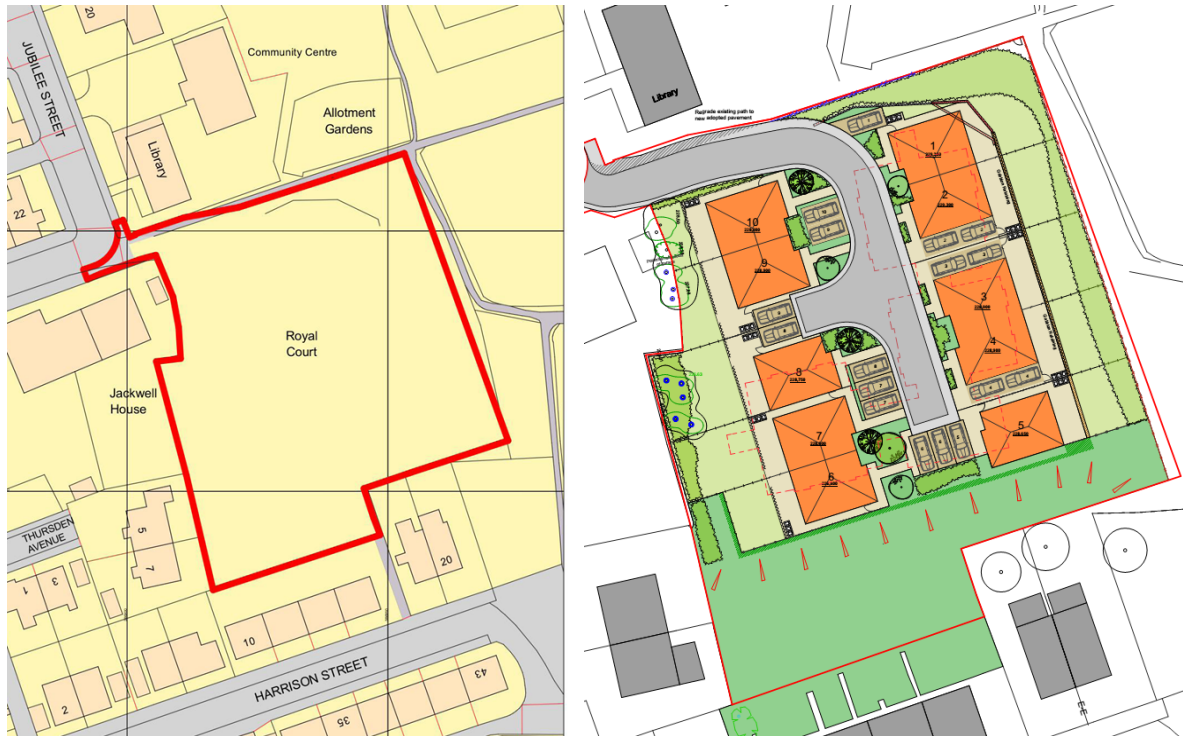


Full Planning application

Proposed erection of 10 no. bungalows and associated landscaping and parking  
ROYAL COURT TENNYSON STREET BRIERCLIFFE



**Background:**

The Royal Court site is within the urban boundary of Burnley and lies 3km north- east of the town centre. It is within the settlement of Briercliffe which has a traditional mixture of mills and terraced housing. The site in question was previously home to a two storey sheltered housing complex, however due to the outdated nature of the facility on the site this was closed and its tenants re-located. The building was demolished in early 2017.

The former building's total foot print was 1485m2. It had a level access at the entrance which dropped a storey to accommodate the level change over the site. The building provided 25 units in total which included a three bedroom unit for staff facilities. The site progressively slopes from the north east of the site down and across towards Tennyson Street.

The proposal has been subject to a lengthy pre-application process with the Local Authority and has also been subject to a lengthy community consultation process.

The scheme submitted proposes the erection of 10 single storey properties (bungalows) for outright sale, Help to Buy or shared ownership bungalows, all with associated landscape and parking. The majority of plots will have designated driveways with some afforded other on-site parking. A total of 17 spaces are

proposed on the site which meets the required criteria for housing of this size. Access to the site will be from the Jubilee Street/Tennyson Street end of the site.

The design has considered the established area of Briercliffe and reflects the scale, size and character of the older properties. The material palette used consists of reconstructed stone and grey roof tiles to match the local context as well as to make for a quality development suitable for the area of Briercliffe.

The proposal has been amended following discussions with the developers. This has resulted in the footprint of the houses being moved further from the garden boundaries of the nearest properties to the south of the site and the erection of taller boundary fences to the new garden areas of the proposed properties. Despite there being a difference in land levels between the development site and the existing properties to the south, this has led to a greater degree of privacy being afforded to not only the gardens of the existing properties but also the proposed properties.

Objections have been received.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

GP1 – Development within the urban boundary  
GP3 – Design and quality  
GP7 – New development and the control of pollution  
GP9 – Security and planning out crime  
GP10 – Developer contributions  
H3 – Quality and design in new housing development  
H4 – Providing a choice of housing in new development  
H6 – Housing density  
E5 – Species protection  
E8 – Development and flood risk  
TM15 – Car parking standards

#### Burnley's Local Plan – Submission Document, July 2017

SP1 – Achieving sustainable development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS3 – Housing Density and Mix  
HS4 – Housing Developments  
NE1 – Biodiversity and Ecological Networks  
NE5 – Environmental Protection  
CC4 – Development and Flood Risk  
IC3 – Car parking standards  
IC4 Infrastructure and Planning Contributions

National Planning Policy Framework

Wildlife and Countryside Act 1981

Natural Environment and Rural Communities Act 2006

The Conservation of Habitats and Species Regulations 2010.

Burnley Green Infrastructure Strategy 2013-2031

## **Site History:**

NOT/2016/0084 – Prior Approval Application for proposed demolition of 2 storey brick sheltered housing accommodation – Prior Approval Granted.

## **Consultation Responses:**

### LCC Highways (Developer Support)

The proposal has been the subject of some discussion primarily based around the site access and whether or not land could be acquired from the Library. This has not been the case and a slight widening to the south of the site has been achieved to maintain a safe pedestrian route into the site on the north side of the access.

With this amendment the proposed development would be acceptable in highway terms subject to appropriate conditions. I would however advise that the land transfer referred to on the submitted plan would need to be included within any subsequent S38 agreement and dedicated as highway.

### LCC Lead Local Flood Authority

No formal consultation response has been received at the time of the reports submission.

### LCC Education

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 1 primary school place. LCC will not be seeking a contribution for secondary school places.

As the education contribution assessment identifies the need for a contribution to be provided, Lancashire County Council is, in effect, objecting to the application.

A developer contribution 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.

### Greater Manchester Ecology Unit (GMEU)

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds, invasive species and landscaping can be resolved via condition.

### Burnley BC (Environmental Health)

No objections subject to the imposition of conditions relating to the control of noise, hours of construction and dust, and the request for electric vehicle charging points where possible.

## Burnley BC (Environmental Health – Contaminated Land Officer)

No formal consultation response has been received at the time of the reports submission.

### Neighbour consultation responses

Objections have been received in respect of the application from four properties adjacent to the site. A summary of the material points of concern that have been raised are outlined below.

- Overdevelopment of the site, 8 properties would be more appropriate instead of 10 properties,
- Impact on residential amenity through the loss of privacy.
- Impact on residential amenity by the over-bearing effect of the position of the new bungalows and their garden boundary treatments,
- Potential for visitor parking to spill over into surrounding streets,
- The access and egress to and from the site is a nonsense.
- Concerns regarding Surface water run-off and drainage due to the remodelling on the ground.
- The previous residential blocks on the proposed land were located at a sufficient distance from our property so that they did not intrude upon our privacy.
- Plot No.6 will directly overlook into our garden, bedroom and living room especially as the elevation is several metres above our property.
- What guarantees can you give that our property will not suffer water or sewerage damage resulting from the new builds and consequential landscaping?
- Who will be responsible for the maintenance of the areas not within gardens?
- Whilst we are quite happy about the development of Royal Court in principle, it is our belief that 4 semi-detached bungalows would be sufficient.
- The 2 bungalows at the lower end of the proposals are too intrusive and overbearing and will destroy our Privacy.
- The statement originally was a development on the Footprint of Royal Court, which was sufficiently far enough away to cause us no privacy issues.
- Concerned about the upkeep maintenance and drainage of the site after the development.
- Plot 5 should not be built due to the close proximity to our property. Our privacy will be impeded by this property, particularly by the garden area.
- Is the land where they a planning to build bungalow 5 sound enough?
- Proximity too close to existing properties, overbearing, intrusive, destroying our visual and environmental amenity.
- We ask that Burnley Borough Council refuse this Planning Application and encourage Calico Group to resubmit a building design that is smaller, less intrusive (not just on ourselves, but on neighbouring properties) and has more parking spaces per property.

### **Planning and Environmental Considerations:**

#### Principle of proposal

The site is previously developed land which has recently been cleared and part-levelled. It sits surrounded by a mixture of terraced streets, semi-detached and

detached properties within a built-up urban area where Policy GP1 of the current Local Plan would accept, in principle, to promote the re-development of the site for residential development. This is also supported by Policy SP4 of the emerging Local Plan document however this is subject to modification so only minimal weight can be afforded to this Policy at this stage. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is within an existing primarily residential area which is accessible to public transport. The site therefore represents a sustainable location for development and there is no objection in principle therefore to the proposal. The main issues relate to the impacts of the development on highway safety (in terms of its access), its design and layout and any subsequent impacts on the amenity of neighbouring properties, any potential risks from contamination and whether there are any ecological impacts.

### Access and highway safety

Policy GP1 requires, amongst other things, that new development does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. The Framework states that proposals should provide safe and suitable access for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policies H3 and TM15 require new housing development to make parking provision in accordance with the Council's standards which are set out in Appendix 9 of the Emerging Burnley Local Plan, and require a minimum of 1 parking space for single bedroom dwellings and 1.5 parking spaces for 2 bedroomed dwellings. This is not subject to modification at this stage so significant weight can be afforded to this Appendix at this stage.



Proposed site access, layout and parking spaces

The proposed development would have a single point of vehicular access from Jubilee Street/Tennyson Street. This is an existing access and was previously used to access the former Royal Court development on the site. The proposal has been the subject of some discussion primarily based around the site access and whether or not land could be acquired from the Library. This has not been the case and a slight widening to the south of the site has been achieved to maintain a safe pedestrian route into the site on the north side of the access.

The disruption to the local area and highway network would be minimal and with this amendment the proposed development would be acceptable in highway terms subject to appropriate conditions.

The proposed layout and estate road design is satisfactory. LCC Highways note that the proposed number of car parking spaces for the development will be acceptable.

On this basis, the impacts of the proposed scheme on traffic and highway safety can be satisfactorily dealt with through off-site works suggested by the highway authority. The proposal offers adequate parking to cater for the needs of the development and would provide reasonable levels of accessibility for pedestrians and cyclists. The proposal would therefore in these respects comply with Policies GP1, H3 and TM15 of the existing Local Plan, Policies SP1, SP4, SP5 and IC3 of the Emerging Local Plan, and the Framework.

#### Design, layout and impacts on residential amenity

Policies H3 and GP3 require quality design that is suitable in respect of the layout, materials, size and scale of neighbouring properties and provides a distinctive character that contributes to local identity and a sense of place. The Framework states that development should seek a good standard of amenity for all existing and future occupiers of land and buildings.

The use of a suitable stone with a dark grey tiled roof would be in keeping, and the proposed dwellings have a collective and distinctive design that respects the character of other properties surrounding the site. The dwellings themselves are considered acceptable.



Proposed unit styles

Following discussions with the developer the general layout and plot positions have been re-designed for a number of reasons. Issues were raised in regards to the initially proposed layout and site design due to the impact on the amenity of the

neighbouring properties by virtue of unacceptable overlooking and a loss of privacy, caused by the close proximity of certain plots to existing properties and the position of certain boundaries.

Policy H3 of the existing Local Plan requires new housing development to ensure that the amenity of neighbouring properties is protected by minimising overlooking and ensuring a reasonable degree of privacy and outlook. It notes that to ensure that proposals do not adversely affect privacy (freedom from being overlooked) and outlook (quality of openness and space) the Council will work to the following minimum standards:

- the minimum acceptable distance between the windows of habitable rooms facing each other is 20 metres; and
- two storey blank gable walls will not be permitted closer than 15 metres from the main outlook of an existing window.

The policy notes that these standards will only be relaxed if there is a justifiable reason for doing so, or if a developer can show that the objectives of these standards can be met by way of high quality design. For example, to promote the re-use and conversion of buildings and facilitate mixed use development the Council may need to apply the standards flexibly so as not to unnecessarily constrain development.

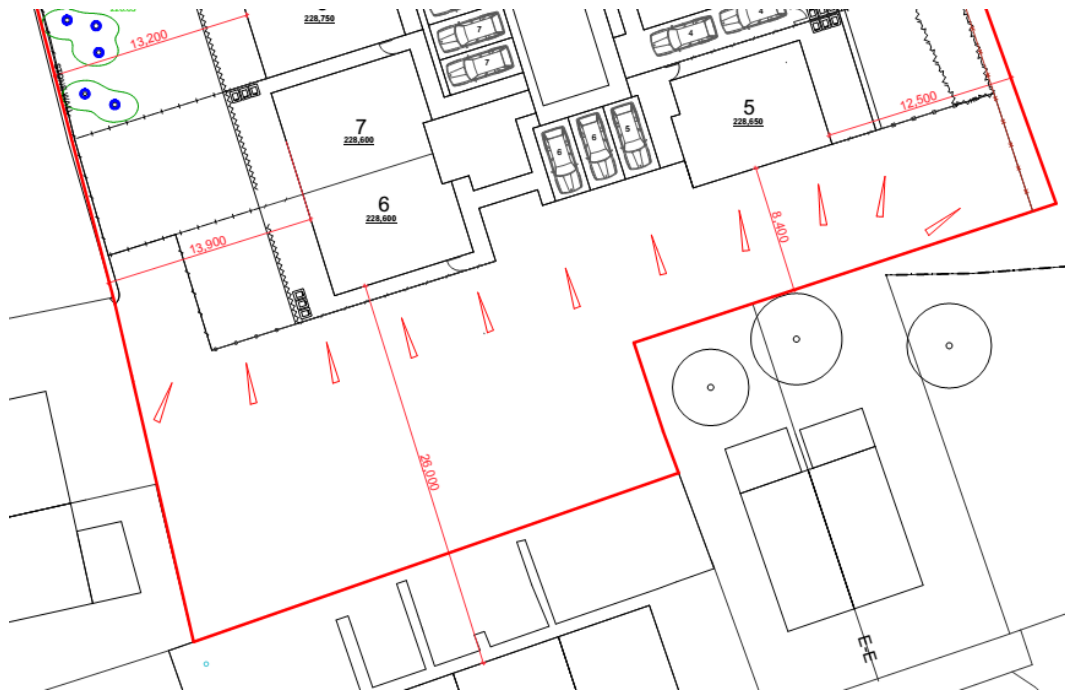
Policies HS4 and SP5 of the Emerging Local Plan, whilst the latter can only be afforded some weight at this stage, maintain the above spacing standards for new housing development of single or two storey dwellings, however HS4 does suggest that where levels create a 'significant difference in heights' that an additional set back of 3 metres is also applied. This will be considered below.

#### *ASSESSMENT OF PROPOSED AMENDED LAYOUT*

The general layout of the plots on the site has been moved further to the northern end of the site by some 2m approximately. This has brought the positions of plots 5 and 6 closer the position of the original footprint of the former building on the site. Plot's 1-4 & 7-10 are considered to be acceptable and will have no significant impact on the residential amenity on the occupiers of adjacent neighbouring properties.

The boundary treatments to the southern portion of the site closest to the parking for plots 5 and 6 have been left open with an area of planting differentiating the site from the sloping land to the south. This creates a much more open feel to the site and retains the visual link to the bungalows to the south of the site. Due to the orientation of the properties on the site, satisfactory privacy standards for the neighbouring properties are retained in terms of the distances between the front elevations of plots 5 and 6.

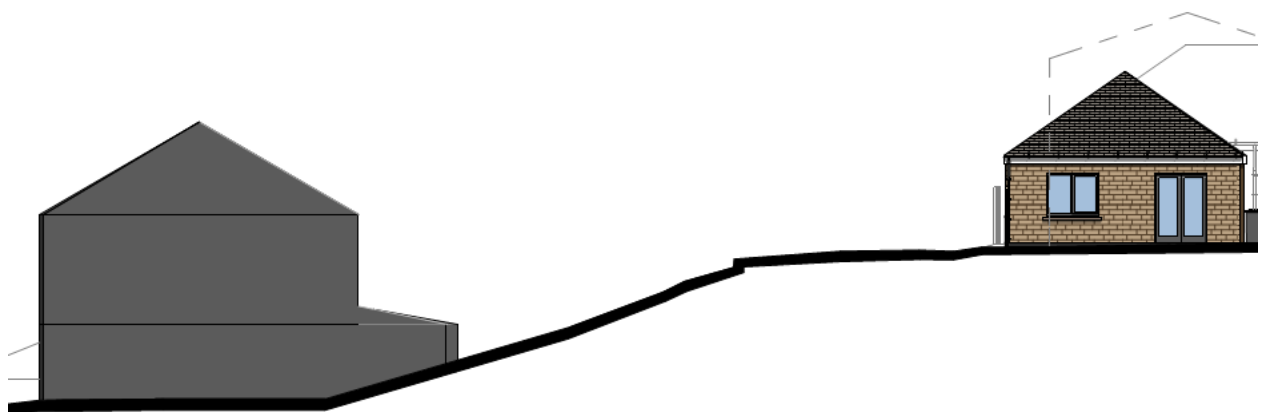
The boundary treatments to the southern portion of the site for the rear gardens of plots 5 and 6 have been improved following discussions with the developer and these amendments are considered separately below.



Proposed distances between boundaries

**PLOT 5**

Plot 5 is now positioned some 20.2m from the first floor of the nearest properties on Harrison Street (the closest habitable room windows). Due to the difference in land levels the eaves of plot 5 sit approx. 1.3m higher than the eaves of the properties on Harrison Street. This will effectively give the impression of a two storey property from the bedroom windows of the properties so the suggestion of Policy HS4 for an additional 3m set back is not considered to be appropriate in this instance. In addition, given that there are no habitable room windows in the side elevation of plot 5, the spacing distance is considered acceptable.



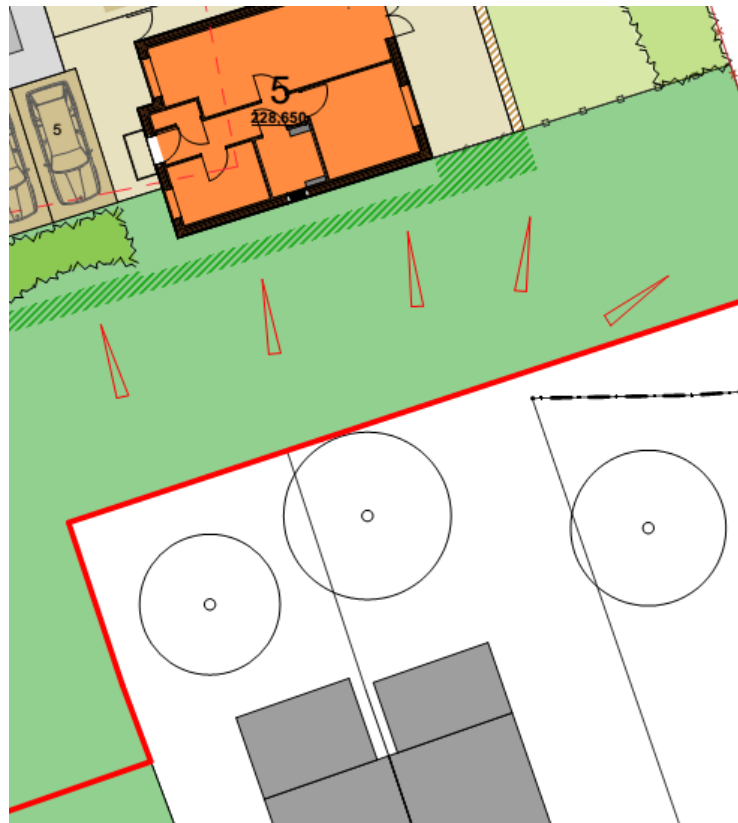
Relationship between Plot 5 and 18/20 Harrison Street



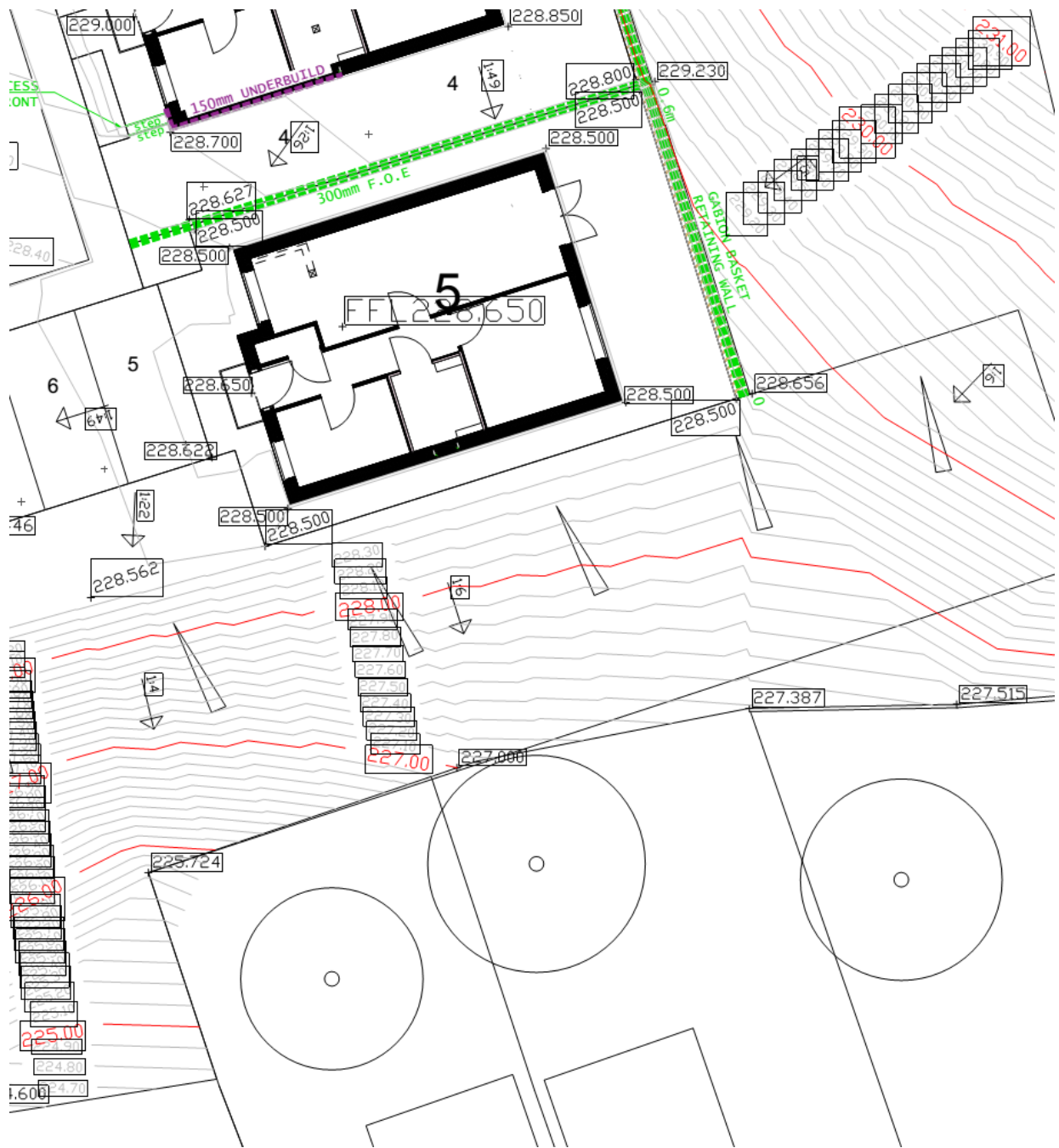


View from rear window of 18 Harrison Street

The rear patio area of this plot is to be screened by a 1.8m close boarded fence, with the sloping rear garden area to be bordered by a 1.6m high close boarded fence. The highest portion of this garden will be landscaped. This raised area will be sufficiently well screened to not only provide privacy for the occupants of the property but also to provide an acceptable level of privacy for the occupiers of the two properties on Harrison Street. The development will be conditioned to remove permitted development allowances from the site to ensure that any development of the rear garden area would require further permission.



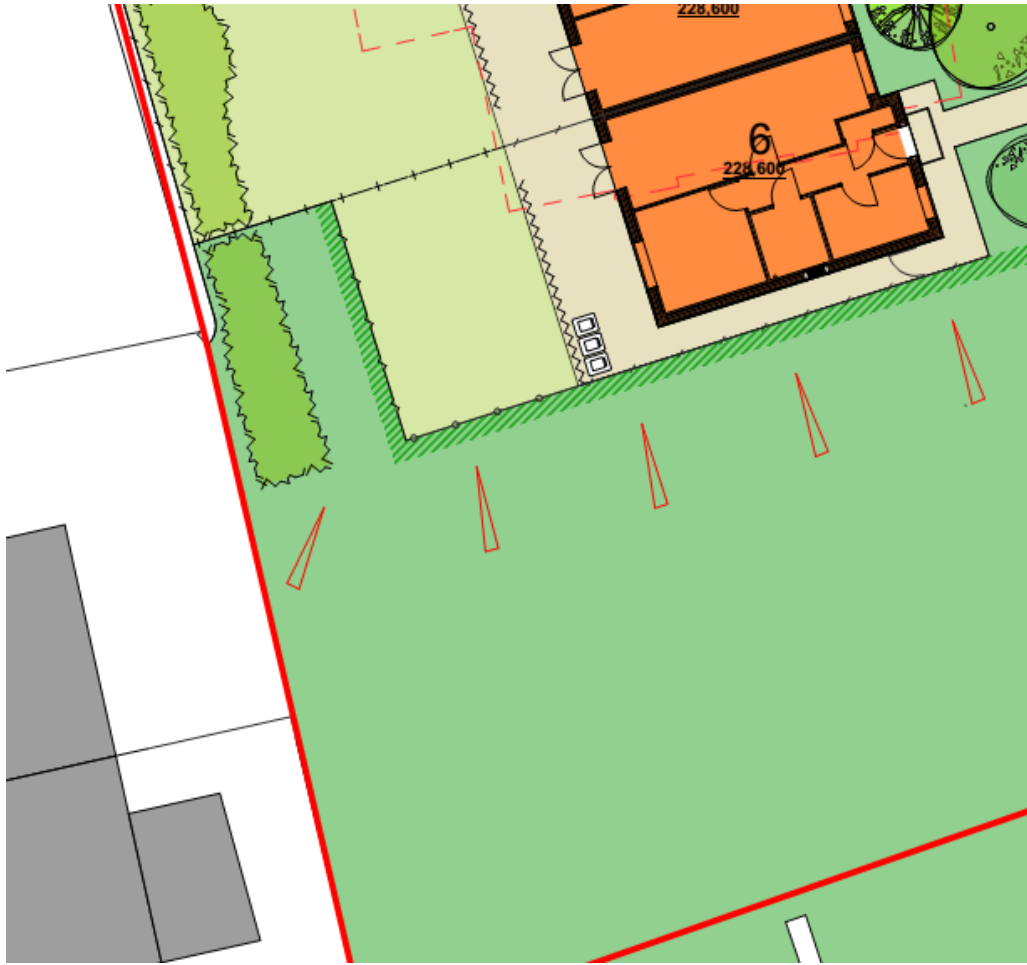
Plot 5 relationship to properties



Land levels – Plot 5 in relation to 18 & 20 Harrison Street (approximately as surveyed)

### **PLOT 6**

The property on Plot 6 is now positioned some 14m from the garden boundary of no. 5 Thursden Avenue, and some 20m from the closest elevation of no. 5 Thursden Avenue (noted by the occupier to be their front elevation as their lounge faces this way). The garden boundary for Plot 6 has been reduced in length and now sits 5.5m from the boundary of no. 5 Thursden Avenue. A 2.1m high close boarded fence with 300mm trellis has also been introduced on this rear boundary, with a 2.1m high close boarded fence (no trellis) also provided to the southern (side) edge of the garden. The patio for this property is also enclosed by a 1m high patio fence internally.



Plot 6 relationship to adjacent properties



Existing land levels across rear of 5/7 Thursden Avenue

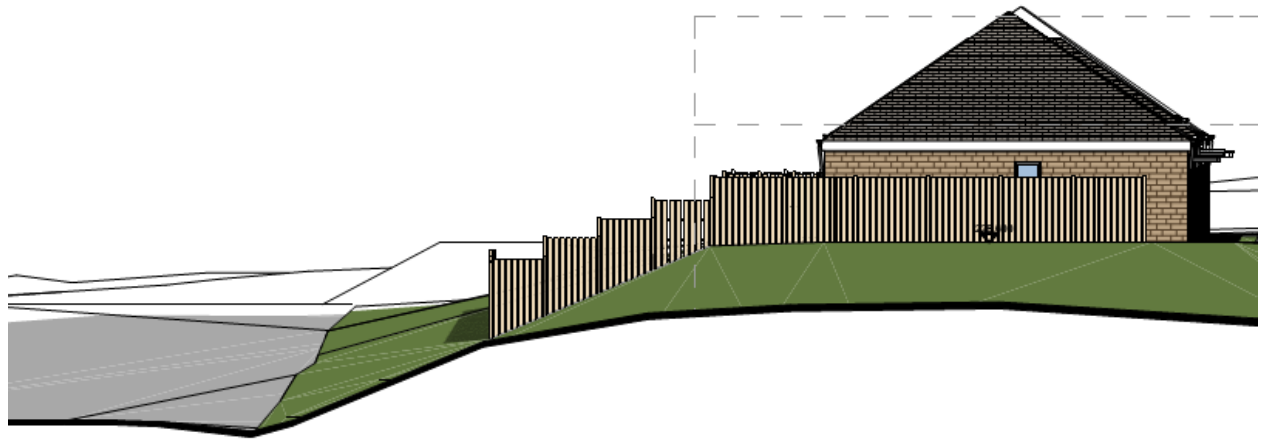


Land levels – Plot 6 in relation to 5 & 7 Thursden Avenue (approximately as surveyed)



Land levels between the site and Thursden Avenue

The proposed levels on site note that that the property on Plot 6 would sit at approx. 228.45m (FFL) Above Sea Level (ASL) with the proposed boundary fence sitting at a level of approx. 226.75m ASL. The garden boundary of no. 5 Thursden Avenue is at approx. 225/224.5m ASL. Given the added height to the FFL of the property proposed on Plot 6 due to the difference in land levels on site, it would effectively be seen as a two storey property from the windows to the rear of the properties on Thursden Avenue (the ridge height would sit at approx. 233.674m ASL, approx. 8.6/9.1m above the ground level at the garden boundary of no. 5 Thursden Avenue).



Plot 6 approx. rear garden levels

This difference in height at a spacing distance of 20m is considered to comply with the standards suggested between one and two storey properties, and as such the suggestion of Policy HS4 for an additional 3m set back is not considered to be required in this instance as the difference in heights is not considered to be significant.

Having assessed the proposal on site, it is considered that due to

- the re-positioning of Plot 6 on site (moving further north on site) thereby creating a more oblique angle between the windows in the rear elevation of the nearest existing property and the windows in the rear elevation of that property proposed on Plot 6,
- the re-positioning of the garden boundary for Plot 6 thereby creating a significant 5.5m+ gap between residential garden areas that will be enhanced by landscape planting, and
- the introduction of a much taller boundary treatment thereby enclosing the rear garden of Plot 6 and also providing a higher level of privacy for the occupiers of the properties on Thursden Avenue,

and despite the difference in land levels on site, an acceptable level of privacy and outlook is afforded to not only the occupiers of the new property (within the garden and the property itself) but also to the occupiers of the properties on Thursden Avenue. The spacing distances between habitable room windows meets that set out within the relevant policies, and the re-positioning of the rear garden boundary and the addition of high boundary fences is considered to acceptably balance the difference in land levels in this instance.

## CONCLUSION

Mindful of the previous building on site that was two storey in height and had little or no screening between bedroom windows that faced southwards, the amended proposed plans are considered to provide acceptable on-site boundary treatments and spacing distances between properties to be sufficient to protect levels of privacy, outlook and daylight/sunlight provision. The proposals would not therefore significantly or unacceptably affect neighbouring residential amenities.

## Impact on Ecology

Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. No significant ecological constraints were identified by the developer's ecological consultant. The existing site is of low ecological value with the proposed landscaping including adequate soft landscaping to ensure no nett loss and potentially net gain dependent on the wildlife value of the species utilised. Issues relating to nesting birds, invasive species and landscaping can be resolved via conditions.

## Land contamination

Policy GP7 states that new development will be assessed against any risk that potential pollution may have on the development or the environment. A Phase I and Phase II geo-environmental site assessment and remediation strategy have been submitted with the report which identifies the contaminants on the site and the measures, including gas monitoring that are necessary. This is being considered by the Council's Contaminated Land Officer and any comments will be reported on the night.

## Drainage

A Drainage Strategy Report produced by The Alan Johnston Partnership (Ref. 216-210) has been submitted with the application which identifies on site attenuation for surface water drainage at Greenfield runoff rates. This is being considered by the Lead Local Flood Authority at present.

## Other Material Considerations

Based upon the latest assessment, taking into account all approved applications, Lancashire County Council are seeking a contribution for 1 primary school place. As the education contribution assessment identifies the need for a contribution to be provided, Lancashire County Council is, in effect, objecting to the application.

The applicant has submitted a financial viability and appraisal detailing the costs and revenues from this site which clearly demonstrates that it will not be viable to make payment of the requested Education Contribution required by Lancashire County Council in their capacity as Education Authority. The lack of a requested contribution must be considered as part of the planning balance when making the final decision on this application.

Paragraph 173 of the NPPF, Ensuring viability and deliverability, advises that pursuing sustainable development requires careful attention to viability and costs in plan making and decision-taking, and that schemes should be deliverable. It continues noting that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened, and that to ensure viability, the costs of any requirements likely to be applied to development,

such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The verified evidence provided with this application makes it clear that any additional cost to the scheme under a planning obligation would render the scheme as an undeliverable site and the development would not take place. The likely scenario then is that the site would then sit vacant until another developer or scheme came forward. However as the constraints to developing the site remains the same, it is my opinion that it is unlikely that the site would be developed for any housing, market or affordable, for the foreseeable future.

I am mindful that the National Planning Policy Framework supersedes the Council's current Local Plan and in terms of ensuring viability and deliverability of schemes, the scheme is acceptable when assessed against paragraph 173 of the NPPF.

### Summary

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity and minimise waste and pollution.

On the basis of the above assessment contained within my report, when considering the planning balance of the scheme submitted I have the following view.

When determining whether the site represents sustainable development, it is important to consider that all the above elements contribute to assessing whether or not a site can be considered 'sustainable'. Sustainability includes such matters as the re-use of brownfield land, safeguarding of ecological habitats, sustainable locations for housing, achieving good design and economic development. Many of these aspects are consistent with the concept of sustainability, and it is clear that this proposed scheme is substantially in accordance with this view.

The only areas of sustainability that appear to be contested relate to the lack of a contribution towards education. National Guidance advises that separate elements combine to meet the definition of a sustainable development; therefore a proposal can be a sustainable one even if it suffers from limitations in terms of its perceived impact.

The site is a previously developed, brownfield site within the development boundary of Burnley and close to existing transport infrastructure. Therefore it is in a location where growth would be expected to be directed. The Council considers the land use of the site acceptable, and following amendments to the scheme as a whole, can be appropriately developed for housing purposes with acceptable impacts.

The verified evidence provided with this application makes it clear that any additional cost to the scheme under a planning obligation would render the scheme undeliverable site and the development would not take place. The question therefore is whether the adverse impact of the lack of the requested contribution would be so significant that it would outweigh the benefits of the proposal as a whole? In my opinion, there are far more benefits to approving this scheme without a contribution especially given the size of the properties proposed and the likelihood of the end occupier being ones that do not add to the requirement for additional school places in this area.

Given that the site can be considered as sustainable in NPPF terms, the benefits include:

- A deliverable site;
- Short term economic benefits relating to work carried out during the construction phase of the development;
- medium term economic benefits by virtue of a likely increase in annual spend in the Borough by future residents in the new houses;
- medium term economic benefits of supporting local tradesmen in the Borough;
- the boosting of the supply of market housing; and
- the delivery of a high quality sustainable development on an accessible and well-located site.

The main detractors in this instance are highlighted within the body of the report above, however having considered the issues raised within this report, I consider these impacts are not considered to be so significant as to represent a sustainable reason for refusal of the application, and I consider the benefits to this proposal significantly outweigh these minor adverse impacts, and the proposal is therefore recommended accordingly.

**Recommendation: Minded to approve but that the Head of Housing and Development Control be delegated to determine the application following the receipt of formal comments from the Lead Local Flood Authority and the Council's Contaminated Land Officer and subject to the following conditions (together with any further conditions/amendments which are required based on comments received).**

**Draft Conditions (to be agreed and confirmed with the developer before the 26<sup>th</sup> April 2018)**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2491 – 01, 2491 – 02, 2491 – 03F, 2491 – 04F, 2491 – 05D, 2491 – 06C, 2491 – 07C, 2491 – 08, 2491 – 09, 2491 – 10, 2491 – 11D, 2491 – 12 and 2491 – 13D.



3. Notwithstanding the submitted plans, prior to the commencement of built development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No works to trees or shrubs 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 LPA.
5. Prior to any earthworks being carried out, a method statement detailing eradication and/or control and/or avoidance measures for wall cotoneaster and monbretia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.
6. Notwithstanding the submitted details, a final landscape plan shall be submitted to and approved in writing by the LPA prior to commencement of built development. Hard landscaping shall include proposed finished levels or 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, refuse or other storage units, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained. The content of the plan should also include measures to enhance the natural environment including native trees shrubs and bird nesting habitat. The approved plan will be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
7. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as approved.
8. Prior to the commencement of built development, details of the final ground floor slab levels/finished floor levels for the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.
9. The new estate road/access between the site and Tennyson Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any built development takes place within the site.
10. Prior to the commencement of built development, a scheme for the construction of the site access and the off-site works of highway improvement shall have been

submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

11. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 11 has been constructed and completed in accordance with the scheme details.
12. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
13. No development shall take place until a construction method statement accompanied by an appropriate scaled plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  - a. The parking of vehicles of site operatives and visitors
  - b. The loading and unloading of plant and materials
  - c. The storage of plant and materials used in constructing the development
  - d. Details of a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works
  - e. The erection and maintenance of security hoarding
  - f. HGV delivery times and routeing to / from the site
  - g. Contact details for the site manager
14. No deliveries or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority. 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.
15. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.
16. Electric vehicle charging points within the development will be encouraged. Within the curtilage of properties with on-site parking areas, there shall be installed a minimum of one, three-pin 13-amp electrical sockets in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy Report produced by The Alan Johnston Partnership (Ref. 216-210) received 20<sup>th</sup> December 2017.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

18. Prior to the commencement of any built development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning

Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

19. The approved fences and railings hereby approved, as per drawing no. 2491-04F, shall be erected and maintained on site prior to the first occupation of any dwellings, and shall thereafter be retained at the height specified in perpetuity. Any replacement fence shall be at the height and design as specified in the Key on the above drawing number.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-F shall take place on the dwelling house(s) hereby approved or within their curtilage.
21. Before the development hereby permitted is first occupied the window(s) in the southern facing elevation(s) of Plots 5 and 6 shall be glazed with obscure glass and fixed with a ventilation stay restricting the opening of the window, the details of which shall be agreed in writing with the LPA prior to their insertion. The windows shall be permanently maintained with obscure glazing at all times thereafter.
22. Possible Contaminated Land Condition

### **Draft Reasons**

1. 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of visual amenity and the character and appearance of the area.
4. In order to satisfy the requirements of the NPPF, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010.
5. To ensure proper management of plant species otherwise harmful to the built environment.
6. To ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full and in order to provide suitable mitigation for bird breeding habitats. In accordance with Policies GP3, E3 and E6 of the Burnley Local Plan, Second Review.
7. To ensure the long term landscape management of the site, in accordance with policy GP6 of the Burnley Local Plan, Second Review.

8. In the interests of ensuring the amenity of the occupiers of the adjacent properties is protected and in the interests of visual amenity.
9. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
10. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
11. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
12. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
13. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
14. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
15. In order to not significantly pollute the environment.
16. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
17. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the NPPF.
18. In accordance with the National Planning Policy Framework and Building Regulations.
19. In the interests of visual amenity and the character and appearance of the area, and to ensure that the amenity of existing occupiers and the amenity of the occupiers of adjacent dwellings is protected to the satisfaction of the Local Planning Authority.
20. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, enlargements or any other development within the curtilages.
21. In the interests of residential amenity and privacy.
22. ??

