sites, resting places or along important routes, such as for foraging; and,
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications).

Only external lighting as detailed within the approved Lighting Design Strategy shall be installed at the site and shall thereafter be maintained as approved. No additional external lighting shall at any time be installed within the areas identified under a) above without the prior written permission of the Local Planning Authority.

Reason: To minimise the impact of external lighting on foraging and commuting bats, in order to give adequate protection to protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

31. A Reserved Matters application for the landscaping of the site shall include details of a new species-rich native hedgerow to the south eastern boundary of the application site, as recommended at section 5.9 of the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (prepared by Bowland Ecology, dated May 2023).

Reason: To mitigate against the loss of foraging habitat for bats, in interests of the biodiversity of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

32. No removal of or works to any trees, hedgerows, shrubs or grassland shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority prior to any works taking place.

Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

33. A scheme for the Biodiversity Enhancement Measures, as set out in section 5 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Bowland Ecology dated 16/05/2023 (ref: BOW17_1434), shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To provide adequate and suitable mitigation for the loss of habitat on the site, in particular, bird nesting and hedgehog habitat and to promote biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

34. 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 (report reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

35. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard wildlife and the ecology of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

36. 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 submitted site-specific flood risk assessment and indicative surface water sustainable drainage strategy (reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd) 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 to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - 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 watercourse to be used, to confirm that this system is in sufficient condition and has sufficient capacity to accept surface water runoff generated from the development.
- d) Evidence of groundwater monitoring to determine maximum likely groundwater levels across the site.
- e) 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 approved sustainable drainage strategy shall thereafter be implemented wholly in accordance with the approved details.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley`s Local Plan (July 2018).

37. 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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 runoff rate from the site prior to redevelopment; and,
- b) Measures taken to prevent siltation and pollutants from the site entering 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 Construction Surface Water Management Plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) in order to avoid an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

38. No dwelling shall be first occupied unless and 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 the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- 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.

The drainage system shall thereafter be retained, managed and maintained in accordance with the approved Operation and Maintenance Manual in perpetuity.

Reason: To ensure that risks from surface water flooding from the development site in the future are satisfactorily managed and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

39. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 32 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

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

40. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

41. Any application for the approval of Reserved Matters shall include a plan showing the location and details of electric car charging points to be provided within the development for the approval of the Local Planning Authority. Electric car charging points shall thereafter be installed in accordance with the approved details prior to each relevant dwelling being first occupied.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policies IC3 and NE5 of Burnley's Local Plan (July 2018).

42. Any application for the approval of Reserved Matters shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site.

The approved details of boundary treatment shall thereafter be carried out and completed prior to the completion of the development.

Reason: To ensure a satisfactory edge and appearance to the completed development and in the interests of the amenities of future occupiers, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

43. Any application for the approval of Reserved Matters shall include details how a minimum 20% of dwellings would comply with the technical standards of Part M4(2) of the Building Regulations 2010 in order in respect of adaptable homes. The approved adaptable homes shall be implemented in accordance with the approved detail.

Reason: To ensure the provision of a proportion of homes to support the changing needs of occupiers over their lifetime, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018).

44. No development shall take place unless and until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. A copy of the archaeological recording shall be deposited in an appropriate historic local archive within two months of its completion and appropriate evidence of this shall be submitted in writing to the Local Planning Authority prior to the commencement of development.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley`s Local Plan (July 2018).

Janet Filbin
31st October 2023