

DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th June, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 9th June, 2022 at 6.30 pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance re social distancing there is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact democracy@burnley.gov.uk in advance of the meeting.

A G E N D A

1. Welcome and Introductions

To welcome newly elected and newly appointed members.

2. Apologies

To receive any apologies for absence.

3. Minutes

5 - 10

To approve as a correct record the Minutes of the last meeting, held on 7th April 2022.

4. Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

5. Declaration of Interest

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

6. Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

- 7. List of Deposited Plans and Applications** 11 - 12
- To consider reports on planning applications for development permission:
- a) **REM/2021/0735 - 1 Magnesium Way, Hapton, Lancashire** 13 - 36
 - b) **OUT/2020/0366 - Accrington Road, Burnley, BB11 5QJ** 37 - 68
 - c) **FUL/2021/0273 - Land South of Rossendale Road, Burnley** 69 - 110
 - d) **FUL/2022/0084 - 16 Elm Street, Burnley, Lancashire** 111 - 120
 - e) **HOU/2021/0756 - 6 Rochester Drive, Burnley, Lancashire** 121 - 126
 - f) **HOU/2022/0065 - 3 Coverdale Way, Burnley, Lancashire** 127 - 134
- 8. Decisions taken under the Scheme of Delegation** 135 - 152

To receive for information a list of delegated decisions taken since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)	Councillor Martyn Hurt
Councillor Anne Kelly (Vice-Chair)	Councillor Jacqueline Inckle
Councillor Gordon Birtwistle	Councillor Syeda Kazmi
Councillor Phil Chamberlain	Councillor Lubna Khan
Councillor Scott Cunliffe	Councillor Neil Mottershead
Councillor Sue Graham	Councillor Mark Payne
Councillor John Harbour	Councillor Ann Royle
Councillor Alan Hosker	Councillor Mike Steel

PUBLISHED

Monday, 30 May 2022

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th April, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, F Cant, P Chamberlain, S Cunliffe, S Graham, S Hall, J Harbour, J Inckle, K Ingham and A Royle

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer

85. Apologies

Apologies for absence were received from Cllrs Kelly, Ishtiaq & Hosker.

86. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

87. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

SIMON GOFF	FUL/2021/0676 St Andrews Recreation Ground (Rakehead Rec) Land Adjacent to Burnley General Hospital
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STUART HOYLE	FUL/2021/0273 Land South Of Rossendale Road Burnley
MARTYN BELL	FUL/2021/0273 Land South Of Rossendale Road Burnley
RICHARD PURSER	FUL/2021/0273 Land South Of Rossendale Road Burnley

RESOLVED That the list of deposited plans be dealt with in the manner shown in these minutes.

88. HOU/2022/0012 - 11 Mansergh Street, Burnley

Town and Country Planning Act 1990
Proposed single storey extensions to the side and rear 11 Mansergh Street Burnley
Lancashire BB10 1TR

Decision

That the application be approved subject to the following conditions.

Conditions and Reasons for Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Proposed Floor Plans and Elevations: Dwg no 21/103/8A amended plan received 07 March 2022.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

89. FUL/2021/0676 - St Andrews Recreation Ground (Rakehead Rec) Land Adjacent To Burnley General Hospital
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Town and Country Planning Act 1990

Temporary use of recreation land for car park St Andrews Recreation Ground (Rakehead Rec) Land Adjacent To Burnley General Hospital Casterton Avenue

Decision

To approve the application subject to the following conditions.

Conditions and Reasons for Conditions

1. The use of the car park shall cease no later than the 1st July 2024.

Reason: This is a temporary consent only. A longer term or permanent use of the land as car park would be harmful to the availability of open space in the local area and would be contrary to Policy NE2 of Burnley's Local Plan (July 2018).

2. Within six months from the date of this permission, a scheme for the restoration (to also include what will be removed from the) and improvement of the site and the open space shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are satisfactory to ensure that the standard of the open space is maintained and improved to provide longer term benefits to users of the open space, in accordance with Policy NE2 of Burnley's Local Plan (July 2018).

3. By no later than 1 st September 2024, the approved scheme of restoration and improvement works (required by Condition 2) shall be carried out, completed and the site made available for use as public open space.

Reason: To ensure that the necessary works take place and the protected open space is restored for public use, in accordance with Policy NE2 of Burnley's Local Plan (July 2018).

4. Prior to the temporary use of the land being commenced, details of how onstreet parking within the hospital grounds will be controlled to permit traffic to flow in and out of the car park, shall be implemented in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that access is not impeded, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

5. The Green Travel Plan 2021-24 submitted with this application shall be adhered to throughout the temporary period of this consent.

Reason: To encourage sustainable travel patterns, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. Prior to any site clearance or development taking place, measures to protect the perimeter trees and hedges as identified on the submitted Arboricultural Layout and Protection Plan (drawing number ARB/4549/Y/100) shall be carried and retained for the full duration of the construction works.

Reason: To protect trees and hedges whilst construction takes place, in the interests of the visual amenities and biodiversity of the site and surroundings, in accordance with Policies NE1 and NE4 of Burnley's Local Plan (July 2018).

90. FUL/2021/0273 - Land South Of Rossendale Road Burnley

Town and Country Planning Act 1990

Proposed residential development of 87 houses with new access from Rossendale Road and associated estate roads, open space and infrastructure. Proposal affects Public Footpath No. 8 (Habergham Eaves). Land South of Rossendale Road Burnley

A motion to delegate approval to the Head of Housing & Development Control subject to agreement of a S106 agreement and conditions was moved and seconded. On being put to the vote the motion was declared to be lost.

It was moved, seconded and duly **RESOLVED** to adjourn the meeting for 10 minutes to allow some Members to consider whether there were material planning reasons to refuse the application.

The Head of Legal & Democratic Services issued the following Cost Warning to members:

'May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgment of the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fail to, or cannot do so, then costs may be awarded against it.

To re-iterate, you are not bound to adopt the professional or technical advice given by your own officers, or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not a costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not.'

A motion to refuse the application for the following reasons was moved and seconded.

Local Plan Policy SP5 – Development Quality and Sustainability. Although the properties were of a higher standard than required with regard to energy efficiency there was no evidence of consideration of alternative methods of fuelling the properties.

Local Plan Policy IC1 – Sustainable Travel.

Safety of access and egress from the site is a concern especially relating to those higher in the hierarchy of users – pedestrians and cyclists. Distance residents would need to travel to access public transport was also concern. The relocation of the current bus stop was irrelevant due to lack of public transport on the road. Methods of mitigation suggested by Lancashire County Council were not felt to be sufficient.

Local Plan Policy NE1 – Biodiversity

Although the mitigation proposes no net loss of biodiversity there will be a loss onsite.

Local Plan Policy IC5 – Protection & Provision of Social & Community Infrastructure

Inadequate provision of school places and difficulty accessing GP services.

The Planning Officer provided detailed advice to Members about the need to evidence each of the reasons for refusal they had provided.

As the motion was contrary to Officer recommendation and advice a named vote was taken as follows:

Motion to refuse the application contrary to recommendation (Motion)	
Councillor Saeed Chaudhary	Against
Councillor Gordon Birtwistle	For
Councillor Frank Cant	Against
Councillor Phil Chamberlain	For
Councillor Scott Cunliffe	For
Councillor Sue Graham	Against
Councillor Sarah Hall	Abstain
Councillor John Harbour	Against
Councillor Jacqueline Inckle	For
Councillor Karen Ingham	Abstain
Councillor Ann Royle	Abstain
Paul Gatrell	No vote recorded
Alec Hickey	No vote recorded
Janet Filbin	No vote recorded
Catherine Waudby	No vote recorded
Alison McEwan	No vote recorded
Carol Eddleston	No vote recorded
Councillor Saeed Chaudhary	Against (Casting Vote)
Rejected	

A motion to defer the application in order to seek further clarification from the highways authority regarding highways issues was moved and seconded.

On being put to the vote it was duly **RESOLVED**.

Decision

To defer the application and seek further clarification from the highways authority regarding highways issues.

91. FUL/2021/0755 - Land On Corner Of Harold Avenue And Valley Street Harold Avenue Burnley

Town and Country Planning Act 1990

Change of use from amenity grass to a formal children's play area. The proposal affects and involves the diversion of Public Footpath No. 81

Land On Corner Of Harold Avenue And Valley Street Harold Avenue Burnley Lancashire

Decision

That the application be approved with the following conditions.

Conditions and Reasons for Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

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

92. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation.

93. Appeal Decisions

Members received for information details of a recent appeal decision.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

9th June 2022

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

REM/2021/0735

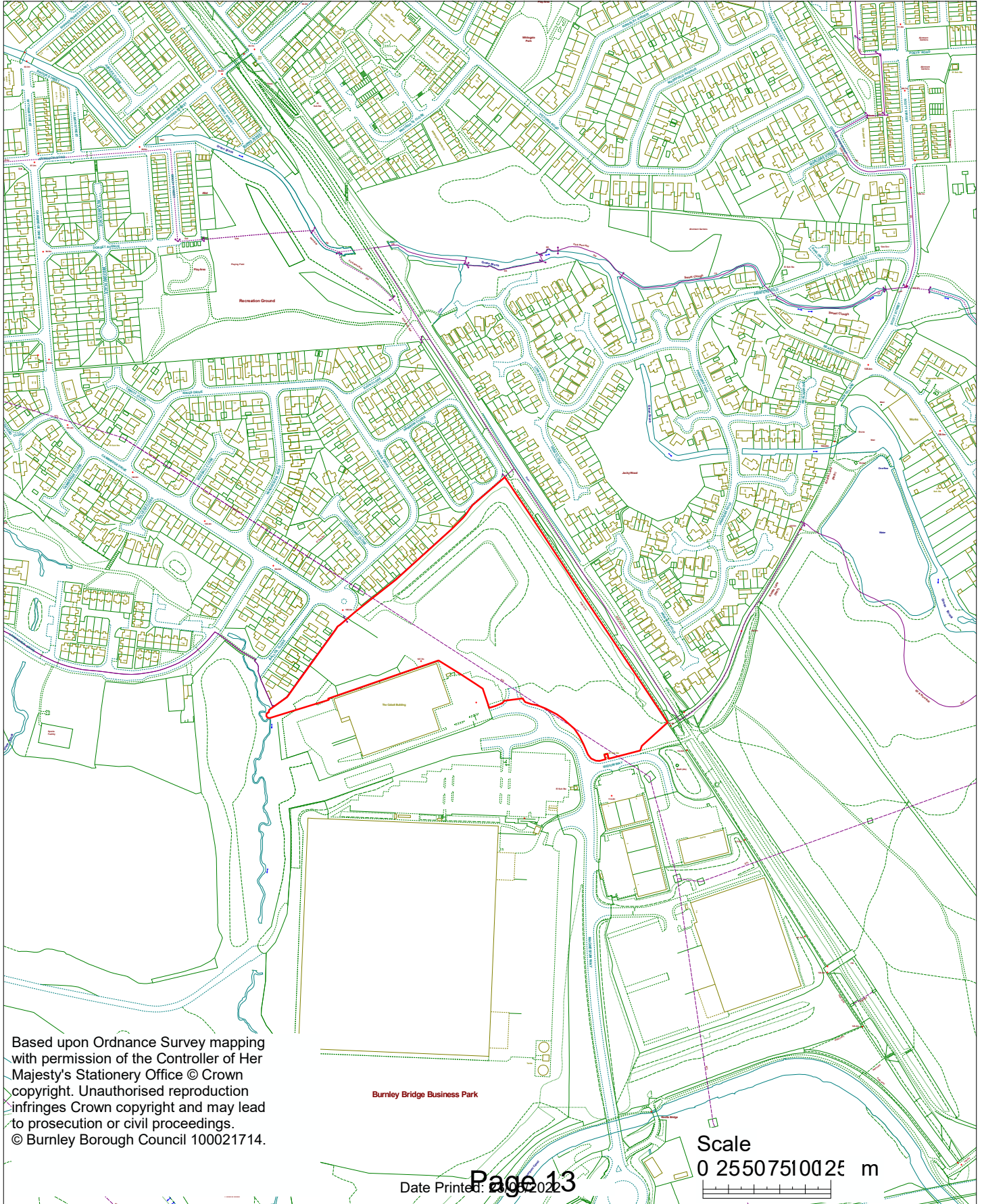
Paul Gatrell Head of Housing and Development

Location:

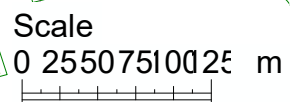


1 Magnesium Way, Hapton, Burnley

1:5000



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Town and Country Planning Act 1990

Approval of all reserved matters under outline planning permission VAR/2020/0159 for three industrial/warehouse units (B2/B8)

1 MAGNESIUM WAY HAPTON LANCASHIRE BB12 7BF

Applicant: Monte Blackburn Ltd

Background:

The application site forms the northern part of Burnley Bridge Business Park and is allocated for employment development under Local Plan Policy EMP1/2. Initially granted outline permission for residential development as part of a masterplan for the wider business park in 2010 (Ref: APP/2008/0805) the site has an extensive and complex planning history. The most relevant applications are summarised as follows:

Following the success of the early phases of the business park, in 2016 a Unilateral Undertaking was signed stating that the developer was not intending to implement the residential development as approved. This was followed by the grant of outline planning for the redevelopment of this parcel of land (Ref: APP/2016/0401) for employment development (B1c/B2/B8 uses) with ancillary retail, café and office uses. In August 2020 a variation of this permission was granted (Ref: VAR/2020/0159). Access from the existing business park was approved under this permission with all other matters reserved for subsequent approval. It is against this permission that reserved matters approval is now sought.

In September 2020, a reserved matters application (Ref: REM/2020/0442) was submitted for three industrial units. The application was subject to extensive negotiation over design matters and was subsequently withdrawn in parallel with the submission of this reserved matters application which includes revisions to the layout, orientation and height of the proposed buildings.

Site and Surroundings:

As set out above, the application site forms the northern part of Burnley Bridge Business Park which was initially granted permission in 2010. Located in the west of the Borough, north of the M65 and Leeds Liverpool Canal and south of Padiham, the entire site slopes south towards Cambridge Drive. Its principal point of access is from Junction 9 of the M65 over the recently completed road bridge. With the exception of the application site, the business park is now fully developed with a mix of B1, B2 and B8 businesses with the largest occupiers on the site being Exertis, Birchalls and Fagan and Whalley with smaller units at Magnesium Court mainly comprising B2 uses.

The application site covers some 3.7 ha of former industrial land, now scrubland with some hardstanding, and is located east of the Cobalt Building (Birchalls) and north of Magnesium Court. The irregular shaped site which narrows to the south, currently contains a number of earth bunds and raised areas of varying levels. It is bound by the proposed access road to the west and sitting at a lower level to the site and separated by an embankment of dense scrub vegetation is Padiham Greenway to the north-east and the rear gardens of residential properties to Kings Drive and Harrow Close to the north-west.



Site in Context

1. Application Site
2. Birchall Foodservice
3. Exertis
4. Magnesium Court
5. Fagan and Whalley
6. Kings Drive
7. Leeds and Liverpool Canal
8. M65
9. Padiham Greenway

The wider site was historically a magnesium works although this parcel of land appears to have been used primarily as hardstanding with the remainder being rough scrub, grassland and scattered trees. Site investigations accompanying the outline application APP/2016/0401 find that the soils generally do not pose a risk to human health for a proposed industrial/commercial end use or for construction workers and accordingly no remediation was considered necessary for the proposed end use.

The application site is allocated for employment development under Local Plan Policy EMP1/2. The policy states that the site will be acceptable for B1(b), B1(c), B2 and B8 uses and that proposals will be required to be delivered in accordance with the specific requirements set out at Policy EMP1/2, together with other policies of the Local Plan.

Policy EMP1/2 sets out additional and site specific policy requirements and design principles as follows (extract from the Local Plan):

Additional and Site Specific Policy Requirements and Design Principles

- 1) The scale and massing of any development on the northern section of the site should be single-storey units with a maximum ridge height of 7 metres in order to limit the impact of development on the surrounding residential properties.
- 2) Vehicular access should be from the south of the site across the bridge over the Leeds & Liverpool Canal.
- 3) A landscaping scheme should be submitted which retains the existing bund on the northern boundary of the site and includes screen planting on the eastern boundary to restrict/reduce the impact of any development on the surrounding residential properties and wider landscape. New planting should accord with Policy NE3.
- 4) A new or updated ecological survey should accompany any planning application which addresses any impacts on Protected Species or other Lancashire Biodiversity Action Plan species and the Lancashire Ecological Networks for Woodland and Grassland in accordance with Policy NE1.

The application has been brought to Development Control Committee as objections have been received to the public consultation.

Site Constraints:

High Voltage power lines cross the site in a north-west to south-east axis. The site falls within the boundary of the Lancashire Ecological Network (Grassland Network Corridor) and Lancashire Biodiversity Action Plan species are known to be present on the site.

The Proposal:

This application seeks approval of reserved matters for the appearance, layout, scale, landscaping and the finer details of the access for 3 no industrial/warehouse units (B2/B8 use). For the avoidance of doubt, B2 comprises general industrial use for industrial processes other than those falling within Class E(g) (previously class B1); and B8 comprises storage and distribution uses.

The proposed units will comprise a total of 9,923sqm (gross external area) which includes limited ancillary office space. Vehicular access will be taken via the estate road off Junction 9 of the M65 (as approved) with new internal access proposed via Magnesium Way and Iridium Way. A bus link and shared cycle/footpath will continue north-west to connect the site with Cambridge Drive. The layout is proposed as follows:



Gross External Areas:

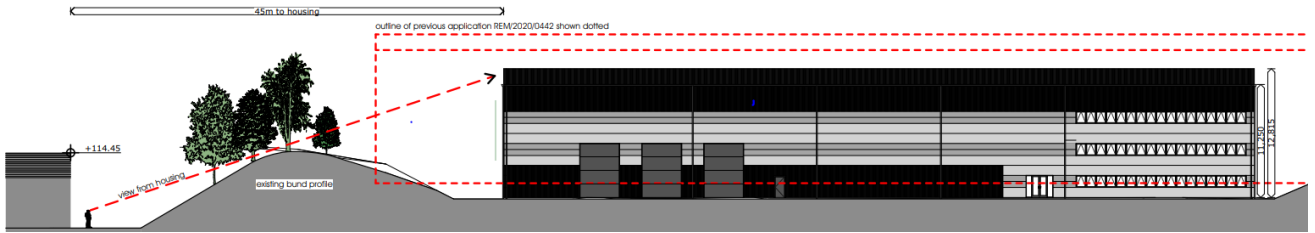
Unit A: B8 Use
4,800 sqm plus
174sqm at first floor and
174sqm at second floor

Unit B: B2/B8 Use
3,303 sqm plus
163sqm at first floor

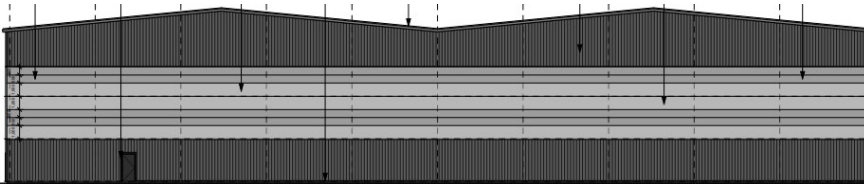
Unit C: B2/B8 Use
1,309 sqm

Unit A: This is the largest unit and will be located 31m from the north-west boundary of the site (at its closest point) and 40m to the north-east boundary with Padiham Greenway. The submitted drawings demonstrate that the building is 45m away from the nearest habitable room windows to the properties on Kings Drive and 65m to the side facing gable of the nearest property on Printers Fold. The building will measure 74.4m in length by 64.4m in width with a height of 11.25m to the eaves and a maximum ridge height of 12.81m at the apex of the twin shallow pitched gables.

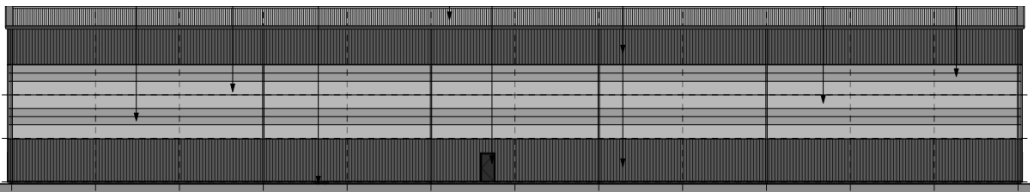
The service yard will be located to the south-west of the building and makes provision for 36 parking spaces (including 2 mobility spaces and 2 ELV charging spaces) and covered cycle parking. The unit will be accessed via an extension to Magnesium way.



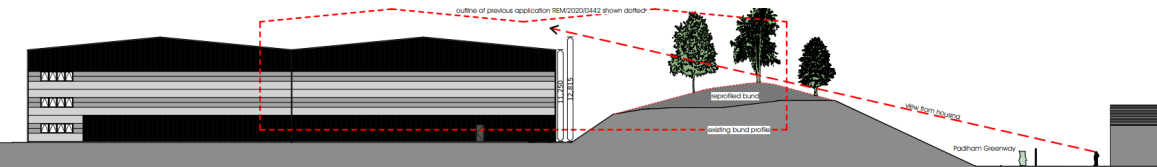
Proposed south-west (front) elevation facing service yard (shown in section with Kings Drive)
 (Red line denotes outline of building in previously withdrawn application REM/2020/0442)



Proposed north-west elevation facing the rear of Kings Drive



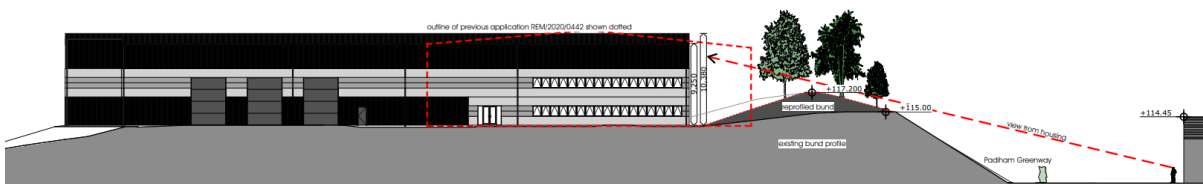
Proposed north-east elevation facing Padiham Greenway



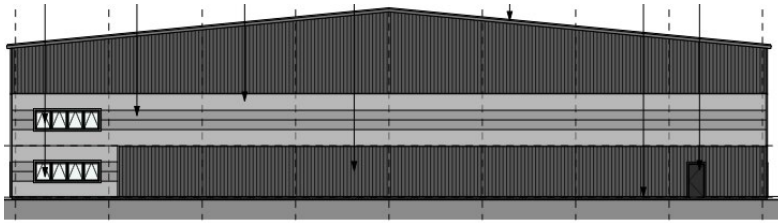
Proposed south-east elevation (shown in section with Padiham Greenway)
 (Red line denotes outline of building in previously withdrawn application REM/2020/0442)

Unit B: This is proposed to the immediate south-east of Unit A. It is 22m to boundary with Padiham Greenway (north-east) and 54.5m to the nearest habitable room windows of facing properties on Printers Fold. The building will measure 70.4m in length by 46.4m in width with a height of 9.25m to the eaves and a maximum ridge height of 10.38m.

The service yard will be located to the south-east of the building and makes provision for 33 parking spaces (including 2 mobility spaces and 2 ELV charging spaces) and covered cycle parking. The unit will be accessed via a new access from Iridium Way, shared with Unit C.



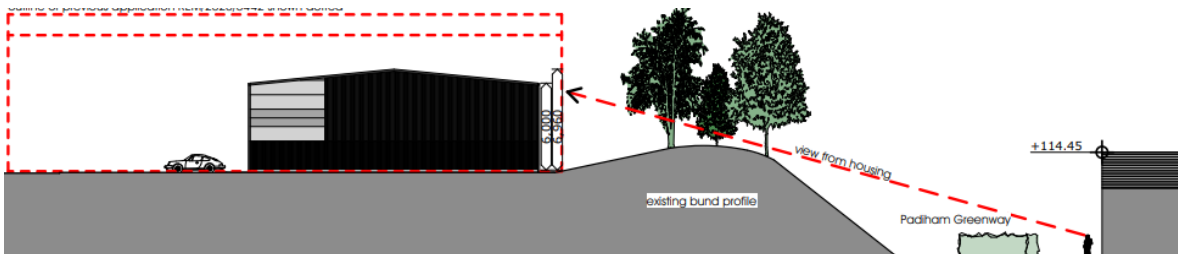
Proposed south-east (front) elevation facing service yard (shown in section with Greenway)
 (Red line denotes outline of building in previously withdrawn application REM/2020/0442)



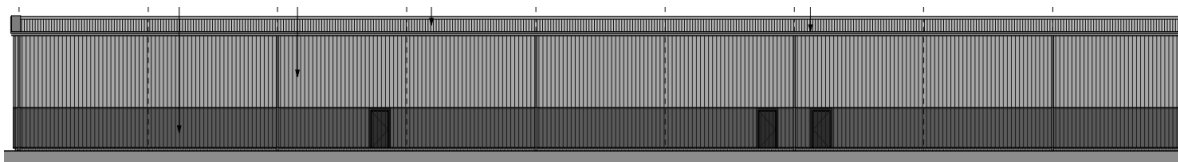
Proposed north-east elevation facing Padiham Greenway

Unit C: This is the smallest and southern most unit and is more linear in shape than Units A and B. Its longest length will run parallel to the Padiham Greenway, sited 14m from the boundary and 47.5m to the nearest habitable room of facing properties on Printers Fold. The building will measure 64.8m in length by 19.4m in width with a height of 6.20m to the eaves and a maximum ridge height of 6.96m.

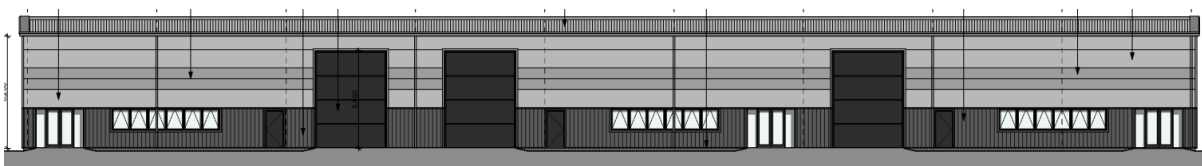
The service yard will be located to the south-west of the building and makes provision for 29 parking spaces (including 3 mobility spaces and 6 ELV charging spaces) and covered cycle parking. The unit will be accessed via a new access from Iridium Way, shared with Unit B.



Proposed south-east elevation (shown in section with Padiham Greenway)
(Red line denotes outline of building in previously withdrawn application REM/2020/0442)



Proposed north-east elevation facing Padiham Greenway



Proposed south-west (front) elevation facing service yard

The proposed external materials comprise a range of cladding in different shades of grey, with areas of vertical and horizontal massing to break up the appearance of the buildings. The windows and doors will be aluminium.

Existing landscape bunds and wildlife corridors are to be retained and enhanced on the north-west boundary (with Kings Drive) and the established tree buffer on the north-east boundary with Padiham greenway. A planting plan, paying due attention to screening and enhancing biodiversity through additional planting of native species is submitted with the application and includes native trees, shrubs, woodland mix and wildflower meadow. Verges and amenity areas are to be planted with low growing species rich grass. Ornamental trees, hedge and shrub beds will feature along the south-west boundary with the access road.



Concept images showing enhanced landscaping and screening to Padiham Greenway
View south- east (left) and north-west (right)

Post-submission amendments have been made to the layout of the scheme and landscaping in response to the consultation comments received. It is considered that the amendments are sufficient to satisfy all the points that were raised.

The application is accompanied by a Design and Access Statement; Transport Statement; Surface Water Drainage Scheme; Phase 1 Habitat Survey; and Air Quality Assessment.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP3: Employment Land Requirement
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- SP6: Green Infrastructure
- EMP1: Employment Allocations
- NE1: Biodiversity and Ecological Networks
- NE3: Landscape Character
- 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

Air Quality Management: Protecting Health and Addressing Climate Change SPD (2020)

National Planning Policy Framework and National Design Guide (2021)

Relevant Recent Planning History:

The site has an extensive and complex planning history, as part of the wider business park. The most recent and relevant applications are summarised as follows:

CND/2022/0009: Discharge of conditions to outline permission VAR/2020/0159 – Awaiting determination

REM/2020/0442: Approval of all reserved matters including appearance, landscaping, layout and scale following outline planning permission APP/2016/0401 and VAR/2020/0159 for 3 industrial units – Withdrawn

CND/2020/0418: Discharge of conditions 10 (foul and surface waters), 12 (surface water drainage scheme), 13 (SUDs), 16 (Air Quality Assessment) of APP/2016/0401 and VAR/2020/0159 – Awaiting determination

VAR/2020/0159: Variation of condition 14 (Travel Masterplan) of APP/2016/0401 - Approved

APP/2016/0401: Outline application for proposed re-development of remaining northern section of Burnley Bridge Business Park including details of access only. Development shall include industrial (B1c/B2/B8) and possible mixed use (A1) (convenience store), A3/A5 (hot/cold food sales eaten on/off premises) development with ancillary offices - Approved

APP/2011/0362: Variation of conditions 5, 12, 15, 32, and 37 on APP/2008/0805- Approved
APP/2008/0805: (Outline) Proposal for employment and residential development - Approved

Pre-application Engagement:

As set out above there was an extensive period of negotiation over design matters (layout and scale) during the consideration of REM/2020/0442 (subsequently withdrawn) which have resulted in a number of significant revisions. The revised scheme has increased the distance between proposed buildings and existing residential properties; reduced the height of the buildings and finished floor level; re-orientated units B and C to further reduce visual impact and introduced further mitigation in the form of alterations to existing landscape bunds and enhanced planting.

Consultation:

Highways Authority: Request the following amendments to the proposal as submitted:

- **Bus Link:** Widen the highway to 11.5m to include a 3m wide cycle/footway, 4m wide carriageway with a passing place west of the site access to building A of 2.5m wide (25m approx. long including taper) and a 2m wide service verge planted with low, slow growing shrubs. Traffic regulation orders will be required and a camera system to enforce vehicle movements, rather than rising bollards which should be removed. Note that the bus link must be built to LCC specification for adoptable standards including the provision of street lighting and surface water drainage. The current camera supplier is NSL. These works will be delivered under an agreement with Lancashire County Council under S38 of the Highways Act 1980.
- **Bus Stops:** Request 2 additional bus stops are provided on Magnesium Way, approx. 100m south of the junction of Iridium Way. These will serve the LCC bus service 65 which will be diverted through the site once the bus gate is operational. These works will be delivered under S278 agreement which can be a joint agreement with the S38 agreement.
- **Car Parking:** the proposed amount of parking provision (99 spaces) is insufficient to meet a scheme of exclusively B2 uses but is sufficient for B8 uses only, based on the Local Plan maximum parking standards which yields a requirement for 100 spaces. If a B2 end user were to occupy the site, it is likely to result in vehicles overspilling onto the estate road and this will result in a highway safety issue. Accordingly, it is requested that the parking provision is increased, or the use class limited to B8 only.

In respect of servicing, the swept path drawing for a 16.5m articulated vehicle to all buildings is acceptable. Advise that any gates should be set back at least 16.5m from the edge of the carriageway to allow the longest vehicles to clear the carriageway whilst the gates are operated.

In respect of site access, Building A is to be accessed via an extension of the adopted highway (Magnesium Way) and the Buildings B and C are to be accessed via a new access on the adopted highway (Iridium Way). The extension to Magnesium Way must be built to LCC's specification for estate roads to an adoptable standard and dedicated to the Highway Authority for adoption.

[Officer Comment: Following negotiation with the applicant and the submission of amended drawings, LCC confirm that their concerns have been allayed.]

Planning Policy: Note that significant revisions have been made to the scheme that previously sought permission under REM/2020/0442 including increased distance between the units and existing residential properties; reduction in height; and strengthening the screening provided by the existing landscaping including additional planting. Nevertheless, Unit A still exceeds 7m in height and is more than single storey. Advise that whilst EMP1/2(1) requires the scale and massing of any development on the northern section of the site to be single storey units with a maximum ridge height of 7 metres, it doesn't specify above what level, and it is acknowledged that the ground levels vary considerably. Neither does EMP1/2 does specify the distance the buildings should be from the site boundary or a maximum height for the southern part of the site and these matters are clearly linked. The policy does however make clear that the main reason for the height restriction is to limit the impact on surrounding residential properties (and this satisfies other policies such as SP5) and in our view the scheme as submitted limits the impact on these properties to an acceptable level.

Environmental Health Officer (Environmental Protection): Have no further comment additional to their comments to the withdrawn application (REM/2020/0442) which reinforce the need for conditions relating to contaminated land including the reporting of unexpected contamination, verification and monitoring; noise assessment; and construction hours.
[Officer Note: The recommended conditions are attached to the outline permission VAR/2020/0159) and remain in force]

GMEU Ecology: Recommend amendments to the proposed planting plan to remove non-native species and suggest increasing the numbers of other plant species including the addition of rowan and/or native honeysuckle. The wildflower grassland specification is appropriate. All retained vegetation on the north-western and north-eastern boundaries should be suitably protected to the extent of the root zone. The external lighting scheme should be secured via condition and its design should pay particular regard to the north-western and north-eastern boundaries, where the development abuts existing and landscaped woodland/shrub edges.

Accept the findings of the submitted Extended Phase 1 Habitat Survey (Nov 2021) and do not object to the proposal subject to securing the recommendations through condition as necessary.

[Officer note: subsequent amendments have been made to the planting plan in accordance with GMEU Ecology's recommendations. An external lighting scheme is required via condition 12 attached to the outline permission VAR/2020/0159 and remains in force]

Environment Agency: Have no further comment additional to their correspondence regarding planning application APP/2016/0401.

[Officer Note: the correspondence referred to confirms that the EA are satisfied that there is no risk of pollution to controlled waters from site-derived contamination].

Lead Local Flood Authority: Raise no objection to the proposed development and recommends the submitted details are sufficient to satisfy the surface water drainage scheme required as part of any reserved matters application in accordance with Condition 12 of planning permission VAR/2020/0159.

United Utilities: Note that they have previously commented on the Outline Application to which the application relates. Following review of the proposed drainage layout drawing and notes thereon, United Utilities confirm that the drainage proposals are acceptable in principle and provide advice on technical/procedural matters to be shared with the applicant.

Lancashire Constabulary Designing Out Crime Service: Advocate that the scheme be developed in accordance with the security principles and security rated products as stated in the Secured by Design (SBD) 'Commercial 2015' design guide and recommend specific security measures including, amongst others, boundary treatments and landscaping; parking design and bin storage; internal and external security systems; and lighting.

Publicity: Nine letters of objection have been received with the following points summarised:

- Noise and disturbance - there will be excess traffic noise from workers cars as well as noise and pollution from HGVs. The car park turning circle seems to be directly behind Kings Drive
- Will add to existing noise levels which are a problem
- Light pollution
- Traffic congestion and pollution
- Over development of the site, too many buildings
- Detriment to amenity of residents on Kings Drive
- Buildings too close to houses on Kings Drive
- Will increase flood risk in areas of Padiham
- Unacceptable visual impact due to height, especially Unit A which nearest to residential property. Does not meet with Local Plan requirement for maximum ridge height of 7m
- The tree planting will unacceptably impact on the views and light of properties on Kings Drive. Concerns that the trees will not be maintained to an acceptable height and growth.
- The new building is 20m closer to our property (Kings Drive) than the withdrawn scheme.
- Need to preserve the site for wildlife
- Biodiversity – Lancashire Ecological Network – Need to protect stepping stone for grassland and woodland. This is also a protected open space under NE2 and SP6.
- Building work would affect the diverse wildlife of the area
- The previous landfill of magnesium presents a high risk of contamination that could be mobilised during construction to controlled waters. It is located on a secondary B aquifer.
- Not what was originally approved
- No need for more industrial buildings/areas – plenty of unoccupied units in the area
- Eyesore in Green Belt
- Disruption to long standing footpath
- Concern that plans may not be adhered to resulting in buildings being larger/higher

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The matters raised are considered in the report below.

Planning and Environmental Considerations:

The principle of development was established with the grant of outline planning permission APP/2016/0401 (as varied by VAR/2020/0159) as the final phase of development at Burnley Bridge Business Park, allocated as an employment site under Local Plan Policy EMP1/2.

This application seeks approval of reserved matters for the appearance, layout, scale, landscaping and the finer details of the access. The main considerations therefore relate to:

- Design and Appearance (including layout; scale, massing and height; and materials)
- Landscaping
- Neighbouring amenity
- Site access and parking

The conditions attached to the outline consent remain applicable to the reserved matters submission. The application is submitted in compliance with Conditions 1 (reserved matters), 2 (detailed drawings) of the outline consent and is submitted within the required timeframe as set out in Condition 3.

Vehicular access into the site from the existing estate road off Junction 9 of the M65 has been committed through this application, as approved by the outline consent.

Design and Appearance (including layout; scale, massing and height; and materials)

Local Plan Policies SP5, SP6, NE3 and IC1 are used in the determination of planning applications in terms of their design and layout and specifically requires development to be of a high standard of design, construction and sustainability. In respect of design and appearance developments are required to relate to their context by paying due regard to the scale, height, proportions, building lines, layout and other characteristics of the site and its setting; use a palette of high quality materials appropriate to the local context; and to provide landscaping that mitigates for loss of biodiversity and assists with the physical and visual integration of developments. Developments should also be designed to incorporate and promote cycle and walking routes and should ensure the safety of users including access and servicing arrangements.

Having regard to the submitted Design and Access Statement, the acceptability of the proposed in terms of design and appearance is assessed as follows:

Layout:

In terms of layout, the proposed units and their service yards have been positioned and laid out to respond positively to the site levels and the constraints of the site. The larger blocks (Blocks A and B) are situated within the existing hollowed level, generously set back some 22m from the boundaries (at the closest point) and partially shielded from the surrounding houses and Padiham Greenway by the existing bund/embankment which will be landscaped with screen planting.

Existing buildings on the estate, Cobalt House and Magnesium Court, are located to the south-west of the site. The relationship between the proposed units and these existing buildings is considered acceptable. Moreover, the arrangement and density is similar to the

existing pattern of development within the business park such that the layout is considered to be consistent with the character and appearance of its immediate setting.

As detailed above, the nearest residential properties are located to the north-west at Kings Drive and Harrow Court. Unit A is distanced some 45m away from the nearest habitable room windows to these properties and 65m to the side facing gable of the nearest property on Printers Fold (across Padiham Greenway). Unit B is 54.5m from the nearest facing properties on Printers Fold with Unit C being some 47.5m away. The established tree buffer on the existing embankment to the Greenway provides substantial screening to the facing properties on Printers Fold (to be strengthened with additional planting).

Each unit has its own access yard, where possible the buildings have been sited to shield the yards from surrounding houses and to provide sufficient space for a landscaping or other physical measures to mitigate any perceived noise impact.

Internally the areas between the buildings would predominantly comprise the service yards and car parking required for each unit therefore hardstanding would dominate. Landscaping within the site is proposed around these areas to soften the impact as far as possible and provide an attractive environment for the occupiers. Landscape buffers and wildlife corridors are to be retained and enhanced to the north-west and north-east boundaries, linked to the existing site wide landscaping as detailed below.

Overall, it is considered that the application site is large enough to satisfactorily accommodate these large scale units, together with the necessary car parking, service yards, landscaping and space between the buildings and the boundary with neighbouring residential properties, without appearing an over-intensive form of development. Accordingly, the development would not be out of place within the business park setting and the layout would ensure a high quality scheme that is both appropriate within its immediate context and would meet the practical requirements associated with the proposed B2/B8 uses. The appropriateness of scale, massing and height in the wider context is assessed below:

Scale, Massing and Height:

The proposed buildings are substantial in scale, massing and height, particularly Unit A, and vary in footprint and height as summarised below:

Unit	Length x Width (m)	Height to Eaves (m)	Height to Ridge (m)	Floorspace
A	74.4 x 64.4	11.25	12.81	5,148 sqm
B	70.4 x 46.4	9.25	10.38	3,466 sqm
C	64.8 x 19.4	6.20	6.96	1,309 sqm

Policy EMP1/2 requires the scale and massing of development on the northern section to be single storey units with a maximum ridge height of 7m in order to limit the impact on neighbouring residential properties. Whilst the Policy does not define the northern section of the site, in this case it would exclude Units B and C which are positioned in the middle and southern part of the site and are relatively well screened by the dense scrub to the existing embankment.

This proposal includes significant revisions to the scheme that previously sought permission under REM/2020/0442 including increasing distance between the units and residential properties; reducing the height and finished floor levels; and strengthening the screening afforded by the existing landscape bunds and planting. Nevertheless, Unit A still exceeds 7m in height and is more than single storey such that there is conflict with EMP1/2 which seeks to limit the impact on neighbouring residential properties.

It is however acknowledged that the 7m fixed height restriction cannot be fully effective whilst other matters remain variable (unrestricted) by the policy such as the ground level and/or the distance from the site boundary at which the height restriction would apply or the maximum height of buildings to the southern part of the site. These factors are not addressed in Policy EMP1/2 but are clearly linked and would cumulatively determine whether there is an unacceptable harm to amenity.

Policy EMP1/2 makes clear that the main reason for the height restriction is to limit the impact on surrounding residential properties, and this satisfies other policies such as SP5 which ensure that developments do not cause unacceptable adverse impacts on both visual and neighbouring amenity. Accordingly, the acceptability of the proposal in terms of scale, height and massing has been assessed by having regard to the following matters:

Distance from boundary: The distance from the boundary is not restricted. Unit A is positioned 31m from the north-west boundary of the site (at its closest point) and 40m from Padiham Greenway. Unit B is positioned 22m from the boundary with the Greenway and is buffered by the existing densely planted embankment. Though Units A and B exceed the height restriction they are positioned at a generous distance from the site boundary and landscape features such that their impact is lessened.

Distance to habitable room windows: The 7m height restriction does not take account separation distances. Unit A is positioned 45m from the nearest habitable room windows to the residential properties facing the north-west boundary at Kings Drive and 65m from those fronting the north-east boundary at Printers Fold beyond the intervening area of land in the form of the Padiham Greenway. Ground floor windows are unaffected due to the existing topography and boundary treatments. Though Units A and B exceed the height restriction they are positioned at a generous distance from habitable room windows such that their impact on outlook and visual dominance is lessened.

Ground level: The ground levels vary considerably across the site. The 7m height restriction does not specify the level at which it applies. Units A and B are positioned such that are situated within the existing hollowed (lower) ground level such that their impact is lessened.

Existing Intervening features including landscaping: The 7m height restriction does not take into account any existing intervening features. This is relevant in respect of the impact on surrounding residential properties. In the case of Printers Fold, Padiham Greenway and the densely planted embankment provide a high level of visual separation from the site. The rear of the properties on Kings Drive are enclosed by the existing steep embankment/bund which in combination with the proposed set back of Unit A helps to lessen the impact.

Mitigation: This is proposed in the form of adjustments to the shape of existing bunds and through significant tree planting. The orientation of the buildings, roof form and choice of colour palette are further mitigating factors in terms of lessening the visual impact arising from scale and height.

Having regard to the above assessment, and the supporting sectional drawings, it is considered that the combination of siting/orientation and design of the units, separation and interface distances, ground levels, intervening bunds and existing and proposed landscaping (including screen planting) are such that the scale, massing and height of the proposed units would relate appropriately to their context and would not result in unacceptable visual harm to the immediate or wider setting. Units A and B would be prominent but would not appear overly dominant or out of scale with their surroundings. Accordingly, the proposal is considered to be acceptable and in accordance with the requirements of Policy SP5.

Although the height of Unit A exceeds the 7m height restriction in Policy EMP1/2, it has been demonstrated that it would not cause unacceptable adverse impacts on amenity and as such satisfies the policy intention “to limit the impact on neighbouring residential properties” *[to an acceptable degree]*. Accordingly, it is advised that a refusal on the grounds of visual impact would not in this case be warranted.

Appearance (Materials and Details):

The site is located within an established business park with a mixture of large single units and some smaller units within the immediate vicinity of the site. The proposed units are typical in appearance for this form of development and will reflect the overall style and materials of existing buildings within the wider business park. The proposed buildings are all dual-pitched roofed and will be co-ordinated in terms of materials, to include the same cladding finishes and colours, such that the units read together as one cohesive development. The proposed external facing materials is metal sheet cladding both flat and profiled and in three shades of grey (dark - anthracite, mid – goosewing and light -pure grey) applied both vertically and horizontally to break up the scale and massing and provide visual interest. The windows and doors will be aluminium in a black finish. Ancillary office areas are positioned on front elevations and corners to add a degree of visual interest and variation to the otherwise simple and uniform treatment to the elevations.

The proposed material palette and its application is considered suitable for buildings of this type and would be functional whilst ensuring that they do not harm the character and appearance of the surrounding area.

It is considered that the proposal is acceptable in terms of design and appearance and will complement the established character of the business park such that it complies with the relevant design requirements of Policy SP5.

Having regard to the above assessment, the proposal is considered to be of an overall high standard of design in accordance with Local Plan Policies SP5, SP6 and NE3.

Landscaping

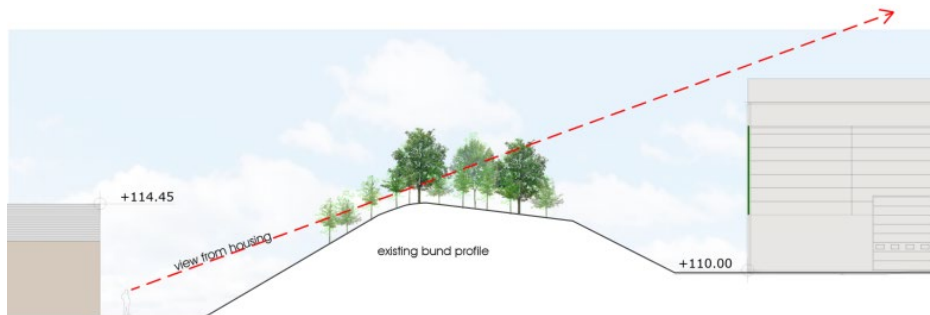
Local Plan Policies SP5, SP6, EMP1/2 and NE3 are particularly relevant in the consideration of landscaping.

A comprehensive landscaping scheme has been submitted in accordance with Condition 22 of the outline permission, EMP1/2 and Policy NE3. The proposed landscaping scheme is substantially in accordance with these requirements, particularly in that it proposes the retention and enhancement of the existing bund on the north-west boundary of the site (with Kings Drive) and includes strengthening the screen planting on the north-east boundary with Padiham Greenway (currently dense scrub) to restrict/reduce the impact of any development on the surrounding residential properties and wider landscape.

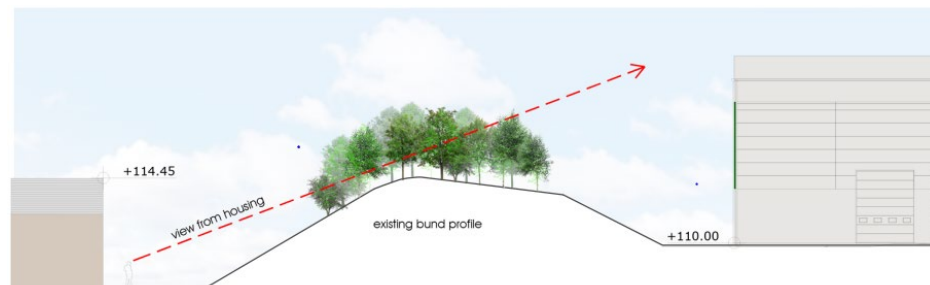
A significant amount of new planting is proposed across the site, particularly along the boundaries, which will act as a landscape buffer area and ecological enhancement. The proposed planting plans pays due regard to enhancing biodiversity and supporting green infrastructure through additional planting of native species of trees, shrubs, woodland mix and wildflower meadow. Verges and amenity areas are to be planted with low growing species rich grass. Ornamental trees, hedge and shrub beds will feature along the south-west boundary with the access road.

Particular regard has also been paid to the planting on north-west bund to ensure that the landscaping is suitably specified and positioned so as to achieve the right balance in terms

of providing sufficient screening (softening of visual impact) of the buildings without being an overly dominant feature that would be detrimental to the outlook from neighbouring properties. The bund, currently scrubland, is proposed to be planted with a combination of flowering species rich wild meadow, young native woodland mix and large native specimen trees.



Section of landscaped bund from Kings Drive at 5 Years growth



Section of landscaped bund from Kings Drive at 15 Years growth

Hard landscaping includes tarmac for the access roads and car parks and concrete for the service yards. Although these materials cover significant areas within the site, landscaping around the perimeter will soften their impact such that they are not unduly prominent.

Overall, it is considered that the proposed landscaping scheme responds positively to the challenges of the site and to its surroundings. It would complement existing landscape features; provide high visual and ecological value; assist in softening the impact of these large buildings at the edges of the site and help integrate the development into its surrounding context. It is in accordance with the landscape strategy approved in the outline permission and is similarly considered to be acceptable in accordance with the site specific requirements in Local Plan Policy EMP1/2 and the relevant criteria in Policies SP5, SP6 and NE3.

A condition is recommended to ensure that the landscaping scheme is implemented in a suitable timescale and there is a schedule for its on-going maintenance including replacement planting as necessary.

Impact on Neighbouring Amenity

Local Plan Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy NE5 seeks, amongst other things, to resist development that generates noise which is likely to create significant adverse impacts on health and quality of life when it cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes.

Outlook, light and privacy:

With regards to the impact on neighbouring amenity associated with the built form, this matter is assessed under the consideration of scale, massing and height as set out above.

In summary, the assessment finds that due to the combination of siting/orientation and design of the units, separation and interface distances, ground levels, intervening bunds and existing and proposed landscaping (including screen planting) the buildings have been designed and can be accommodated within the site without having an adverse impact upon the current level of residential amenity by virtue of a loss of light, privacy and/or overbearing impact.

Although the height of Unit A exceeds the 7m height restriction in Policy EMP1/2, it has been demonstrated that it would not cause unacceptable adverse impacts on amenity and as such satisfies the policy intention “to limit the impact on neighbouring residential properties” *[to an acceptable degree]*.

Noise and Disturbance:

Noise arising from the B2/B8 uses may affect some residential properties close to the site. Conditions 18 and 19 attached to the outline permission require the submission, approval and implementation of a scheme detailing the insulation of the units against the transmission of noise and vibration; and a scheme of measures for protecting residential occupiers from noise associated with the proposed industrial/commercial premises as appropriate.

Conditions 17 attached to the outline permission seeks to protect amenity of neighbouring occupiers and residents during the construction phase and remains relevant.

Overall, having regard to the above it is considered that, with the relevant conditions in place, the proposal would not result in an unacceptable detrimental impact on the amenities of neighbouring residential occupiers and would therefore comply with Policies SP5 and NE5. Although the proposal is in breach of the 7m height restriction in Policy EMP1/2, it has been demonstrated that the breach would not give rise to any unacceptable adverse impacts on neighbouring amenity such that a refusal would be warranted.

Site Access and Parking

Local Plan Policy IC1 requires development schemes to, amongst others, provide for safe access to, from and within the development; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute to the provision or improvement of off-site infrastructure to mitigate any unacceptable impacts on highway safety or efficiency. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9

The impact of the proposed development on the Local Road Network and Strategic Road Network was considered in the outline application and found to be acceptable. As such the traffic generated by the proposed development does not need to be reconsidered.

Vehicular access into the site from the existing estate road off Junction 9 of the M65 has been committed through this application, as approved by the outline consent. New internal access is proposed through an extension of Magnesium Way and a new access from Iridium Way. A bus link and shared cycle/footpath will continue north-west to connect the site with Cambridge Drive. The internal layout will accommodate servicing and refuse vehicles.

The application is supported by a Transport Statement which concludes that acceptable vehicular access can be provided in terms of highway safety and capacity. The proposal has

been assessed at a technical level and as part of the discussions during the assessment of the application. The Highways Authority accept the findings of the submitted Transport Assessment. They do not raise any objection to the proposal and do not draw attention to any resulting unacceptable impact on local highway safety.

The Highways Authority advise that the bus link must be built to LCC specification for adoptable standards including the provision of street lighting and surface water drainage. These works will be delivered under an agreement with Lancashire County Council under S38 of the Highways Act 1980. They also advise that the new bus stops and associated works will be delivered under S278 agreement which can be a joint agreement with the S38 agreement. The extension to Magnesium Way must be built to LCC's specification for estate roads to an adoptable standard and dedicated to the Highway Authority for adoption. Details of the relevant works have not been finalised or agreed and conditions are recommended to achieve this.

In terms of parking, the proposed site plan identifies numbers and locations of car parking (including accessible spaces and ELV charging spaces), and secure covered cycle parking. Provision is made for 99 spaces which is sufficient to meet the proposed uses across the site, subject to Unit A being restricted through condition to B8 use. The applicant has confirmed acceptance to this recommended condition. The scheme provides 10 ELV charging points which exceeds the minimum requirement under Appendix 9 and satisfies Condition 15 attached to the outline permission. Cycle parking is found to be acceptable.

Overall, it is considered that, subject to the imposition of relevant conditions and legal agreements, the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Considerations

Flood risk and Drainage: The submitted drainage layout drawings demonstrate that there is a suitable surface water drainage scheme for the development. United Utilities and the Lead Local Flood Authority raise no objection to the proposed development and recommends the submitted details are sufficient to satisfy the surface water drainage scheme required in accordance with Condition 12 of planning permission VAR/2020/0159, subject to implementation in full accordance with the agreed details as submitted.

Ecology: The application is supported with an Extended Phase 1 Habitat Survey (dated Nov 2021) as required by EMP1/2 and condition 24 attached to the outline permission. The report concludes that there has been no material change in ecology conditions since the 2016 survey. The report has been fully considered by the Council's ecology advisors (GMEU Ecology) who accept the findings and do not object to the proposal subject to securing the recommendations through condition as necessary in order to protect wildlife and to ensure opportunities are created for biodiversity gains. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species and would therefore meet with the aims of Policy NE3

Air Quality: The submitted Air Quality Assessment (AQA) concludes that the air quality effects of the development have been assessed and found to be insignificant. There should be no constraints to the development to the site, with regard to air quality. The development is consistent with the relevant parts of the NPPF; and Policies NE5 and IC2. This satisfies the requirement of condition 16 attached to the outline permission.

Planning Balance:

The proposal seeks approval of reserved matters to develop a site that is allocated for employment use in the Local Plan. The proposed development would deliver 9,923 sqm of new employment space within a range of modern buildings suitable for B2 and B8 uses as part of a wider and successful business park. This will contribute significantly towards the Council's identified employment land supply, support the local economy and provide new employment opportunities within the borough. The applicant states that the proposed development has significant occupier interest and could potentially generate in excess of 100 jobs.

A suitable scheme has come forward that complies with the site specific requirements of the local plan and plan policies. Issues relating to design and appearance, landscaping, neighbouring amenity, site access and parking have been assessed and are considered to result in a high quality scheme. However, as set out under considerations relating to scale and neighbouring amenity, an element of conflict has been found with Policy EMP1/2 in that Unit A does not comply with the requirement of buildings being restricted to 7m in height. It has been demonstrated that the imposition of a 7m height limit in isolation fails to consider the multitude of other factors that would contribute to whether a proposed building is acceptable in terms of impact on amenity.

This conflict is considered to hold minimal weight in the overall planning balance in that having comprehensively assessed all relevant matters it is evident that having regard for siting, scale, massing, height, topography, intervening bunds/greenways, existing and proposed landscaping, the exceedance of the height parameter has been found to cause no unacceptable adverse impacts on amenity and as such satisfies the policy intention "to limit the impact on neighbouring residential properties". Accordingly, the technical breach of EMP1/2 is considered to be justified and vastly outweighed by the benefits of the scheme as stated above.

Recommendation:

The reserved matters application is recommended for approval with conditions.

In granting permission, the application will comply with conditions 1, 2 and 3 of the outline permission VAR/2020/0159 requiring approval of the details of the layout, scale and appearance of the building(s), the final details of the access thereto and the landscaping of the site (the reserved matters).

Conditions and Reasons:

1. The development to which this approval of reserved matters relates shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Sections 91 -94 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are:

19.141.001 T (Proposed Site Layout at 1:500 Scale) Received 06.05.22
19.141.01 001 B (Unit A Key Plan at 1:200 Scale) Received 07.12.21
19.141.02 001 B (Unit B Key Plan at 1:200 Scale) Received 07.12.21
19.141.03 001 B (Unit C Key Plan at 1:200 Scale) Received 07.12.21
19.141.01 002 A (Unit A Key Elevations at 1:150 Scale) Received 07.12.21
19.141.02 002 A (Unit B Key Elevations at 1:150 Scale) Received 07.12.21
19.141.03 002 A (Unit C Key Elevations at 1:50 Scale) Received 07.12.21
4768 01 Rev B (Planting Plan at 1:500 Scale) Received 17.05.22
4768 02 Rev A (Site Sections 5 Year Tree Growth at 1:250 Scale) Received 06.05.22
4768 03 Rev A (Site Sections 15 Year Tree Growth at 1:250 Scale) Received 06.05.22
4768 04 Rev A (Landscape Mitigation Plan at 1:500 Scale) Received 06.05.22
00.21299-ACE-00-XX-DR-C-01000 P2 (Drainage Layout) Received 02.02.22

Reason: To ensure that the development hereby approved is carried out in accordance with the submitted plans

3. **Materials**

Prior to the commencement of any development above slab level, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

4. **Landscaping**

The approved landscape mitigation plan (Drawing Number: 4768.01 Rev A) and planting plan (Drawing Number: 4768.04 Rev B) shall be carried out in the first planting and seeding seasons following the first occupation of the approved development or the completion of the development, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: In order that the landscaping works are carried out at the appropriate stage of the development; and that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

5. **Habitat/Biodiversity Enhancement**

Prior to the occupation of the development, details of bird boxes and bat boxes to be provided (including location and specification) shall be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason: To provide opportunities to actively enhance biodiversity in accordance with the recommendations of the Extended Phase I Habitats Survey (Prepared by Rachel Hacking Ecology and Dated Nov 2021) and Policy NE1 of Burnley's Local Plan (July 2018).

6. Nesting Birds

No works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

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

7. Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, Unit A shall not be used for any other purpose other than B8 use without the express grant of planning permission from the Local Planning Authority.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in the interests of safeguarding highway safety amongst other material considerations, in accordance with Policies SP5, IC1 and IC3 of Burnley's Local Plan

8. Car Parking and Service Areas

No building or use hereby permitted shall be occupied or the use commenced until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in concrete, tarmac or an alternative bound treatment to be previously agreed in writing with the Local Planning Authority, marked out and made available for use. The car parking area shall thereafter be kept free of obstruction and available for the parking of cars at all times.

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

9. Cycle Parking

The development hereby approved shall not be first occupied until the cycle parking facilities as indicated on the approved plans have been fully implemented and made available for use and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy IC1 of Burnley's Local Plan (July 2018).

10. Site Specific Construction Environment Management Plan

No part of the development hereby approved shall commence, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impacts on the environment with particular regard to Lowerhouse Lodges LNR and BHS arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the

CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of minimising potential adverse impact on the environment with particular regards to protecting the the nearby Lowerhouse Lodges LNR and BHS from any potential harm in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. Construction Management Plan

No part of the development hereby approved shall commence, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. The Plan/Statement shall provide: i) 24 Hour emergency contact number; ii) details of the parking of vehicles of site operatives and visitors; iii) details of loading and unloading of plant and materials; iv) arrangements for turning of vehicles within the site; v) 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; vi) measures to protect vulnerable road users (pedestrians and cyclists); • vii) the erection and maintenance of security hoarding where appropriate; viii) wheel washing facilities; ix) measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction; x) measures to control the emission of dust and dirt during construction; xi) details of a scheme for recycling/disposing of waste resulting from demolition and construction works; xii) construction vehicle routing; and xiii) delivery, demolition and construction working hours.

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

12. Wheel Washing

For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

13. Site Access

No part of the development hereby approved shall commence until a scheme for the construction of the site access and works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt this shall include the construction of the bus lane and cycle / pedestrian links between Cambridge Drive and the estate

Reason: To ensure that the final details of the highway scheme/works are acceptable before work commences on site in the interest of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. Site Access

The access between the site and Magnesium Way shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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).

15. Completion of Highway Works

No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: 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 in the interest of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Notes:

This consent should be read in conjunction with the associated outline permission VAR/2020/0159.

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Housing & Development
Town Hall, Manchester Road

Ref.

OUT/2020/0366

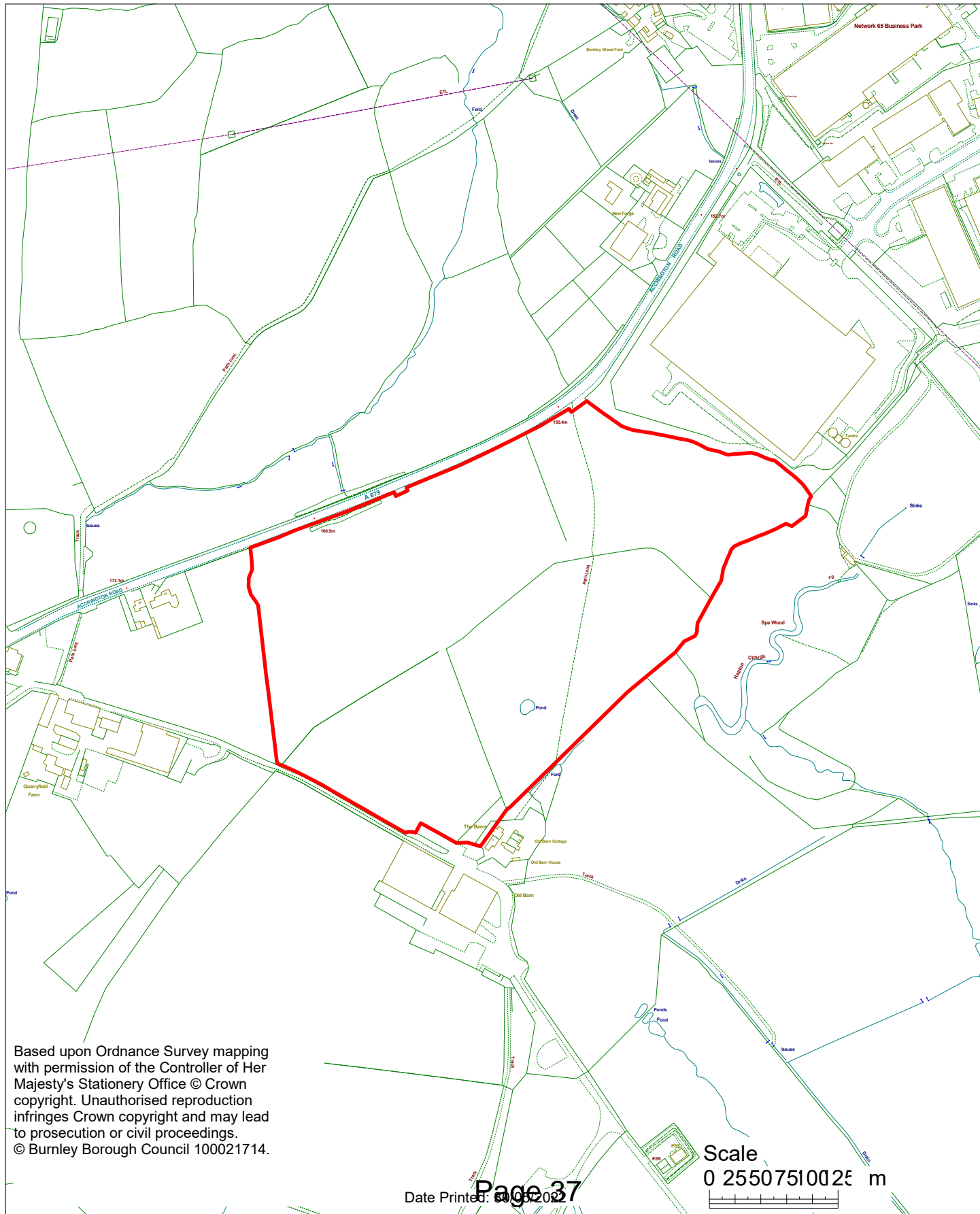
Paul Gatrell Head of Housing and Development

Location:



Land Off Accrington Road, Burnley

1:5000



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Application Recommended for Delegation to Approve subject to s106 Agreement

OUT/2020/0366

Hapton With Park Ward

Town and Country Planning Act 1990

Outline application up to 50,000m² B1 b&c, B2 and B8 industrial units (with associated offices/ mezzanines) and earthworks/ infrastructure with all matters reserved (13 hectares). Proposal affects Public Footpath No. 12 (Hapton) Accrington Road Burnley BB11 5QJ

Applicant: Eshton Investments Limited

Background:

This is an outline application with all matters reserved for the development of an allocated employment site of 13.5ha on undulating pasture land on the south side of Accrington Road within 0.7km of Junction 9 of the M65. The proposed site bounds the western edge of Network 65 where the existing buildings occupied by Glen Dimplex are located.

Application site bounding Accrington Road



Application site from where PF 12 enters the site



View in an easterly direction towards Network 65



View in a westerly direction towards Hapton



Western approach to site
(in vicinity of 62& 64 Accrington Road)



Undulating topography within the application site
(looking eastwards towards Network 65)



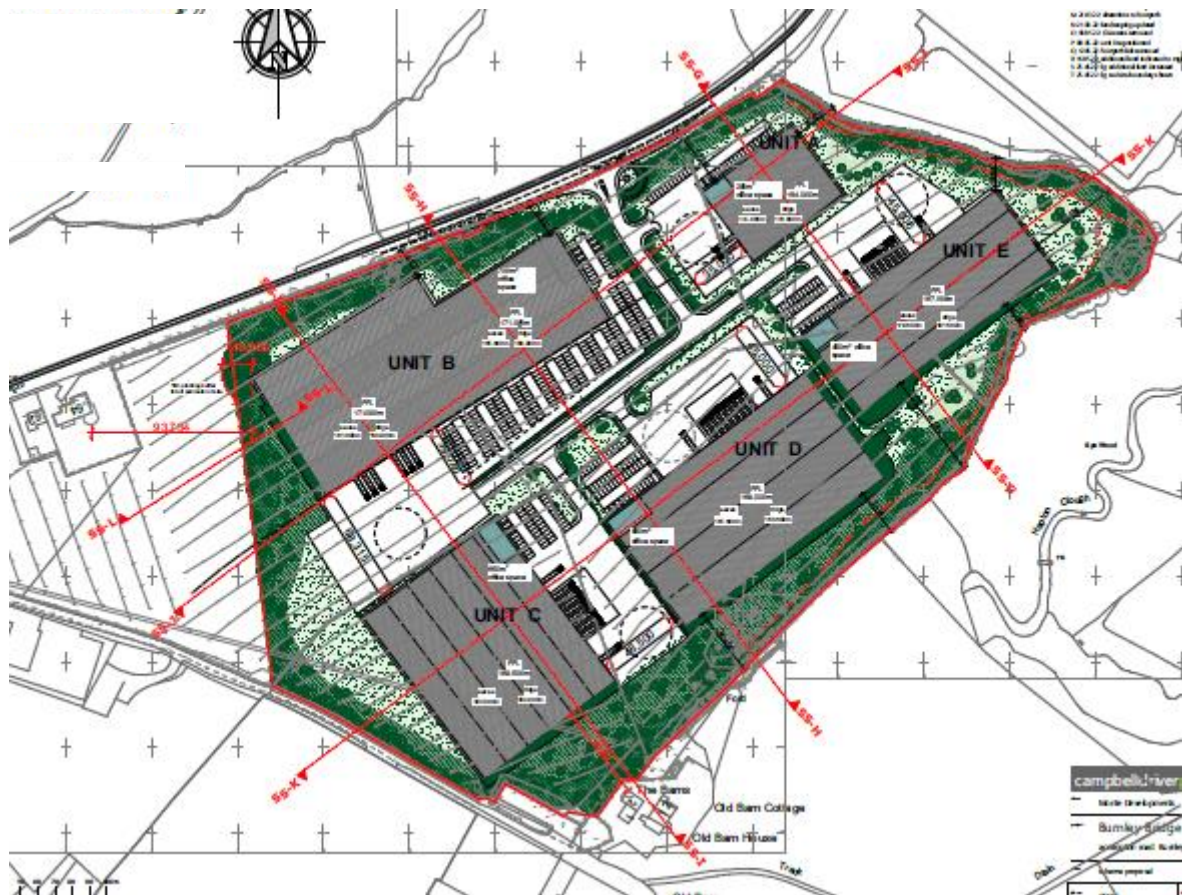
The south east boundary of the site bounds fields and Old Barn Farm (comprises five dwellings) which adjoins the southern corner of the site. To the western boundaries is a farm access shared by Public Footpath No. 11 and Quarryfield Farm which is screened by trees and two houses (nos. 62 and 64) that front Accrington Road which are approximately 60m (from garden boundary) to the application site. Beyond Accrington Road, the north side of the site consists of fields (which form part of designated Green Belt) and a network of public footpaths that extend up to the East Lancashire Rail Line, the Leeds & Liverpool Canal and the M65.

The submitted scheme has all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for subsequent approval. The outline proposal is to establish the principle of the development for the amount and type of development that is being proposed on the application site. The proposed amount of development is up to 50,000sqm of gross floorspace of buildings for the following employment uses:

- Classes B1c - Light industrial use - where processes can be carried out in any residential area – following changes to the Town and Country Planning Use Classes Order 1987 this now falls within the newly created Class E (gii)
- Class B2 – General Industry
- Class B8 – Storage and distribution

A Masterplan and further drawings have been submitted to demonstrate how a development of up to 50,000 sqm could be accommodated on the application site. The application is also supported by a variety of assessments and surveys, including a Landscape and Visual Assessment, a Landscape and Ecology, Landscape Strategy, Noise Assessment, Air Quality Assessment, Breeding Bird Survey, Biodiversity Survey, Net Gain Assessment, Archaeology Assessment, Flood Risk Assessment, Transport Assessment and Travel Plan, Phase I Environmental Assessment (land contamination), Design and Access Statement, Arboricultural Report and Supporting Statement.

Scheme proposal for illustrative purposes



The site is undulating and elevated from Accrington Road and would involve extensive earthworks involving cut and fill. Higher land along a central ridge would be reduced in height (by up to 7m) and fill would be graded back into the lower parts of the site. The approach is to remodel the land without the need for any import or export of material.

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP3 – Employment land requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 - Green infrastructure

EMP1/5 – Employment allocations (Land south of Network 65)

HE4 – Scheduled monuments and archaeological assets
NE1 – Biodiversity and ecological networks
NE3 – Landscape character
NE4 – Trees, hedgerows and woodland
NE5 – Environmental protection
CC4 – Development and flood risk
CC5 – Surface water management and sustainable drainage systems
IC1 – Sustainable travel
IC2 – Managing transport and travel impacts
IC3 – Car parking standards
IC4 – Infrastructure and planning contributions

Material Considerations

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

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

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

Site History:

ESR/2020/0136 – Environmental Impact Assessment Screening Opinion for outline application for B1(b and c), B2, B8 development. Decision (June 2020) determined that Environmental Assessment is Not Required.

Consultation Responses:

Responses below are summarised from comments that have been received. A full copy of comments from consultees is available to view on the Council's web site.

Highways England

Following requests for further information and analysis, Highways England (HE) offer no objection to the application. HE has considered the amount of committed development in the local area and trip distribution of traffic resulting from the proposed development and then assessed how this would affect the capacity and operation of the A56/A679 Interchange, and the M65 Junction 9 North and South roundabouts. The capacity assessments for the M65 Junction 9 Southern roundabout show that Accrington Road East would exceed absolute capacity in the opening year. To mitigate this, the applicant proposes to increase the entry width of this arm by 0.6m. With this improvement, HE has carried out further testing (a sensitivity test) that shows that the uplift in traffic from the proposed scheme can be accommodated. HE conclude that the traffic impact of the development on the Strategic Road Network would not likely to be severe and therefore offers no objection.

LCC Highways

Following further requests for information which have been received and assessed, LCC Highways have no objections to the proposed development and is of the opinion that it would not have a severe impact. This conclusion has taken account of the impact of additional traffic on the recently approved Rosegrove junction as well as a new junction to serve the development on Accrington Road, the A679/A56

interchange, the A679 Manchester Road/Hameldon Road crossroads, Junction 9 M65 southern roundabout (Accrington Road/Bentley Wood Way) and Junction 9 M65 northern roundabout (A679/Magnesium Way).

The new industrial site is located off the A679 Accrington Road and sited between the A56 (Trunk Road) to the west and Junction 9 of the M65 to the east. The outline application is submitted with all matters reserved. The application indicates that the site access will be taken from the A679 with the construction of a new access with 3.5m running lanes and a 3.5m central reserve, the principle of which would be acceptable. Pedestrian movements would be accommodated by the installation of pedestrian refuges to the east and west, connecting to a new footway construction on the south side of Accrington Road to the site entrance. To the east of the site, it is indicated that the Public Right of Way (Footpath no. 12) would be diverted. This would be acceptable but care will need to be taken to ensure that there is visibility for crossing pedestrians on Accrington Road. There is no specific cycle access provision indicated and it would be necessary for cyclists to use the A679 Accrington Road. The final access design should make provision to enhance cycle safety in the vicinity of the new access junction. The proposed site has limited connections to local infrastructure and residential settlements such that there would be a reliance on private transport means and public transport. A contribution would be required to improve the service by increasing bus frequencies during peak hours.

LCC Highways has no objection to the outline application subject to the following measures being secured:-

- Roundabout alterations (at Junction 9 of M65/Accrington Road)
- New bus stops in both directions close to the proposed site entrance
- Bus service contribution of £60,000 per annum over 5 years (to be used to expand the frequency of services to make it attractive/viable to support sustainable travel to and from the site).

LCC Public Rights of Way (PROW) Officer

Footpath Hapton 12 (12-7-FP12) is directly affected by the proposal and would require a Diversion Order and Footpath Hapton 11 (12-7-FP11) runs directly adjacent to the site. The tests and criteria for assessing an application for a Diversion Order (under s257 of the Town and Country Planning Act 1990) include consideration as to whether the disadvantages or loss likely to arise as a result of the stopping up of the right of way to the public and persons with property that adjoins or is near to the right of way should be weighed against the advantages of the proposed Order. The Diversion Order must be made and Confirmed before the development is commenced in so far as it affects the public rights of way. The detail of the exact alignment of the new route, the construction and specification and any associated works would need to be agreed before a diversion order application (under s257) is made. The PROW Officer summarises the specifications and likely improvements that will be required for a right of way and concludes that their comments are not an objection to the planning application but they reserve the right to submit representations or an objection to any future application for a Diversion Order.

Ramblers Group – Burnley and Pendle

A proposed diversion shown on the submitted plans would be acceptable. The plans show this meandering through a wooded area to the south and east of the development which should, eventually, enhance the route from its junction with Accrington Road to the north east edge of Old Barn. The developer will need to apply

for a temporary closure to FP12 and for the proposed diversion. As this site is an allocated employment site, provided the access road to Old Barn from Accrington Road which is also Public Footpath No.11 (12-7-FP11) is kept open and safe for walkers during construction and beyond, and the above proposed diversion of FP12 is brought in as soon as possible, then there are no objections to the planning application.

To complete the line of FP12, the stile at the NE corner of the site will need replacing (preferably with a gate) and the access to the south side will require a stile replacement with a gate and a replacement footbridge over the stream and into the wood leading to Old Barn.

Local Lead Flood Authority (LCC)

No objection subject to conditions to require the following:-

- The development to be in accordance with the principles set out within the Flood Risk Assessment and Drainage Strategy;
- A final surface water sustainable drainage strategy;
- A Construction phase surface water management plan; and,
- An Operation and Maintenance Plan & Verification Report of the constructed Sustainable Drainage system.

United Utilities

The proposals are acceptable in principle. Conditions are requested to require a further detailed scheme, to require foul and surface water to be drained on separate systems and to require a management and maintenance plan for sustainable drainage system.

Historic Environment Team – Archaeology (LCC)

There are no heritage assets recorded on the Lancashire Historic Environment within the red-line boundary of the proposed development, but it is thought to lie within the limits of the former Hapton Deer Park, depicted on Speed's 1610 map of Lancashire. The Archaeological Desk-based Assessment (WYAS Archaeological Services, May 2020) that accompanies the application has identified areas of potential archaeological interest on LiDAR images of the site, primarily along a ridge running east-west in the centre of the site. A first stage of mitigation, in the form of a geophysical survey of the site, has been recommended (see p. 23). It is highly likely that this would be considered to require, as a minimum, a second stage of intrusive field evaluation in the form of trial trenching. Depending on the results of these works further detailed archaeological excavation may then also be considered appropriate. Reference is also made to a number of probably post-medieval dry-stone wall field boundaries which will be removed as part of the development. They may contain features of interest such as gate posts, stiles and sheep throughs, and if so they would merit a record of them being made prior to their removal.

On the basis of the information submitted, I am not of the opinion that any surviving archaeological remains that might be encountered on the site are likely to be of such significance that they would be a constraint to development of the site, but rather that they should be preserved by record, i.e. through a programme of archaeological excavation, recording and its appropriate reporting and archiving. A condition to require a programme of post-permission archaeological assessment of the site is recommended.

Greater Manchester Ecology Unity (GMEU)

Initial comments affirmed the need for a breeding bird survey to be undertaken as well as a Defra Biodiversity Metric to calculate Biodiversity Net Gain (BNG). Following the submission of the requested surveys and information, GMEU affirm that the breeding bird survey is accepted and this aspect of the planning policy of Burnley Local Plan (EMP1/5 Local Plan 2018) has been fulfilled and the BNG calculation achieves a net gain (subject to a detailed plan and locally native planting and seeding specification). GMEU note that the BNG may need to be re-calculated based on revisions to plans [this can be secured through a condition to ensure that the outcome remains a positive net gain]. In respect of other ecological matters, GMEU state that hedgerows, trees and scrub provide suitable nesting sites for birds in which case any vegetation clearance should avoid the bird breeding season. A re-assessment for bats in respect of ash trees (BTN3/FTN3) and the mature alder trees at BTN2 will be required prior to the commencement of site clearance associated with implementation of a full scheme or any clearance required for ground investigations/enabling works. The site is drained to the north via a culvert under Accrington Road into a small valley which runs through open countryside and towards the Biological Heritage Site – Bentley Wood Green. It is recommended that the landform and mature ash (BTN3) are protected and retained if at all possible [the mature ash trees on the boundary are indicated to be retained]. If this is the surface water outfall point within the Reserved Matters application then any modification/lining of the culvert will need to be considered for bat roosting if currently stone-lined. Given the site topography and the need for earth moving to create development platforms a Construction Environmental Management Plan (CEMP) to demonstrate how water quality will be preserved during construction is necessary. All retained features of biodiversity value; trees, scrub, existing grassland and drystone walls should be adequately protected with high visibility fencing during construction and retained features should be identified within the RM submission. A suitable lighting scheme including light spillage calculations should be supplied at RM to identify both highways and any proposed security lighting where it may affect the proposed wildlife corridor and public footpath habitat creation.

Burnley Wildlife Conservation Forum (BWCF)

Initially objected to the scheme on the basis that it would increase urban sprawl and remove pastures that are used for foraging by upland breeding bird species. Since the objection was made the applicant has carried out breeding bird surveys and Biodiversity Net Gain (BNG) Assessment. The BWCF is no longer taking part in consultations on planning applications in which case the new information has not been reviewed by them. As such, no weight can be given to their original comments which are not based on the full surveys and information that is now available.

Environmental Health

Following the submission of an updated noise assessment, noise from fork lift trucks and HGV delivery noise have been considered. The applicant has not addressed the cumulative impact on the basis of this being an outline application without detailed information. It is noted that building industrial units adjacent to the existing residential neighbours will result in noticeable noise which would probably be in the form of acoustic events, occasional bangs, crashes, sounds of reversing beepers, etc. and may have a low level noise associated with plant. The submitted noise assessment has addressed some of these issues whilst other aspects cannot be assessed until detailed design and intended use is known. Conditions are recommended to require details of the design, layout and orientation of buildings to inform an assessment of the noise emanating from the use of the development and any mitigation measures that are required to protect the amenity of occupiers of nearby noise sensitive

properties. A further condition is recommended to ensure that noise from the development expressed as a rating level in accordance with BS4142 does not cumulatively exceed the existing background levels (as stated in the noise assessment) by more than 5dB.

In respect of air pollution, an addendum to the submitted Air Quality Assessment has been received. Further assessment and details will be required to ensure that there are no adverse impacts. Conditions are recommended to require assessments for each phase of the development which will take account of the specific detailed plans and the cumulative impact of the development. Further conditions are recommended to control noise and dust during the construction period and to require the provision of Electric Vehicle Charging points.

A condition to require a lighting scheme for the full site is also recommended in order to protect nearby neighbours from adverse lighting and to minimise light pollution.

Contaminated Land Officer

The submitted Phase I Land Contamination Assessment identifies that there are potential significant pollution linkages which require further investigation. A condition to require a land investigation and risk assessment as well as a remediation scheme and monitoring where necessary, is recommended.

Hapton Parish Council

The public footpath must be left intact and the height of the units need to be considered. Access is not good and traffic speed needs to be reduced.

Publicity

30 letters of objection were originally received. A further 9 letters of objection were received following a re-consultation on changes to the submitted Masterplan. A summary of the objections is provided below:

- Amount of traffic and heavy goods vehicles on an already dangerous road, will be unsafe
- Only one slip road at Jn 9 , will lead to more traffic on country roads and A679
- The footway along the A679 is narrow, worse in summer months when hedgerows grow and crumbling into the adjacent field in places and , not suitable for more pedestrians and additional HGV's would be a danger to its users
- Many vehicles break the speed limit
- Difficulties in accessing property and turning onto the A679 from Manchester Road due to traffic and traffic speeds and poor visibility due to overgrown hedges
- Bad accidents near Network 65 several times a year
- Local road networks cannot cope with traffic from existing industrial use
- The TA over relies on the improvements at the Rosegrove junction and suggests a second TA should be carried out once these works area completed
- Infrastructure is unsafe for another junction on A679
- Pedestrians find it difficult to cross this road, including school children crossing for school bus
- More traffic will be unsafe for families with children
- Affect on PF 12 – a lovely walk through open countryside, affect on mental health, well-being

- Loss of open countryside, attractive undulating landscape, breathtaking views from area
- Will be a blot on the landscape, an eyesore, spoil the entry into Hapton, a small rural area spoilt by constant creeping of industrial units
- Hapton is losing its village identity
- Huge negative visual impact
- Hapton and surrounding areas have enough large storage facilities which can be viewed from far away
- Units of an unspecified height would be visible locally but also from outside the area
- Object to building on greenfield site when there are available brownfield sites nearby
- Buildings will be visually overbearing and destroy the visual amenity of the surrounding area
- Question what are the engineering works to form the landscaped bund and its impact
- There are plenty of empty units, for example at Network 65, Rossendale Avenue, Farrington Road, Billington Road etc. These should be upgraded first using the existing infrastructure.
- Will cause environmental damage, pollution, noise, dust, smells and fumes
- Would have loading bays near to residential property
- Increase in light pollution
- Potential increase in crime in the area
- May include unsociable hours of working
- Loss of privacy and peaceful enjoyment of home
- Loss of agricultural land
- Land is waterlogged , will lead to run-off and flooding on local roads and into fields opposite
- Removal of land that provides natural flood defence will divert more rainfall to rivers and lead to serious flooding in Padiham and other towns/villages downstream
- Loss of wildlife and natural habitat
- Has been a pair of breeding curlews in the fields every year and home to numerous birds of prey and herds of deer
- Ancient burial grounds have been discovered during local archaeological digs
- Will cause overlooking of property, have negative impact on enjoyment of house and garden
- Loss of privacy for adjacent residents, adverse impact on views
- Removal of landscape bund will exacerbate concerns over its visual impact and exposure
- Thick landscape screening and complementary building colours should be used
- Effect of loss of sunlight on opposite fields
- The proposal would not be a benefit to the local area and have unfilled vacancies in Burnley

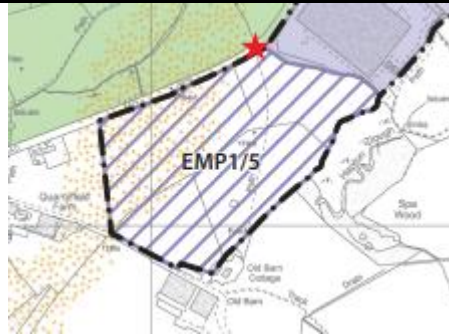
Planning and Environmental Considerations:

Principle of Proposal

The site falls within the Development Boundary as identified on the Policies Map of Burnley`s Local Plan where Policy SP4 identifies Burnley as a focus for development.

Policy SP3 sets out the employment land requirement over the 20 year period of the Plan 2012-2032 where it states that Burnley will deliver at least 66ha of employment land within this period. It calculates a residual requirement of 27.87ha to be met by site allocations and states that the employment land requirement will be provided for in line with the overall Development Strategy in Policy SP4. Policy EMP1 sets out the sites that have been chosen to deliver the employment land, the largest of which is the application site which is a greenfield site to the south side of Network 65.

Extract from Policies Map (West)



Policy EMP1/5 allocates the site (13.32ha) for employment development (uses B1 b&c, B2 and B8). It is a key employment land allocation, amounting to approximately 40% of all the employment land allocations.

Policy EMP1/5 – Extract from Burnley`s Local Plan

EMP1/5 – Land South of Network 65	Site Area: 13.32 hectares
<p>This site is located adjacent to the existing Network 65 Business Park at junction 9 of the M65. It would be suitable for B1 (b & c), B2 and B8 uses (excluding outdoor storage).</p>	

The red dotted line that crosses the red edge site allocation is an existing Public Footpath (no.12).

Policy EMP1/5 contains Additional and Site Specific Policy Requirements and Design Principles to take into account. These include the site`s prominence and gateway location (marked by a red asterisk on the Policies Map) that requires consideration to its landscape setting; that no built form should be allowed within the green hatched area (shown on the plan above) in order to protect nearby residential properties; the need for screen planting at the south western, south eastern and northern boundaries to reduce impact on the adjacent residential properties and surrounding landscape;

need for sustainable drainage and reference to a small area of Flood Zones 2 and 3 (along Hapton Cough to the south edge of the site); the need for walking and cycling facilities to connect with Network 65; the potential need for contributions towards highway improvements; the presence of Protected Species and Priority Habitat that forms part of the Lancashire Ecological Network for grassland; and, the presence of the Medieval Hapton Deer Park close to the site and potential for archaeological interest in the site.

The current outline proposal is for Class B1 b & c (amended to Class E gii & giii), Class B2 and B8 use on the land. The proposed uses are, in principle, in accordance with the employment allocation of the site. The amount of development and form of development should however be assessed against the site specific considerations summarised above and other material considerations are discussed below.

Amount of development

The Masterplan submitted with the application has been amended since first submitted but remains for illustrative purposes only all matters, including the layout of buildings, are reserved for subsequent approval. The purpose of the illustrative Masterplan is to demonstrate that the amount of development would be acceptable. A Parameters Plan has also been submitted to establish the maximum footprint of buildings and the maximum eaves and ridge heights.



The maximum footprint would be 47,500sq and the maximum eaves and ridge height would be 10m and 12.5m respectively for units fronting Accrington Road and 12m and 14.5m respectively for units on the southern side of the site. The additional floorspace (up to a total of 50,000 sqm) would be made up of partial mezzanine floors for associated office space. Plans and cross sections have also been submitted to demonstrate how level plateaus would be created for the proposed units. These will be considered further in respect of the visual impact of the development and its impact on neighbouring properties.

Visual impact of development

Policy EMP1/5 acknowledges that this is a prominent site, it also marks a gateway location between the urban and rural area. Policy NE3 expects development to respect and where possible, enhance and restore landscape character. Policy SP5 states that where a development is at a Key Gateway (as identified on the Policies Map), it should address this through either a landmark building, landmark tree planting, public art or a carefully designed gentle transition from countryside to town. A Landscape and Visual Assessment has been submitted with the application.

Current approach to the site from Jn 9 M65 View from Hapton approach



The views of the open countryside currently open up on the approach from Jn 9 of the M65 close to the Glen Dimplex building that is partially visible through the site's frontage planting.

The site sits within the Calder Valley landscape and is elevated from Accrington Road and has an undulating topography that creates higher ridges of land, particularly more centrally to the eastern side of the site. This portrays a prominent tract of land in its immediate surroundings. The site which presently forms part of the countryside is also prominent from higher land on the network of public footpaths on Hameldon Hill. The proposed cut and fill operations to provide a series of level plateaus would significantly change the character of the site, from an open pastoral scene to an engineered site and urban appearance. In principle, this level of change has already been accepted by allocating the land for employment purposes. Notably, the Inspector's Report following the Examination of the Local Plan states (at Para 76); "The green field sites at ...and on land south of Network 65 (EMP1/5) would represent significant extensions of the existing built-up area into the countryside and would clearly have some impact on the character and appearance of the area". Within this context, therefore, that the proposal will alter the appearance of the site, the development should be tailored to respect its gateway location that would make it a new edge between the rural and urban area and mitigate its visual impact.

An illustrative landscape plan has been submitted to demonstrate how planting would be used to screen the development and reduce its visual impact.

Illustrative Landscape Plan



Whilst the original proposal had included additional land to the west of the site that would have created an extra planting buffer, the revised illustrative landscape plan indicates considerable planting around the perimeter of the development of between 15m and 61m depth. This would amount to approximately 5ha of land for planting – which would include native tree and shrub planting and native rich grassland. This would give the opportunity for native woodland planting that would be able, with time, to provide effective screening. The applicant has provided the following illustration of how landscaping would screen the development from Accrington Road:

Applicant's visual impression from Burnley direction



Applicant`s visual impression from Hapton direction



To provide level areas of land for buildings, the submitted plans indicate that a planted embankment would front Accrington Road which would partially screen the development from Accrington Road. Subject to detailed plans and specifications, it would be possible to respect the transitional nature of the site from the rural to urban are with appropriate depth and type of native tree planting. This would need to be demonstrated as part of a Reserved Matters application. The plans and details that have been submitted show that it would be possible to achieve this subject to the parameters that have been set on the maximum footprint and height of buildings.

The illustrative landscape plan also provides hedgerows and planting within the site and a wide tract of planting along the route of the proposed diverted public right of way. This would be assessed in details in a Reserved Matters application.

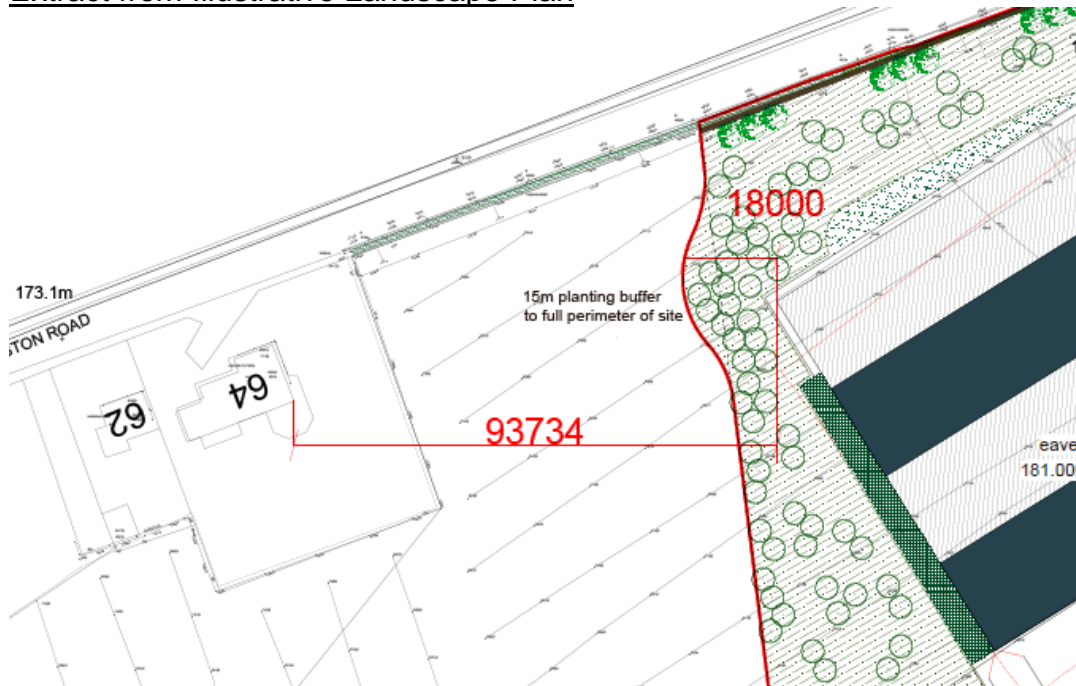
The applicant has been able to demonstrate that whilst this is a prominent area of land, the parameters that are proposed for the amount of development and its size/height would suitably control the visual impact of the development and provide sufficient scope for effectively screening the development. Subject to conditions to control the form of development and landscaping in future Reserved Matters applications, the proposed outline scheme is capable of providing an acceptable visual impact on the landscape and local area.

Impact on Residential Amenities

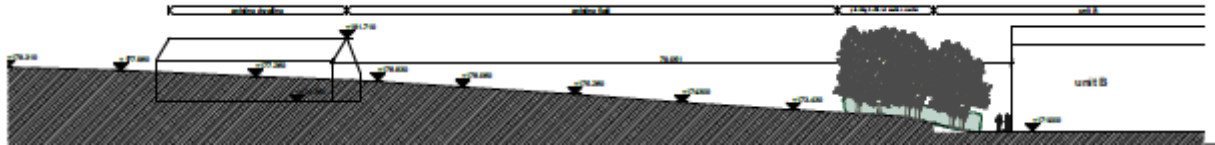
Policy SP5 states that development should ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

There are a number of isolated neighbours in the vicinity of the site. The closest ones are at 64 and 62 Accrington Road to the west of the site and at Old Barn Farm where there are five properties to the south side of the site. In respect of the former, the applicant has further amended the illustrative proposal (and the red edge Location Plan) to illustrate the visual mitigation that would be afforded by a minimum 15m native woodland buffer.

Extract from Illustrative Landscape Plan



The extended area of native woodland planting would be necessary to provide effective screening for the existing nearest neighbouring property on Accrington Road. The indicative section below:



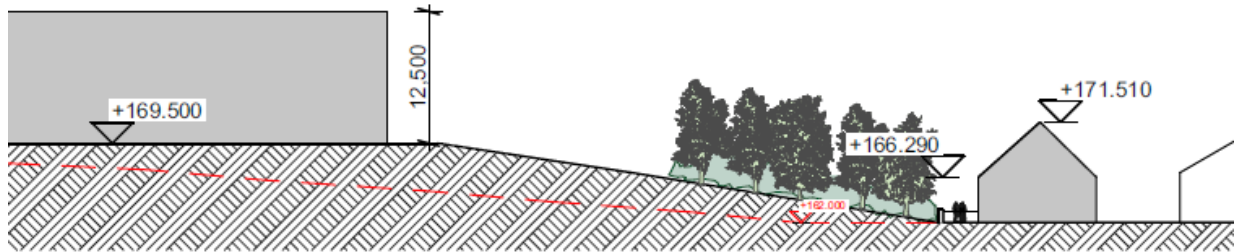
The houses on Accrington Road are on slightly higher land which together with the distance between buildings (approximately 90m) and an adequate depth of woodland planting (shown to be around 15m depth), the proposal would be capable of satisfactorily mitigating its visual impact.

The five neighbouring properties at Old Barn Farm site lower than the levels of the application site where the site levels are likely to be raised by the grading back of higher land.

Extract from Illustrative Landscape Plan



The extract above indicates how the rectangular area referred to in the policy allocation would be undeveloped and surrounded by further landscaping. The distance between buildings is indicated as approximately 55m. The indicative section below displays the relationship between the development and the residential properties:



It is acknowledged that the views of the fields that are currently experienced would be removed by the proposal. With adequate spacing and sufficient appropriate tree planting, it would however be possible to satisfactorily mitigate the impact.

The proposed employment uses would generate noise, both environmental through traffic and deliveries and internal, through industrial processes or use of equipment. A noise assessment has been submitted with the application and whilst this shows that it is possible to limit noise to acceptable levels, it is not known at this stage what the orientation of buildings or service yards would be or the type of use and its potential to generate noise. Further noise assessments will therefore be necessary for each individual use and building. Some parameters for controlling noise are also recommended as conditions. With these provisions, it would be possible to effectively safeguard the living conditions of the occupiers of neighbouring properties and the proposal would not therefore conflict with Policy SP5.

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 on nearby junctions, including Junction 9 of the M65 and the Rosegrove signalised junction. Further Technical Notes were produced to respond to further requests for information from Highways England and LCC Highways. Access is a Reserved Matter, in which case no details for the proposed junction and development are being considered. The illustrative Masterplan indicates a new access from Accrington Road would serve the proposed development. A Public Footpath (No.12) that crosses the site is indicated to be diverted around the eastern and southern edges of the site up to a stile and bridge where the footpath enters an area of woodland to the south side of the site.

In respect of the principle of access to the site, Highways England consider that the type and amount of traffic that would be generated by the outline proposal can be accommodated on the Strategic Road Network subject to a minor widening of an arm of the southern roundabout at Junction 9. LCC Highways has considered the impact of the development on the nearby junctions and local highway network and conclude that it would be acceptable subject to the improvements to the southern roundabout and to improvements to sustainable travel by enhancing the current bus service that passes the site. A request is made for a contribution of £300,000 (£60,000 over five years) which would be used to improve the frequency of the current no. 9 service to make it an effective offer for employees to use to travel to and from work. The applicant has agreed to the request which will require a s106 Agreement. New bus stops on each side of Accrington Road would serve the site, details of which would be agreed with the local highway authority as part of a s278 Agreement.

Policy EMP1/5 seeks to encourage improvements to cycle and pedestrian facilities to connect the site with the adjoining Network 65. A direct link between the two sites would be difficult to achieve due to the positioning of the existing Glen Dimplex building. There is however an informal path through an adjacent field that could connect the application site to Public Footpath no.11 that enters the Network 65 site. It has not been possible as yet to identify the owner of the field in order to explore the possibility of forming a footpath connection. The applicant has agreed however, in principle, to using part of the agreed sustainable transport monies for creating this route if it can be agreed with the landowner in the future. The applicant also agrees to improving Public Footpath no. 12 that would be diverted within the application site to a Public Bridleway if this was requested in the future.

Proposed route of diversion of FP12 (east side of site)



In respect of the proposed diversion, the indicative plans show that the alternative route would be well landscaped. The Ramblers Group and LCC do not consider, at this stage, that there would be an objection to the proposed diversion. A diversion would however require a formal Order which would be a separate application.

The applicant has also been requested to improve the existing Public Footpath where it exits the site into an area of woodland. This would involve replacing the stile and constructing a new bridge. The applicant has agreed to these works which can be secured by condition.

With the foregoing provisions, the travel impacts of this outline proposed development would be acceptable and would comply with Policies IC1 and IC2.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible as well as protecting Protected Species, Priority Habitat and local and regional sites and maintaining Ecological Networks. In addition, Policy SP6 seeks to protect and enhance the borough's green infrastructure.

The western portion of the application site is part of an Ecological Network for grassland, in which case it is important to maintain the connectivity between habitat areas. Biological Heritage Sites (BHS) at Thorny Bank Clough is located 360m to the south of the site and Bentley Wood Green BHS is a similar but slightly further distance to the north of the site. The site lies within the Impact Risk Zone for the South Pennines Moors SSSI and Special Area of Conservation which is located approximately 8.5km to the east although the proposed development does not fall within any of the risk zone categories and as such has no identified impact. The main area of assessment is the presence of breeding birds and an assessment of Biodiversity Net Gain.

Policy EMP1/5 refers to the need for breeding bird surveys. These have been correctly carried out since the application was originally made and found no evidence of this activity at the application site. GMEU accept the findings and have made recommendations for conditions to protect birds during the nesting season and to protect wildlife during construction. GMEU is satisfied that the applicant has been able to demonstrate a net gain in biodiversity. This would be possible through an extensive areas (approx. 5ha) of native tree and shrub planting and rich species grassland. This will enable the connectivity to be maintained within the Ecological Network. This will, however, require further detailed assessment for which a condition is recommended.

Conditions are recommended to require a locally native planting and seeding specification; to require the use of drystone walls within the hard landscaping aspects of the scheme; to require a Landscape and Ecological Management Plan (LEMP) to demonstrate the management of the biodiversity net gain features for a period of 25 years including identifying the resourcing and responsibility elements of the management proposals; to prevent vegetation clearance in the bird nesting season; a re-assessment of bat activity at any trees that may be affected by the development; to control any changes to the lining of the culvert to the north of the site in case of bats using the culvert; a CEMP to protect features of biodiversity value such as trees, scrub, existing grassland and drystone walls and to control water quality and silt through the construction period; and, a lighting scheme to ensure sensitive lighting near to habitat areas. With these provisions, the proposal would adequately protect wildlife and the biodiversity of the site and the wider area, including the Ecological Network that crosses part of the site. The proposal therefore complies with Policy NE1.

Economic benefits

It is anticipated that the development will directly generate between 650 and 1,400 jobs. When broader supply chain and Indirect job creation is taken into account, this rises

to between 935 and 2,000 jobs. The applicant estimates that this will generate between £44m and £95m of Gross Value Added (GVA) for the local economy in every year of operation. The applicant is in active discussions with two occupiers who are very keen to take space on this site. These are both manufacturing occupiers, who between them would generate 600 of those jobs. This reflects the importance of this site to Burnley's economy and growth and is a material planning consideration.

Other issues

A condition is required to require a programme of archaeological investigation and recording.

A land contamination investigation is required to consider any pathways for pollutants that may affect the site.

An Air Quality Assessment has been carried out and whilst it indicates that the proposed development would not significantly affect air quality, there is a need for further assessments to be carried out for each building/phase of the development.

The site falls within Flood Zone 1 which is least vulnerable to flooding. Hapton Clough to the south side of the site is within Flood Zones 2 and 3. The Local Lead Flood Authority and United Utilities are satisfied that the site can be adequately drained in a sustainable manner, the details of which will be required by condition.

The development would be constructed to comply with the Very Good rating of BREEAM which would provide a highly energy efficient development and comply with Policy SP5.

Conclusions

The outline proposal is made for employment uses with all matters reserved. The principle of the development would accord with the Council's strategy and allocation of employment land. Objections to the proposal have been considered but the issues that have been identified, in respect of transport, highway safety, ecology, drainage and residential amenities can be satisfactorily managed, controlled and mitigated by conditions. Further details of the development will be subject to subsequent approval through the approval of Reserved Matters. The proposed development would also be accompanied by economic benefits to the economy and local population. The proposal therefore complies with the Council's Development Plan and there are no material considerations that would indicate otherwise.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement to secure contributions to public transport improvements and provide for public footpath links/improvements

Conditions

1. Details of the access, 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 within any phase in accordance with an approved Phasing Plan and Strategy, 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 five 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 five 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. No development of any kind, including vegetation clearance, shall be commenced until a Phasing Plan and Strategy to identify the sequence and the spatial phasing of development to include earthworks, ground works, access, infrastructure, landscaping and built development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Phasing Plan & Strategy unless any variation to it is otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To assist the phasing of the construction of a major development on a large site and to ensure its effective delivery, in accordance with Policies EMP1/5, SP5 and NE5 of Burnley`s Local Plan (July 2018).

5. 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.

6. An application for the approval of Reserved Matters shall, in accordance with the approved Phasing Plan and Strategy, be accompanied with details of existing and proposed land levels and cut/fill operations which shall not lead to an import or export of soil/material from the site. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that these details are satisfactory in respect of the visual impact on the landscape and to ensure that all existing soil and material is dealt with effectively on site to avoid unnecessary transportation, in accordance with Policies NE3 and NE5 of Burnley`s Local Plan (July 2018).

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the development hereby permitted shall be for employment uses falling within Class E gii and giii

(former Class B1 b&c), Class B2 and Class B8 only and shall not be used for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal and safeguard employment development and provision, in accordance with Policy EMP1/5 of Burnley`s Local Plan (July 2018).

8. Any landscaping scheme submitted for the approval of Reserved Matters shall provide a landscape buffer around the site`s perimeter that, notwithstanding detailed specifications and species, is broadly in accordance with that indicated on submitted illustrative Planting Plan, drawing number 4884-01RevF.

Reason: To ensure adequate and appropriate landscaping to mitigate the visual impacts of the development on a prominent site, in accordance with Policies EMP1/5 and NE3 of Burnley`s Local Plan (July 2018).

9. All planting, seeding or turfing comprised in the approved details of landscaping to be approved as a Reserved Matter shall be carried out in the first planting and seeding seasons following the first occupation of the approved development within phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies EMP1/5, NE1 and NE3 of Burnley`s Local Plan (July 2018).

10. Any application for the approval of Reserved Matters shall not exceed the maximum parameters for the building footprint (up to 47,500sqm) and eaves and ridge heights as specified on the submitted Development Parameters Plan, drawing number 014-B, received on 4 May 2022.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the visual prominence and transitional nature of the site between the rural and urban area, in accordance with Policies EMP1/5, SP5 and NE3 of Burnley`s Local Plan (July 2018).

11. No development shall take place until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:
 - a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

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

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers of the development as a result of previous uses of the site and land in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

12. Prior to the commencement of any development including any vegetation clearance, a revised assessment of Biodiversity Net Gain (BNG) as a result of the development of this site and mitigation, together with details of how it would be achieved through a scheme of biodiversity enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority. Subsequent applications for the approval of Reserved Matters shall be accompanied with details that support and accord with the approved BNG assessment. The approved scheme shall be carried out and completed in accordance with the approved Phasing Plan & Strategy prior to any unit in each phase being first occupied.

Reason: To protect the integrity of biodiversity at the application site and locality in line with the expectations of the National Planning Policy Framework and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-
- a) description and evaluation of the features to be managed;
 - b) ecological features and constraints that may influence management;
 - c) aims and objectives of management;
 - d) appropriate management options and prescriptions for management actions;
 - e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
 - f) details of the body or organisation responsible for implementation of the plan;
- and,
- g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan for a period of not less than 25 years will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times.

Reason: To ensure that the planting and biodiversity assets and mitigation measures that are present and deployed on the site are effectively managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
- i) to identify and provide protection measures for any features of biodiversity value that may be affected by the development;
 - ii) measures to control the movement of silt and water quality (including details of cut-off drains and strategic use of silt curtains);
 - iii) details of the construction lighting to be designed to avoid light spillage onto trees and areas of habitat.
- The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect wildlife and the biodiversity of the site and its surroundings, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

15. No change to the lining of the culvert from the site northwards shall be made unless details of a bat inspection and the proposed changes have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats which are protected species and may potentially occupy the culvert, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

16. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or 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 adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018).

17. No vegetation clearance, removal of trees or site works shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

18. No development shall be commenced until an updated inspection for bats by a suitably qualified bat specialist or ecologist of the trees to be removed or affected by the development has been carried out and submitted to and approved in writing by the Local Planning Authority within a period not exceeding six months prior to the tree works taking place. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To ensure the appropriate surveys are up to date and reliable, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

19. An application for the approval of Reserved Matters shall provide a detailed external lighting plan to identify both highways and security lighting that may affect habitat areas, trees and landscaping. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the Institute of Lighting (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

20. Each Reserved Matters application shall be accompanied by a Noise Assessment that shall be carried out in accordance with BS4142 to assess the noise emanating from the use of the development relating to that Reserved Matters application together with cumulative noise from the whole of the development relating to this outline application. The submitted Noise Assessment shall detail any mitigation measures that are required to protect the amenity of occupiers of nearby noise sensitive properties. The approved mitigation measures shall be implemented in full prior to the completion or first use (whichever is the sooner) of the development relating to the Reserved Matters application and shall be retained at all times. The development shall thereafter only be carried out and operated in accordance with the details and recommendations of the approved Noise Assessment.

Reason: To ensure an informed and detailed assessment of the impacts of the development on noise to nearby receptors in order to control and mitigate the effects of the development to safeguard the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. Noise from the development expressed at a rating level (in accordance with BS4142:2014+A1(2019)) shall not cumulatively exceed the existing background level by more than 5 dB based on the Existing Background levels identified in the Dragonfly Consulting acoustic report ref: DC2153-R1v4, dated 13 May 2021.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy NE5 of Burnley`s Local Plan (July 2018).

22. No development, including an site clearance or ground works, shall be commenced until details of wheel cleaning facilities to be provided during site excavation, preparation and construction have been submitted to and approved in writing by the Local Planning Authority. The approved wheel cleaning facilities shall thereafter be installed and operational before any development commences and shall be retained in working order throughout all phases of the development. All vehicles leaving the site shall use the wheel cleaning facilities.

Reason: In order to minimise the amount of mud, soil and other materials being deposited on the highway, in the interests of highway safety and visual amenity, in accordance with Policy 1C1 of Burnley`s Local Plan (July 2018)

23. Prior to the commencement of any development including vegetation clearance and ground works, a scheme specifying the measures to be made to control noise and dust emanating from the site during construction works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include details of the construction methods to be employed and the equipment to be used. The approved measures to control and noise and dust shall be carried out in their entirety at all times until the completion of the development.

Reason: To ensure that the proposed construction work does not cause nuisance and disturbance to neighbouring occupiers, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018).

24. Each Reserved Matters application shall be accompanied by an assessment of the impacts of the proposed development on air quality. The assessment shall be based on the details in the Reserved Matters applications and the scope of the assessment shall incorporate (but is not limited to):
- A review of the cumulative impacts of the development on the air baseline air quality identified in submitted Air Quality Assessment reports ref: J0457/1/F1 and J0457/2/F1
 - A detailed assessment of traffic emissions impacts arising from the detailed plans
 - A detailed assessment of the potential industrial impacts from any ClassB2 use that may emit key air quality pollutants to atmosphere
 - Identification of mitigation measures.

For the avoidance of doubt, where a Reserved Matters application is made in several tranches, each reserved matters application shall consider the cumulative impact of all air quality emissions identified in previous reserved matters applications. Any mitigation measures within the approved assessment shall be carried out, implemented in full and retained at all times.

Reason: In the interest of residential amenity and to satisfactorily mitigated any impacts of the development on air quality, in air pollution, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018).

25. For all remaining areas of the site where habitat sensitive lighting is not required in accordance with Condition 18 above, a programme for the lighting of the proposed

development shall be submitted to and approved in writing by the Local Planning Authority prior to development above ground works being commenced within any approved phase of the development. The scheme and programme shall include details of:

- a) Location, type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.

No other lighting other than specified in the approved lighting scheme shall be constructed or installed at any time.

Reason: To safeguard the amenities of the occupiers of surrounding residential properties and to minimise light pollution on a site with rural surroundings, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

26. Each Reserved Matters application for any phase of the development shall be accompanied by details of Electric Vehicle Charging (EVC) Points to be provided within that phase. The submitted details shall include the specification, number and location of the EVC points. The approved EVC points shall thereafter be fully installed and available for use prior to any unit within that phase being first brought into use and shall be retained at all times thereafter.

Reason: To encourage the use of electric vehicles in order to reduce emissions and tackle climate change, in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the Council's Air Quality Management SPD (December 2020) and the National Planning Policy Framework.

27. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. 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.

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).

28. An application for the approval of Reserved Matters for any phase of the development shall be accompanied with details of how the BREEAM rating of `Very Good` will be achieved within that phase. The development of that each phase shall only be carried out in accordance with the approved detailed specifications and measures to achieve the `Very Good` BREEAM rating and no building shall be first brought into use within any phase until a verification report has been submitted to and approved by the Local Planning Authority to evidence that the required standard has been met.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

29. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement that shall include

improvements to the southern roundabout at Junction 9 of the M65 and bus stops either side of Accrington Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in its entirety in accordance with the approved Phasing Plan & Strategy before any unit in each phase is first occupied.

Reason: To cater for the additional traffic that would be generated by the development and to ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

30. No development shall take place within any approved phase, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors
- Details of loading and unloading of plant and materials
- Arrangements for turning of vehicles within the site
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
- Construction vehicle routing
- Delivery and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

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

31. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

32. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any unit within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

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

33. The approved development shall not be first occupied in any approved Phase until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development within that approved Phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

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

34. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018).

35. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. 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).

36. Prior to the commencement of built development above ground level, details of the boundary treatment to be used on the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. The

details shall provide for the retention of the drystone wall to the site`s frontage and the retention of hedge boundaries. The boundary treatment shall thereafter be implemented and completed prior to the completion of the development. No other or additional boundary treatment shall be installed or constructed without the prior written approval of the Local Planning Authority.

Reason: To ensure an acceptable appearance to the edge of the development, in the interests of visual amenities, in accordance with Policy SP5 of the Burnley`s Local Plan (July 2018).

37. Prior to any unit being first occupied, improvements shall be carried out to replace the stile and bridge on Public Footpath No. 12 at its southern exit from the application site which shall be in accordance with a detailed scheme that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the footpath is suitably improved to cater for its increased use as a result of the development, in accordance with Policy IC1 of the Burnley`s Local Plan (July 2018).

JF
27th May 2022

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0273

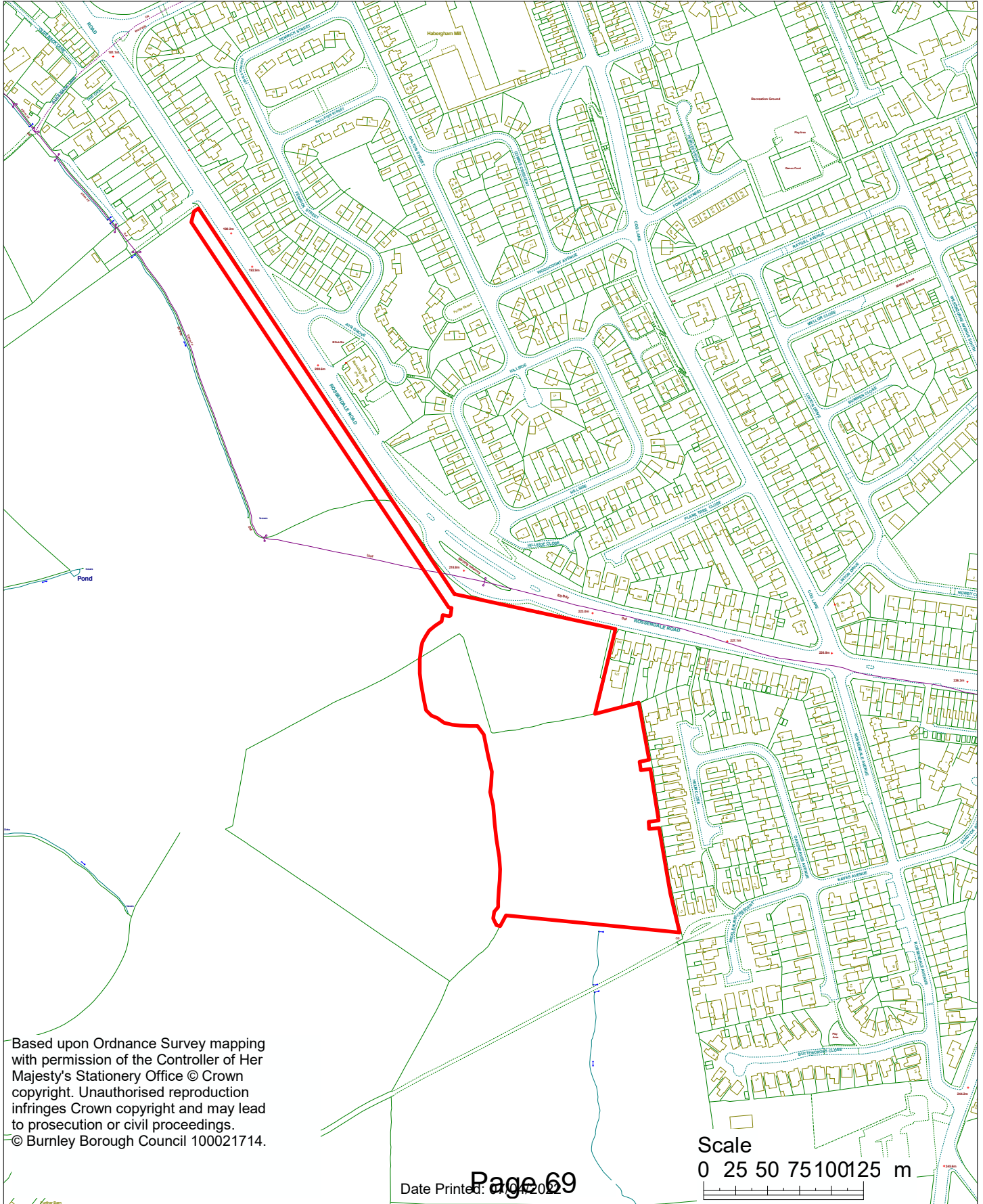
Paul Gatrell Head of Housing and Development

Location:



Land South Of Rossendale Road, Burnley

1:4000



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Application Recommended for Delegation to approve subject to s106 Agreement

FUL/2021/0273

Coal Clough With Deerplay Ward

Town and Country Planning Act 1990

Proposed residential development of 87 houses with new access from Rossendale Road and associated estate roads, open space and infrastructure. Proposal affects Public Footpath No. 8 (Habergham Eaves).

Land South of Rossendale Road Burnley

Applicant: BDW Trading Ltd trading as Barratt Homes

Deferred Application:

The application was initially considered by this Committee on the 7th April 2022 where it was resolved that the application be deferred to seek further clarification from the highway authority regarding highway issues. The agenda report has been re-produced below with relevant updates and clarification on highway issues. Further updates including consultee responses on ecology matters have also been made and clarity provided on carbon reduction measures.

Background:

The application proposes a residential scheme for 87 dwellings on approximately 4ha of grazing land that bounds Rossendale Road to its north and north east side, Helm Close and Micklehurst Crescent to its east side and open fields to its west and south sides. The site is closely related to the urban area, approximately 2Km to the south west of Burnley town centre, situated on the A646 which is a main traffic route around the southern urban fringe of Burnley. Public Footpath No. 8 flanks the western side of the site and would be affected by the proposal.

The originally submitted scheme for 101 dwellings has been amended to 87 dwellings to take account of objections, planning policies and to improve the quality of the scheme.

Site edge with Rossendale Road



Undulating pasture



Rossendale Road
with lay-by and bus
stop adjacent to the
site



The proposal consists of forming a new access onto Rossendale Road which would serve the proposed development of 87 dwellings. A separate application (reference FUL/2021/0691) has also been submitted which relates to the remainder of the housing allocation (HS1/4) at Rossendale Road and is also anticipated to utilise this new access. An emergency access would also be provided onto the existing lay-by that adjoins the site.

Proposed Site Plan



The proposed layout is designed with a frontage of houses towards Rossendale Road, open space principally to the south of the site which is a central position within the housing allocation, and a series of loop roads and a frontage of houses facing towards the open countryside to the west of the site. An open basin and swale to provide a sustainable drainage system is located on the western edge of the site. The green buffer areas around the drainage basin and swale would be landscaped and form part of the open space for the scheme.

The proposal would provide 59no. three bedroom houses, 27no. four bedroom houses and 3no. two bedroom houses with 66% semi-detached, 31% detached and 3% terrace properties. The development would be constructed in reconstituted stone and flat dark grey tiles.

Proposed street view facing Rossendale Road



There would be a mix of nine house types, all of which would be two storey and designed with gable roofs, stone heads, cills and surrounds and features such as chimneys to prominent plots which display a distinctive character.

Proposed house frontages facing westerly onto countryside



The proposed scheme would be built to achieve an energy efficient development with a 20% betterment on the current requirements of building regulations by using a combination of fabric improvements and photovoltaic (PV) panels. Since the previous Committee meeting, an updated Carbon Reduction Report has been submitted to clarify how the 20% betterment on energy efficiency would be achieved across the development as a whole. The report states that Plots 1-36 would be constructed to the 2013 Part L1A Building Regulations, and plots 37-87 (51 plots) would be constructed to 34.2% over & above the 2013 Part L1A Building Regulations. To achieve this, Plots 37-87 (51 plots) would have Solar Photovoltaic Panels, enhanced fabric, efficient services, and heat recovery systems. This would provide an average improvement of 20% over & above the 2013 Part L1A Building Regulations across the full site and attain a 20% reduction in carbon emissions beyond minimum standards.

A 22% proportion of the development (19 dwellings) which consists of 4no. two bedroom dwellings and 15no. three bedroom dwellings would be built as Accessible and Adaptable Homes to comply with the optional technical standard M4(2) of the Building Regulations 2010.

The proposal would provide 4no. Affordable Houses to comply with policy requirements for this part of the housing allocation.

Electric charging points for cars would be installed on all plots.

A landscaping scheme has been submitted that includes a frontage of heavy standard trees to Rossendale Road, native trees and shrubs within the site, including street trees and native hedges to plot frontages and corners of the development, species rich meadow grass and trees to areas of amenity open space, and an orchard of fruit trees, species rich grasses and meadow grasses within the green buffer around the sustainable drainage features. A Locally Equipped Area for Play (LEAP) and a Local Area for Play (LAP) which would provide play equipment for children would be located within an area of public open space to the south side of the site.

Since the previous meeting of the DC Committee, the applicant has submitted some details of the Barratt Legacy Programme which is about how the company engage with local communities to form lasting legacies. Examples of these are working with local community groups , charitable organisations, schools and colleges.

Relevant Policies:

Development Plan

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 - Green infrastructure

HS1/4 – Housing allocations (Land at Rossendale Road)

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

HE2 – Designated heritage assets

HE4 – Scheduled monuments and archaeological assets

NE1 – Biodiversity and ecological networks

NE3 – Landscape character

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

Material Considerations

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

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

The National Planning Policy Framework (2021)

National Planning Practice Guide

National Design Guide (2021)

Relevant Planning History:

None.

Consultation Responses:**LCC Highways**

Comments have been updated following a request for clarification over public transport contributions and bus stops.

No objection to the proposed development.

Initial comments stated that there is a concern that the potential increase in the traffic will create issues with the capacity of the signalised junction of Rossendale Road, Manchester Road and Glen View Road. LCC Highways affirm that the local signal junction is nearing the end of its effective working life, partly due to its age and the expected change in the traffic movements in the surrounding and wider area due the developments in the vicinity of the junction. Previous comments referred to a request for a contribution to improve this junction. LCC Highways state that from this application and the nearby employment site on Rossendale Road, there would be a sum of money totalling in excess of £100k to install pedestrian crossing facilities and a new controller which will include MOVA (Microprocessor Optimised Vehicle Actuation). MOVA is an operation method which overcomes some of the problems associated with traditional Vehicle actuation (VA) control. MOVA is more responsive to traffic conditions and often leads to a significant increase in capacity at a junction. Used in conjunction with other improvements at the junction it is expected that the capacity and pedestrian crossing facilities at the junction will be improved.

Previous comments stated that the bus services at this location are being promoted as support to the sustainability of the development and LCC`s Transport team have requested some improvements to the bus stops on Manchester Road and the possible relocation of the bus stops at the site location on Rossendale Road. In respect of the bus stops on Rossendale Road, LCC Highways state that there are currently two bus stops within the vicinity of the proposed new junction and due to the engineering works required for the junction these bus stops require some reconfiguration to allow them to function. LCC Highways also affirm that the stops are required to be kept as part of the wider bus network [they are currently used for school buses and contract buses for Boohoo workers] and that new development in the site`s vicinity such as the nearby employment site may also lead to future changes to public transport serving Rossendale Road.

LCC seek off-site highway works in the following areas:

- A financial contribution of £70,000 to support the provision of pedestrian facilities at the signalised junction [of Manchester Road and Rossendale Road] and other measures to improve the functionality of the junction.
- A sum of money in the region of £20,000 to provide new shelters, raised kerbs and boarding point with Bus Stop Boxes for the X43 stops on Manchester Road (one of the stops will also require some kerbs to be re-aligned, to allow the bus to pull parallel to the kerb).

The junction for a new access road is to be formed with the provision of a number of additional traffic islands, a right turn lane, the provision of some build-outs (to limit on

street parking and aid junction visibility). The general layout of the proposed works has been agreed. The current section of 40 mph would be reduced to 30 mph and LCC Highways affirm that this is now expected to continue along Rossendale Road due to the works that will be needed at the nearby employment site. These works will also effectively reduce the length of the 4 lane section of Rossendale Road. The off-site improvements would be delivered as part of a section 278 Agreement.

Earlier concerns regarding off-street parking have been addressed.

It is noted that the dwellings are to be provided with Electric vehicle charging points. These should be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states:- charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

Conditions are recommended to require a Construction Management Plan; to restrict deliveries during the construction period outside of peak traffic hours; to require wheel washing facilities; an estate street phasing and completion plan; highway works to facilitate access for construction traffic; construction to base course level prior to any occupation of dwellings; a detailed scheme for a surface water drainage of highways; the provision of electric vehicle charging points; details of the management and maintenance of estate streets prior to adoption; full engineering, drainage, street lighting and constructional details of streets; and, the removal of permitted development rights to retain garages for the parking of a car(s) and the retention of approved car parking spaces. Subject to these conditions and the requested contributions to improve the junction of Manchester Road/Rossendale Road and to improve two bus stops on Manchester Road, LCC Highway has no objection to the proposed development.

Local Lead Flood Authority (LCC)

No objection subject to conditions to require the development to be carried out in accordance with the principles set out within the site specific flood risk assessment as well as to require a detailed surface water 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.

United Utilities

The proposals are acceptable in principle. Drainage conditions are recommended to secure a detailed design for the drainage scheme; separate systems; and, a sustainable drainage management and maintenance plan for the lifetime of the development. A public sewer crosses the site and building over it may not be permitted; an access strip 3m either side of the centre line is required.

Greater Manchester Ecology Unit (GMEU)

The following comments have been updated from the previous agenda report:

An ecological assessment of the site was undertaken in May 2019 and updated in April 2021, and includes 3 breeding bird surveys undertaken between April – June 2019, and updated in April 2021. The survey findings are included with the ecology report submitted with this planning application (ERAP (Consultant Ecologists) Ltd ref 2019-063d) and the survey work appears to have been undertaken by suitably

experienced ecologists following best practice guidelines. In addition, the following have been submitted:-

- Updated landscape plan (Revision C)
- Biodiversity Metric 2.0, 18.03.2022
- Assessment of Biodiversity Net Gain (March 2022),
- Plan of hedgehog highways
- Plan of bird and bat boxes
- Confirmation that the applicant is willing to pay a sum of £31,590 as a financial contribution for offsite habitat creation/management, to be secured through a section 106 agreement.

The site is located to the south of Rossendale Road (A646) and has existing residential areas to the north and east. Habitats to the south and west are consistent with the main habitats on the site, predominantly improved and marshy grassland as well as an ephemeral pond and ditch.

Habitats, Layout/Landscaping and Net Gain

The majority of the semi-natural habitats on the site will be lost as a result of the proposed development including extensive areas of improved grassland, marshy grassland and the ephemeral pond and ditch on site. The proposed development does incorporate a length of native screening planting down the western edge of the residential boundary and land to the west of the site has been identified as an area for a Sustainable Urban Drainage Scheme which the ecology report has identified will provide some compensation for the loss of some of the habitats on the site.

The site is within the allocations plan for housing (HS1/4) and while it is not specifically identified that net gain for biodiversity is required as part of the scheme, the general policy in the Local Plan (NE1: Biodiversity and Ecological Networks) 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.” This is in line with Policies in the NPPF which encourage biodiversity improvements as part of developments to secure measurable net gains for biodiversity. Whilst the on-site habitats may not be priority habitats, they do support priority species (confirmed breeding of lapwing and skylark for example) and will be providing a valuable resource for local wildlife.

It is therefore appropriate for the DEFRA Biodiversity Metric (latest version) to be used to evaluate the biodiversity value of the site and provide an indication of the level of mitigation/compensation required for each habitat.

Having reviewed the submitted Biodiversity metric against the Phase 1 habitat report and submitted landscape plan, the metric appears to be a fair representation of the existing baseline and post development habitats. The metric indicates that there will be a net habitat loss of 36.15% of -3.51units. The landscape plan for the site appears to have utilised the main opportunities to deliver gains for biodiversity, within the constraints of the size of the development and the reality of the habitats/habitat conditions that can be created and managed within a residential scheme, and I would not envisage that any substantial gains could be achieved by altering the proposed habitats within the scheme. The proposed commuted sum equates to £9000 per unit (total of £31,590) as an offsite contribution, which is within the published figures for the cost of habitat creation/management. This sum would indicate that no net loss of biodiversity units can be achieved using off site contributions. Offsite compensation

would be considered acceptable in this instance, given the lack of priority habitats which are present, however, we would advise that this money is used to support habitat creation/management for ground nesting birds such as lapwing and skylark which will be impacted upon as a result of the proposals. We would suggest that this sum is secured for habitat management and monitoring via a section 106 agreement.

In addition to this the plans for hedgehog highways through the scheme should allow some connectivity through the scheme for species (not just hedgehogs) and the nest boxes and bat boxes proposed should provide some enhancements for these species which were not previously available on the site, as no suitable bat roosting habitat was recorded and also limited/no suitable nesting habitat for the species targeted by the nest boxes (swifts and house sparrows for example). These general biodiversity enhancements should be secured by way of an appropriately worded condition for an Ecological Enhancement Plan. An appropriate long term management plan for the habitat will also be required (LEMP).

The proposal therefore seems to be in compliance with policy NE1: Biodiversity and Ecological Networks 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.” in that the BNG metric/commuted sum demonstrates no net loss (maintaining the habitat value) and the nest box scheme offers some enhancement for nesting birds (albeit different species to those recorded on the site).

Nesting birds

The habitats on the site (structures, trees, grassland) are suitable for nesting birds, and the active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Breeding has been confirmed on and close to the site of priority and species of conservation concern, including lapwing, skylark and dunnock. The ecology report has acknowledged that the current scheme does not provide replacement habitat for species such as skylark and lapwing (paragraph 5.5.3) but opportunities for other priority species can be provided. This is justified by the low number of birds recorded, the location of the proposals next to existing residential development and the availability of similar habitat in the wider environment. Previous comments stated that consideration should be given to habitat loss for these ground nesting birds. GMEU advise that off-site measures for ground nesting birds as a result of the proposed s106 contribution would address this concern.

A condition should be used so that the applicant is aware of the legal protection that active bird nests receive. Work which may impact on nesting birds (such as structure demolition, site and vegetation clearance) must be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present (see section 5.5.1-5.5.2).

Bats

The structures (dry stone walls) and trees on the site were judged to have negligible potential to support roosting bats, and no evidence of roosting bats was found. No further survey work is required in relation to roosting bats.

Any new lighting for the site should be designed to minimise the impact on nocturnal mammals such as roosting bats in line with published best practice guidelines and section 5.4.1-5.4.3 of the ecology report.

Invasive Species

Two invasive species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) have been recorded on the site (Wall cotoneaster and Japanese rose). It is an offence to plant or cause these species to grow in the wild.

A condition to secure a management plan to treat and prevent the spread of control of invasive species should therefore be used or incorporated into the CEMP.

Other Protected Species

There are judged to be no implications for other protected species such as water vole and otter and no evidence of other protected or priority species such as badger was recorded. Other than the ephemeral water body on the site which was not considered highly suitable for great crested newts, no other water bodies are present within 500m which have connectivity to the proposed development site.

An informative should be used so that the developer is aware of the legislation that is in place to protect wildlife. If at any time protected species are found on the site, work should cease immediately and ecologist/LPA should be contacted.

A Construction and Environment Management Plan (Biodiversity) will be required to protect retained habitats (the offsite ditch for example) and to secure working practices which will not damage any of the wildlife that may be present on the site, such as a methodology for drainage and infilling of the existing ditch and pond, and method statement for site clearance for species such as hedgehogs. This should also include measures to treat and prevent the spread of invasive non-native species recorded on and adjacent to the site. Once this is agreed in writing with the LPA all measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Burnley Wildlife Conservation Forum (BWCF)

The BWCF is no longer taking part in consultations on planning applications but made the following comments on the original scheme for 101 houses. As such, their comments are provided below for information only as the proposed scheme has changed significantly since this time and is also supported with further assessments and mitigation measures which have not been considered by the BWCF.

The land comprises semi-natural grazing pasture which is a prominent elevated part of the adjoining attractive open countryside. The semi-natural grazing pasture has a mosaic of habitats containing both drier and marshy grassland areas, a boggy drainage ditch and a shallow pond. The vegetation on the site contains a wide range of drier and marshy grassland wildflower, grass and sedge species, notably, Cuckooflower, Bog Stitchwort, Brooklime, Marsh Thistle, Self Heal, Thyme -leaved Speedwell, Meadow Vetchling, Common Mouse-ear and Celandine. This is confirmed by the April 2021 Ecological Survey and Assessment by ERAP Ltd (on behalf of the applicant) which states that the ditch and marshy grassland are of ecological value and contribute to the site's diversity of habitats. As a result of this, the land is used for foraging for food by a wide range of bird species and most importantly, for foraging and nesting habitat for four upland breeding birds: Skylark, Meadow Pipit, Curlew and Lapwing. This is confirmed by the applicant's breeding bird surveys which recorded a total of 35 bird species (with counts of 5 skylarks, 7 Meadow Pipits, 4 Curlews and 6 Lapwings). The LERN Assessment of Local Plan sites (June 2015) states that species have been recorded with European and NERC Act section 41 protection along with Lancashire Biodiversity Action Plan long list and key species. Wildlife and Countryside Act schedules 1, 5 and 8 species have been recorded within 250m of the

site. The site is in the Historic Woodland Survey and intersects Lancashire Woodland and Grassland Ecological Network stepping stone habitat. The Planning Layout shows a high density development of 101 houses with no open space provision for loss of wildlife habitat mitigation. This would result in a significant adverse effect on biodiversity for the reasons outlined above and consequently the BWCF formally object to the application.

The Coal Authority

Following the submission of further details there are no objections subject to conditions. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Based on an initial desk based review of coal mining and geological information, the Coal Mining Risk Assessment correctly identifies that the Arley Mine coal seam is conjectured to outcrop across the application site. As this seam has been extensively mined in the locality, it correctly considers that the seam may have been subject to unrecorded mining activity in the past and recommends that an intrusive investigation of the site is required to establish the shallow mining situation.

The Coal Mining Investigation indicates that 18 boreholes were subsequently drilled within the application site. The report indicates that these investigations established extensive shallow mine workings in the Arley Mine coal in the northern half of the site along with three unrecorded mine shafts.

The Coal Mining investigation advises that further investigations are required to identify any further unrecorded shafts present within the northern half of the site. Once these works have been carried out and the building layout designed accordingly, the report advises that a scheme of mine working stabilisation works can be designed.

The Mineshaft Investigation indicates that investigatory trenching works subsequently carried out at the site encountered 15 further unrecorded mine entries. It advises that any development layout for the site should avoid the identified shafts and advises that the clusters of shafts effectively sterilise certain parts of the site. It outlines that each shaft should be capped at rock head (2m depth) with a structural engineer designed reinforced cap measuring at least twice the external shaft diameter.

The Mineshaft Investigation also makes broad recommendations for stabilising the shallow mineworkings within the Arley Mine coal under proposed buildings by means of drilling and grouting on a 3.0m grid pattern. It also advises that structural foundations (rafts) will be required for all properties underlain by the Arley Mine coal. The applicant has also submitted a *Specification for the Treatment of Mine Shafts and Shallow Coal Workings* document (March 2022). The specification document confirms that each mine shaft will be treated by means of grout injection, with a reinforced concrete cap constructed within rock, at a nominal depth of 2.0m below existing ground levels.

It is noted that the shafts will be accommodated in POS, private gardens, driveways and estate roads, and we are pleased to note that buildings and structures have now been arranged to avoid the shafts and their calculated potential zones of influence.

The specification document also sets out proposals to stabilise shallow mine workings present within the northern part of the site. Section 6.2.1 confirms that grouting will take place “*across the development footprint of House Plot Nos. 1-54 and 83-87 and associated driveways and roadways.*”

We welcome the recommendations for the undertaking of remedial stabilisation works to the shafts and shallow workings. The remedial works should be designed and carried out by competent persons in order to ensure the safety and stability of the proposed development as a whole, including buildings and external parts of the site.

The Coal Authority affirm that that shallow coal mining activity and recorded mine shafts pose a stability risk to the proposed development and that remedial measures are required in order to ensure the safety and stability of the development. As such, conditions are recommended to require the carrying out of remedial treatment works to ensure the site is made safe and stable for the development and verification of the works prior to the occupation of the development.

The Coal Authority also advise on the need for the applicant to be aware of potential mine gas, stability issues for a SuDs system and for the Local Planning Authority to take into account that its records indicate that surface coal resource is present on the site.

Environmental Health

Air Quality: The submitted Air Quality Assessment (AQA) indicates that there is negligible potential for health related air quality impacts as a result of the occupation of housing at the Rossendale Road site. Background NO₂ and PM levels are relatively low, and pollutants are mainly road traffic related, the additional road traffic on local roads would have a negligible impact. No additional requirements to control pollution are needed. Construction activities are more significant with a *medium risk* of health related exposure from trackout dusts. A dust management plan should be prepared by the site contractor addressing all the mitigation measures identified in the submitted AQA. Any such plan should include:

- Proposals for monitoring dust deposition and, if necessary respirable dusts
- Identification and implementation of the primary controls, particularly in relation to minimising production of respirable dusts.
- Compliance monitoring for dust at or adjacent to sensitive receptors to demonstrate compliance.

Based on the recommendations of the above report, the development is acceptable in air quality terms subject to condition to require an appropriate Dust Management Plan.

Noise: The submitted Noise Impact Assessment identifies that day and night time noise levels would exceed the BS8233 criteria for proposed premises adjacent to the main road. The level of exceedance requires acoustic glazing and ventilation systems to be installed for the identified premises that effectively provide a barrier effect to those further into the site. The report identifies façade treatment and glazing specifications and acoustic fencing on plot 1. Subject to implementing the mitigation requirements the proposal is acceptable subject to a further condition to restrict construction hours to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.

Contaminated Land Officer

Comments to be reported in Late Correspondence.

LCC Schools Planning Team

An education contribution is not required at this stage in regards to this development.

East Lancashire NHS Trust

Request a contribution. In summary, the Trust states that they currently provide acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The impact of non-recurrent (capital) and recurrent (service provision) infrastructure costs as a direct result of new housing development are very significant and as such a contribution is now sought to address the direct impact which the application will have on the Trust. A scheme for 101 new dwellings [the original number of dwellings proposed by this application] will support a population increase of 232 (assuming an average of 2.3 people per dwelling) all of whom will need to access health services. It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available. The Trust will in due course be able to obtain funding to meet the needs of the population which arises from the development but this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding⁶. We therefore request a contribution for this development in the sum of £172,357.00 [this would equate to a reduced figure of £148,465 for a total of 87 dwellings]. The Trust consider that this request meets the requirements of the appropriate tests.

LCC Historic Environment Team (Archaeology)

No objections. The Archaeological Desk Based Assessment & Walkover and Geophysical survey identified little of interest but it suggested that evidence for former coal working on the site of a possible medieval date might be encountered by the development. However, coal pits are recorded about 500m to the north west (survey 1844) but none were recorded by the Ordnance Survey at the same time within the boundary of the proposed development. Coal mining data records workings in the area but these are all post 1950. Field names on the Tithe Map for Habergham Eaves (1842) do not suggest the area to have been used for coal mining either in the 19th Century or earlier. Consequently, the works already undertaken have demonstrated that the site has a low-nil archaeological potential and no further intrusive archaeological works are required.

Burnley Civic Trust

Support the comments of the Habergham Eaves Parish Council; would like to see a smaller number of houses with adequate green spaces and provision of affordable housing and including some bungalow properties.

CPRE The Countryside Charity

The number of dwellings exceeds the housing allocation. The scheme should include genuinely affordable homes and enough homes for Burnley's older households and people with mobility requirements. Access to the site should include appropriate traffic management systems. Recommend that appropriate landscaping and boundary treatment is used to screen the northern and western boundaries to reduce the impact on the wider landscape with roadside trees and shrubs adjacent to Rossendale Road.

Ramblers (Burnley and Pendle Group)

No objection. The proposed slight diversion of Footpath 12-6-FP-8, to join up with the start of FP-6 about 10yds down Rossendale Road is minimal and of no real consequence. The developers will need to apply for a footpath diversion.

Head of Greenspaces and Amenities

No objection. Initially, raised concerns over the lack of proposed public open space (POS). In respect of the amended plans, it is affirmed that there is sufficient POS for the development and the location of the POS that includes a LEAP (Locally Equipped Area for Play) and LAP (Local Area for Play) to the south end of the development adjoining the remainder of the housing allocation would be appropriate.

Habergham Eaves Parish Council

Initial response to the application (prior to changes to the scheme): The Parish Council objected when this land was first considered for inclusion in the Local Plan and our concerns are broadly the same, that is, pressure on Rossendale Road due to the increase of traffic from not only the houses but the new industrial estate. Just to extend the 30mph zone will not reduce speed. The Parish Council raised concerns in respect of mineshafts when the Local Plan was being considered. The open space that is planned is poor and too small for this size of development. There appears to be no affordable housing or contributions to the infrastructure. Also object to the affect of the proposal on Pubic Footpath no. 8 and ask that the footpath issue is decided before the planning application is considered in order to be fair to those people with concerns.

A further response has been received in respect of the amended plans for 87 dwellings which states that the Parish Council is pleased that the developer has taken note of concerns regarding housing numbers, affordable housing, access for the disabled and the open play area provision but still has the following concerns which are summarised below:-

- Concern about the impact on the area from the volume of traffic;
- Lack of evidence of promotion of more sustainable ways of travelling;
- Concern that as Public Footpath 8 will be affected;
- The separate application by Seddon Homes uses the same access onto Rossendale Road and as such although the applications are separate, the access issue affects both and should be looked at together;
- Our major concern is a lack of real concern shown by the developer in the ecology report. The Council has declared a climate emergency and has promised to take more measures to protect our borough. The proposal has calculated 36% loss of biodiversity habitat units which is unacceptable. The submission claims that there is no need to accommodate net gain for biodiversity as part of a scheme for the site. We disagree with this interpretation which is contrary to Policy NE1, the National Planning Policy Framework and the Environment Act (2021) which is set to require developments across England to achieve at least 10% net gain in biodiversity as measured by the Biodiversity Metric. It is not acceptable for the developer to claim that a net gain in area-based habitats cannot be achieved and thereby side-step national and local planning policies.

Councillor Gordon Birtwistle

An objection was received to the initial proposal for 101 dwellings. This stated that the objection was on the grounds of access onto Rossendale Road that would be extremely dangerous and on the destruction of the natural environment, with the caveat that he will read carefully the highway authority report on the access and listen to any environmental report received by the Council. Since these comments were made the proposed scheme has been reduced to 87 dwellings and Councillor Birtwistle has affirmed that his earlier comments are no longer relevant. No further comments have been received in respect of the amended scheme for 87 dwellings.

Publicity

Letters of objection have been received from a total of 18 properties (in many cases a number of letters from a single property) in the local area, mainly: Rossendale Road, Helm Close, Micklehurst Crescent, Buttercross Close and Rossendale Avenue. Neighbours were reconsulted on amended plans, following which eleven letters were received that maintain and state their objections. A summary of all the comments (in some cases numerous received (including those received prior to the changes made to the scheme) is provided below:-

- Should preserve green areas and countryside
- Impact on landscape and the environment
- People park on the lay-by to enjoy the views of this site
- Nearby brownfield sites are available and are not being used
- Inadequate new public open space to comply with policy requirements
- Rossendale Road is a very busy main route from Yorkshire to Junction 9 of the M65 with a fast four lane with speeding traffic at 50mph and dangerous location for a new junction
- Speeding traffic in both direction will contribute to collision, injury and death
- Concerns about excessive speeds on this road have been previously lodged with authorities
- Site entrance is on a brow of a hill where visibility is limited, presenting a danger to vehicles and pedestrians
- There will already be increased traffic from the new Rossendale Road industrial estate development
- Would lead to a further 200+ cars entering and leaving the site
- The additional traffic from the land to the south side (Seddon Homes site) should be considered at the same time
- Volume of traffic on match days
- An extension of the 30mph zone will not reduce the speed of vehicles down this stretch of road
- Contributions to improve junctions is not sufficient to deal with traffic problems
- Impact on the Rosegrove and the Manchester Road signal junctions which are bottle necks, traffic congestion and lengthy queues of traffic
- Site access and right turn is unsuitable and will cause accidents from cars being rammed on the brow of a hill and from cars crossing two lanes of fast traffic, with traffic backing up both entering and leaving the site
- All of Rossendale Road should become a 30mph zone and speed camera placed near new junction
- Pedestrians put at risk by trying to cross four lanes of traffic
- Increasingly difficult to get out of Rossendale Avenue
- New pedestrian crossing is close to private access road

- Question whether there would be sufficient room for cars to safely turn right into private access road
- Personal accounts of accidents on Rossendale Road
- Impact of additional traffic on air quality and effect of pollution on children and people with respiratory conditions
- Additional noise from traffic
- Loss of habitat of wild species of animals, birds including protected birds and insects such as foxes, stoats, deer, brown hare, hedgehogs, bats, bees, barn owls, kestrels, sparrowhawks, lapwing, skylarks, snipe, starlings, curlew, reed bunting, butterflies
- There is a significant population of ground nesting birds in the pastures located west of the site that will be indirectly affected, includes curlew, lapwing and skylark which are Priority Species and Red List species
- The scheme does not show it will deliver a net biodiversity benefit through mitigation or incorporate the recommendations of the Ecological Survey into the design, including planting around the new wetland
- Cumulative impacts of this and other development in the area on ground nesting birds
- Re-routed Public Footpath will create further disturbance to birds
- Underground mineshafts may lead to flooding and subsidence in the area
- Overcrowding/cramped development, density higher than Policy HS1/4
- Insufficient Affordable Housing on the site
- Impact on health and mental health
- Would like to see bungalows on the site
- Impact on daylight, sunlight, privacy
- Overlooking into property and garden from proximity of kitchen, bedrooms and lounge
- Overshadowing of garden
- Increase vulnerability to crime
- Will create a strain on schools and GP surgeries
- There is a stream that runs through the centre of the site which feeds the stream in Scott Park
- Health concerns relating to proximity of proposed electricity sub-station.

Planning and Environmental Considerations:

Principle of Proposal

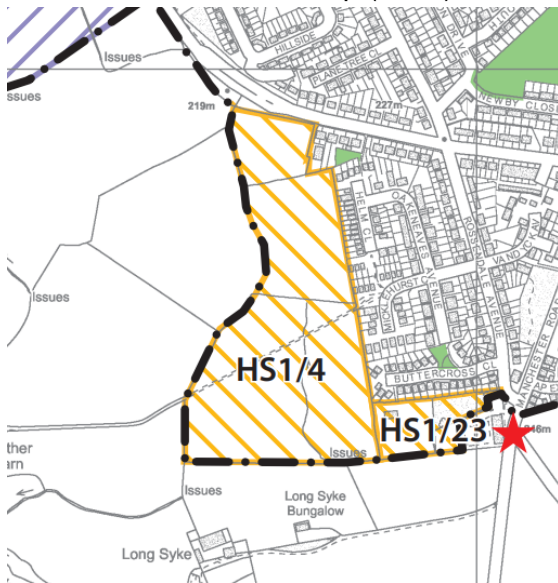
Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites that have been chosen through the local plan process to meet this requirement. The application site is part of one of the larger identified sites for housing,

identified as Policy HS1/4 – Land at Rossendale Road (7.52ha) identified as a Greenfield site.

This application relates to 37.5% of the land area of the above housing allocation HS1/4 (that is, is 2.78ha out of a total 7.52ha). The full red edge application site area amounts to approximately 4ha and includes a sewer easement parallel with Rossendale Road and land to the west of the site allocation to be used to provide a sustainable urban drainage system consisting of an attenuation basin and swale and including a green buffer. An access road to the western side of the site also sits on the edge of the housing allocation and into the adjoining field.

Extract from Policies Map (West)



Application Site area



Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site specific requirements [listed in HS1/4] together with the requirements of other relevant policies elsewhere in the Plan. The principle of developing the site for residential purposes has already therefore been established through the local plan process, taking into account the economic, social and environmental objectives of sustainable development. The inclusion of adjoining land for ancillary purposes to provide a sustainable drainage system, green buffer and access road which would support the delivery of the housing allocation will be assessed in terms of its visual impact.

Policy HS1/4 states that the site [as a whole] is acceptable for around 188 dwellings. The revised proposal is for 87 dwellings on part of this site. The proposal is acceptable in principle subject to the remaining site specific requirements and consideration of other plan policies.

Additional and Site Specific Policy Requirements and Design Principles

- 1) A mix of dwelling types, including a minimum of 55% 3+ bedroomed detached and semi-detached houses will be expected;
- 2) Appropriate traffic management systems will be required both at the site entrance and within the locality, for which contributions may be sought in accordance with Policy IC4;
- 3) Protected Species have been recorded on the site. An ecological survey will be required to accompany any planning application which identifies and addresses this issue in accordance with Policy NE1;
- 4) Appropriate landscaping and boundary treatment should include screening to the northern and western boundary to reduce the impact on the wider landscape, along with roadside trees and shrubs adjacent to Rossendale Road. New planting on the site will need to accord with Policy NE3; and
- 5) The presence of known heritage assets (Medieval and earlier) within close proximity of the site would suggest some limited potential for unknown archaeology of local-regional significance and suitable provision will need to be made for archaeological desk based assessment and field evaluation consistent with Policy HE4; and any further investigation or recording works that may be necessary as a consequence of development.

The proposed development would comply in principle with the spatial strategy for development in Policy SP4 and the specific housing allocation in Policy HS1.

The above requirements and other material considerations relating to plan policy requirements, including the impact of the development on traffic, ecology, mining legacies and neighbouring properties, are considered below.

Design, layout and visual impact of the development

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers.

The proposed scheme has been amended since first submitted to reflect some of the concerns raised by neighbours and to ensure a high quality scheme for a key housing allocation for the borough. The proposed scheme appropriately addresses the main road location of the site with a frontage of houses and a row of trees to provide a satisfactory view of the development from Rossendale Road. The scale of dwellings has been maintained at two storey that reflects the predominant scale of surrounding development.

The proposed development creates a new edge with the countryside to the west of the site. The view of the development from the countryside would be a row of fronts of two storey houses, tree planting and planting around the proposed drainage features (attenuation pond and swale). This would allow the development to integrate sensitively and provide an appropriate edge and appearance to the countryside. Street trees and landscaping have been incorporated into the scheme.

The mix and range of house types complies with the site specific criteria of Policy HS1/4 that requires a minimum of 55% of three or more bedroom semi-detached and detached dwellings. Policy HS3 states that development should make efficient use of land and be built at a density appropriate to its location and setting. However, it states that developments should achieve a minimum of 25 dwellings per hectare (dph). In this case, the proposed development amounts to 31 dph which is accommodated on the site with adequate spacing, landscaping and impact on its surroundings. The proposed density would not differ significantly from the indicative number stated in Policy HS1/4 for this part of the site and would comply with Policy HS3.

Adequate spacing between new dwellings is achieved and a mix of houses with driveways to the side and forecourt parking to the front provides a spacious development. The use of reconstituted stone and designs with gable roofs, head/cills, well proportioned facades and the use of chimneys for some of the plots, reflects the local distinctive character of development.

Public open space is proposed along the site frontage, close to the site entrance and to the south side of the site, amounting to 0.32ha. The layout creates frontages orientated to provide a good level of surveillance over the main body of open space that would be used for play.

Houses designed to overlook public open space



The open space would also provide a suitable edge to the southern boundary which bounds the remainder of the housing site allocation.

Smaller pockets of open space also form part of the development and contribute to a spacious layout. Policy HS4 requires new residential developments to provide a rate of 0.3ha of new open space per 50 dwellings, inclusive of a smaller area of equipped space for play. The required level of open space is calculated at 0.52ha. The provision of 3.2ha within the housing allocation site would be supplemented by a further 0.34ha of amenity open space within the green buffer areas which is contiguous with the western boundary of the site. This would provide amenity open space for walking, sitting and being outdoors and would in total amount to 0.66ha of public open space which would be above the policy expectation. This would create adequate open space and play provision to meet the needs of the development and provide a high quality environment for new occupiers. A condition is recommended to require details of the siting and specification of play equipment to be agreed with the Local Planning Authority.

The proposal would comply with requirements of Policy HS4 in respect of Adaptable Homes which requires 20% of dwellings to achieve the optional technical standard M4(2) of the Building Regulations 2010. The purpose of the policy is to provide homes that will allow occupiers to stay within their homes to retain independence as their needs change. The applicant has produced a checklist to demonstrate that 22% of their dwellings (19 properties) would meet this standard. A condition is recommended to require the implementation of the scheme and verification of its completion prior to occupation.

Energy Performance

Policy SP5 requires developments to incorporate measures to minimise energy and water consumption and seek opportunities for on-site energy supplies from renewable or low carbon energy sources. The previous agenda report affirmed that a Carbon Reduction Report that had been submitted which provides a commitment to a 20% betterment on energy efficiency performance beyond the minimum standard set by current building regulations (the 2013 Part L1A Building Regulations). A 20% betterment is equivalent to Level 4 of the former Code for Sustainable Homes which is a significantly higher achievement than the requirements of Policy SP5. It is also the highest standard that Government guidance (Paragraph 12 of the National Planning Practice Guidance) states should be required through either planning policies or planning conditions. Since the previous committee meeting, an updated Carbon Reduction Report has been submitted how the proposed 20% betterment upon the Building Regulation requirements would be achieved.

The updated Carbon Reduction Report clarifies how the 20% betterment on energy efficiency would be achieved across the development as a whole. The report states that Plots 1-36 would be constructed to the 2013 Part L1A Building Regulations, and plots 37-87 (51 plots) would be constructed to 34.2% over & above the 2013 Part L1A Building Regulations. To achieve this, Plots 37-87 (51 plots) would have Solar Photovoltaic Panels (PV), enhanced fabric, efficient services, and heat recovery systems. Renewable energy provision through PV panels on 51 no. dwellings is therefore a feature of the strategy for achieving an average betterment of 20% across the site as a whole. This would result in a 20% reduction in carbon emissions beyond minimum standards which would make the proposal an energy efficient development. Given that this would exceed the expectations of Policy SP5 it would be a clear benefit of the development.

The proposed scheme would provide a well planned development that is sensitive to its surroundings and that reflects the character of the local area. The layout and construction of the proposed dwellings would provide energy efficient homes, would contribute to the stock of Adaptable Homes and would provide public open space and a high quality living environment for occupiers. It would therefore comply with the relevant provisions of Policies HS1/4, HS3, HS4 and SP5.

Impact on residential amenities

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

Amendments have been made to the scheme since first submitted to ensure full compliance with the minimum separation distances between properties as set out in

Policy HS4 (20m between elevations with habitable windows and 15m between habitable windows and a blank gable). The amended scheme would therefore satisfactorily safeguard the outlook and privacy of neighbouring properties and would also protect daylight and sunlight provision. A condition is recommended to withdraw some Permitted Development rights for plot 85 to prevent side extensions that may affect the outlook or privacy of existing dwellings and to withdraw permitted development rights for roof enlargements for plots 72 to 84 to avoid potential overlooking from such developments. A condition is also necessary to implement the recommendations of the Noise Assessment submitted with the application which includes some measures to reduce noise to those properties that may be affected by traffic noise.

A neighbour objection has been received to the siting of a proposed electricity sub-station due to health concerns. The sub-station would be well spaced from both existing and proposed properties and there is no reason to take the view however that there would be any adverse impacts on either health or noise from the proposed electricity sub-station.

With the provision of the conditions referred to above, the design and layout of the development would adequately safeguard the living conditions and amenities of the occupiers of neighbouring properties and future occupiers of the development. The proposal therefore complies with Policy SP5.

Affordable housing provision

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement and the exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to the individual site and market conditions. The Developer Contributions SPD provides a guide to what the Council can expect for allocated sites which is based upon the Local Plan Viability Assessment which also takes into account other contributions that may be necessary.

It is recognised that there are substantial abnormal costs in developing this site due to coal mining legacies that affect this northern part of the housing site allocation. In these circumstances, the Developer Contributions SPD indicates that there is a viability ceiling of 5% for on-site Affordable Housing. This should also be considered alongside other contributions which would affect the viability of the scheme as a whole. Notably, other contributions for off-site highway works and ecology that are discussed later in the report would exceed the indicative ceiling heights for the viability of the scheme and this would reinforce the SPD ceiling height of 5% for affordable housing. As such, a contribution of 5% Affordable Housing which would be delivered on site with 4no. two bedroom dwellings has been agreed which would consist of two Intermediate (shared ownership), one Affordable Rent and one First Home. The introduction of a First Home into the proposed mix of Affordable Housing is to comply with their formal introduction by the Government (following a Ministerial Statement on 24 May 2021) that requires a minimum 25% proportion of Affordable Housing to be First Homes. The proposed measures for Affordable Housing therefore comply with Policy HS2 and national policy requirements. This represents a positive outcome and is a benefit of the development. A s106 Agreement would be necessary to secure the agreed Affordable Housing.

Impact on traffic and highway safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport.

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

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

A Transport Assessment and Travel Plan have been submitted with the application to assess the impact of the development on the highway network and to demonstrate measures to reduce reliance on the motor car.

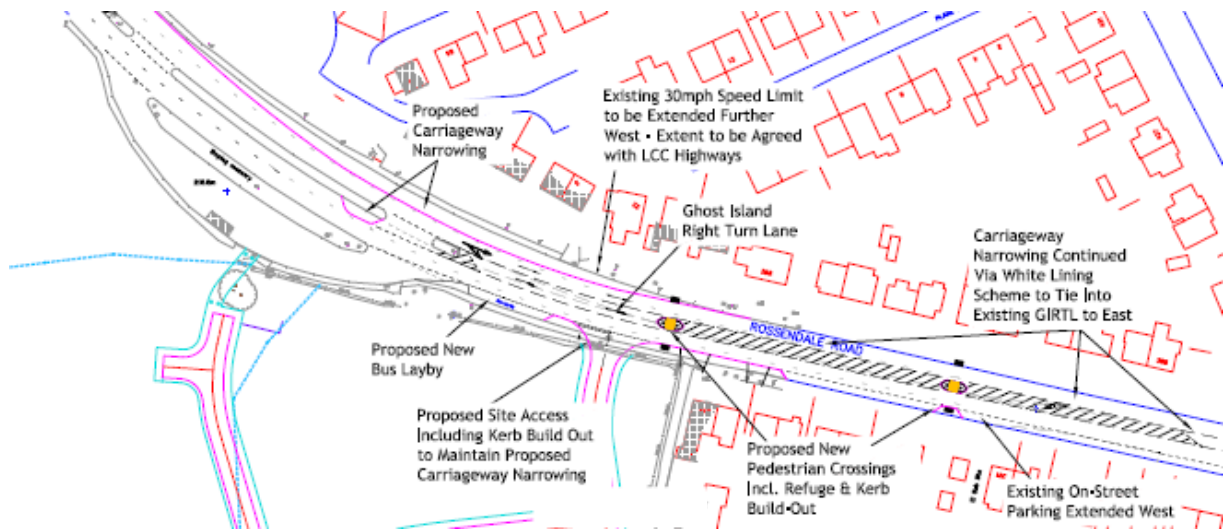
The supporting text at Policy HS1/4 states that Lancashire County Highway engineers have advised that vehicular access should be from Rossendale Road with appropriate sight lines and traffic management infrastructure.

The site is accessible to amenities and facilities within the urban area and is served by public transport, having bus stops adjacent to the northern boundary of the site (currently used by school buses and contract buses for Boohoo employees) on Rossendale Road and bus stops on Manchester Road that provide services between the town centre and Manchester.

Objections have been received from local residents and the Parish Council that refer to Rossendale Road as a dangerous road where an increase in traffic would increase hazards for vehicles and pedestrians. The main impacts of the development on traffic and safety are at the proposed junction and Rossendale Road and the signalised junction of Rossendale Road and Manchester Road.

Firstly, the proposed new junction on Rossendale Road would provide the access to the proposed development. A second access onto Rosendale Road would be constructed for emergency use only and exit onto the lay-by (and controlled through lockable bollards). Amendments have been made to the design of the new junction, including a minor increase in the width of the site access to take account of comments from the local highway authority. The local highway authority has also taken account of the whole of the site allocation for housing development which would increase traffic generation at the junction in the future.

Proposed junction



The proposed junction arrangement as indicated above is subject to post-planning detailed design work and specification which would be agreed as part of a section 278 Agreement.

The Transport Assessment which is based on the original figure of 101 dwellings from this application calculates (using a TRICS database) that there would be a total of 39 trips west and 28 trips east of the site access in the morning peak hour of traffic which would be less than one car movement per minute in each direction. The trip rates in the afternoon peak hour would be similar, having up to 2.5% impact on traffic rates. The reduction in the number of homes from 101 to 87 would reduce these figures further. LCC Highways is satisfied that the proposed junction with associated road narrowing and safety measures would be able to satisfactorily cater for the proposed traffic and provide pedestrian crossing facilities.

These proposed works which would be subject to a section 278 Agreement would involve carriageway narrowing with kerb edging which reduces the carriageway at the site entrance to two lanes and a right turn lane. A kerbed pedestrian refuge would be constructed close to the site access junction enabling pedestrians to cross to access school bus services etc and a further pedestrian refuge would be located further east on Rossendale Road in the location of the existing public footpath via Helm Close which would also have kerb build-outs to facilitate crossing. The proposed reduction from four traffic lanes to two traffic lanes would extend along Rossendale Road towards the nearby new employment site (which would practically make the full length of Rossendale Road two lane only) and would significantly improve safety for pedestrians and cyclists which would benefit both existing local residents and new occupiers.

The positioning of the bus stops on either side of the Rossendale Road will form part of the s278 off-site highway works. The stops continue to be required as they are used by school buses amongst others and will also remain available for any changes to bus services that could arise in the future. A build-out to the east side of the junction would prevent on-street parking within the visibility splays and a further small build-out in an easterly direction would create an extended area of on-street parking. The existing zones for the 30/40 mph speed limits would be changed in order to

extend the 30mph speed limit in a westerly direction. At this stage, LCC Highways indicate that the 30mph limit is likely to continue up to and beyond the nearby new employment site which would remove any 40pmh sections altogether.

The proposed change to reduce the speed limit, together with narrowing of the carriageway to two lanes and the addition of pedestrian refuge crossing points would help to redress the balance from a traffic dominated environment to a residential area with greater consideration to pedestrians and cyclists. This would cater for new occupiers of the development but would also improve the public realm and conditions for existing local residents.

In respect of the impact of the development on the function of the signalised junctions of Rossendale Road with Manchester Road to the east of the site, the Transport Assessment found that when using the most robust trip generation assumptions, the proposed development would give rise to an additional 28-36 movements through the Manchester Road junction during each of the AM and PM rush hour peak periods. This level of traffic represents just one additional vehicle movement every 2 minutes which compares to the baseline traffic at the junction of around 1,600 movements/hr just on the Rossendale Road arm alone. The additional vehicular movements through the junction as a result of the proposed development are therefore likely be imperceptible. Notwithstanding this, LCC Highways advise that the signalised junction is outdated and operates close to capacity, in which case it should be improved for a number of reasons. These include to improve the capacity and function of the junction and to cater for pedestrians.

LCC Highways indicate that a requested contribution of £70,000 would be used towards junction improvements that will replace inefficient signals with a modern and sophisticated MOVA system that alter phasing/staging of the signals and work intelligently to increase flows. It also allows buses and emergency vehicles to move more quickly through a junction. The applicant has agreed to the contribution, in which case, the proposed scheme would sufficiently mitigate the impact from the additional traffic on this junction. The junction improvements would also provide pedestrian crossing facilities that are currently absent which would help to improve safety and convenience for pedestrians. LCC Highways has also requested a further contribution of £20,000 to be used to provide new bus stop facilities and raised kerbs on Manchester Road (to serve X43 stops). This would encourage occupiers of the proposed development to use public transport and also be beneficial to existing local residents. The applicant has agreed to this request. These measures would increase the importance of pedestrians at the junction and provide for improvements to sustainable travel that would accord with the objectives of Policy IC1.

The internal layout of the site would provide adequate access, turning and off-street parking to comply with the Council's car parking standards. An electric car charging point would be provided for each dwelling.

The development would require a minor diversion of Public Footpath No. 8 around the open space surrounding the proposed drainage basin at the north west side of the site. This is unlikely to cause any significant inconvenience or detract from the existing route, in which case it is unlikely to raise any material objections. The Ramblers group for Burnley and Pendle reports that they do not object to the minor diversion. A separate application will be required for a Public Footpath Diversion Order.

In conclusion, the proposed new junction and the traffic impacts of the development on the highway network have been carefully considered. The off-site works on Rossendale Road would be extensive and would lead to a less vehicle-dominated environment with improved conditions for pedestrians and cyclists. The agreed contribution to improve the signalised junction of Manchester Road and Rossendale Road would improve pedestrian safety and more effectively manage traffic, leading to a potential betterment. The traffic resulting from the development is not expected therefore to have an adverse impact on the highway network or on highway safety. The agreed contribution to improving bus stop facilities on Manchester Road would encourage the use of public transport. With these provisions and subject to conditions recommended by LCC Highways, the proposal would promote sustainable travel and can be satisfactorily accommodated within the highway network without any significant impact on traffic or highway safety.

Recommended conditions relate to the details of highway design and construction, and measures to control activities during the construction period, the implementation of a travel plan to encourage sustainable travel, and a restriction on the future use of parking spaces/garages to retain adequate levels of off-street parking. A section 106 Agreement is required to secure the agreed contributions to junction improvements at Manchester Road/Rossendale Road and public transport improvements (improvements to bus stop facilities) on Manchester Road. As such, the proposal complies with Policies IC1 and IC3.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. An ecological survey and assessment has been submitted with the application which has identified that the site contains improved and marshy grassland that provides a semi-natural habitat. Whilst no protected species such as bats, great crested newts, water vole or badgers have been recorded, the site is used by nesting birds and ground nesting breeding has been confirmed on or close to the site of priority and species and species of conservation concern. The proposed scheme would provide opportunities for birds to nest, including priority species but this would be more difficult for ground nesting birds such as lapwing and skylark. GMEU concur with the ecological assessment that the loss of the semi-natural habitat is justified given the low numbers of these nesting birds at or close to the site, the site's location and the availability of similar habitat in the wider environment. GMEU recommend, however, that further consideration is given to improving opportunities for nesting birds through measures referred to below.

A Biodiversity Net Gain (BNG) Assessment has been carried out by the applicant's ecologist that calculates a loss of Habitat units which would be commensurate with a development of this nature. Notably, the proposed landscape scheme which has been improved to include suitable grasses and meadow mixes around the wetland areas, native hedgerows and trees would minimise the loss of habitat units but a net loss would be inevitable. The policy approach towards BNG as set out in Policy NE1 and the National Planning Policy Framework (NPPF) requires losses in biodiversity to be positively addressed, although there is no mandatory requirement at the current time for a positive gain. GMEU advise that a net loss can be suitably mitigated through a contribution towards improving habitat for ground nesting birds at a suitable off-site location. A contribution has been calculated based on the identified loss of 3.51

Habitat Units and Defra guidance which amounts to £31,590. The applicant has agreed to this contribution which would need to be secured through a section 106 Agreement. Initial discussions with GMEU, the applicant and the Head of Greenspaces and Amenities have begun to identify a suitable site that can be used for habitat management and monitoring to enhance opportunities for ground nesting farmland bird species recorded on this site. Subject to these provisions which would allow for off-setting the net loss of on-site biodiversity, the proposal would not significantly affect biodiversity.

In addition to the proposed landscape proposals which seek to maximise the opportunities for biodiversity on site, other on-site biodiversity enhancements including measures to incorporate 7 bat boxes, 7 swift boxes, 5 house sparrow nesting terraces and 6 small bird nest boxes and hedgehog highways throughout the development are also proposed and will create favourable conditions for biodiversity on the site. The on-site measures would mitigate for nesting birds in general whilst the off-site measures would mitigate the impacts of the development for farmland ground nesting birds. The proposed residential scheme would in these circumstances sufficiently mitigate against the loss of biodiversity on the site and maximise opportunities for enhancing biodiversity. As such, the proposal would comply with Policy NE1.

GMEU recommend conditions to require a Landscape and Ecological Management Plan (LEMP) to ensure the ecology of the landscape scheme is appropriately managed; a Construction and Environment Management Plan to protect biodiversity during the construction period, including treating and preventing the spread of non-native invasive species that have been recorded; implementation of an Ecological Enhancement Plan; a lighting scheme and the avoidance of site clearance works in the bird nesting season.

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.

A Phase I and II Geo-environmental Ground Investigation has been submitted that identifies no viable sources of pollution or ground contamination. There are however potential pollutants from past coal mining activities, including mine gas, which will require further assessment and appropriate remediation.

Past coal mining activity has been assessed through a coal mining risk assessment that has identified up to 18 coal mining shafts across the application site. The proposed layout has been designed to avoid building over the exclusion zones to these areas. The Coal Authority is satisfied that the investigations and measures outlined for dealing with this legacy have adequately addressed the risks of land instability and recommend a condition to ensure the implementation of remedial measures. With this provision, the site would be made safe and stable and would not, therefore pose a risk to the land stability or human health. The proposal therefore complies with Policy NE5.

Air quality

An air quality assessment has been submitted that indicates that there would be no significant adverse impact on air quality resulting from the proposed development. In accordance with the Air Quality Management SPD, electric vehicle charging points will be required as standard mitigation. A condition is recommended to require a Dust

Management Plan to mitigate against potentially higher levels of dust and air pollutants during the construction period.

Health provision

Policy IC4 of Burnley's Local Plan states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The policy provides a list of appropriate matters that may be funded by planning contributions and this includes Health Infrastructure. Impact on health is therefore a material planning consideration.

A request has been received by the East Lancashire NHS Trust (The Trust) for a contribution of £148,465 towards health care provision. The contribution would be used for capital and revenue funding within the Trust area. The Trust provides acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale.

The Trust is a public sector NHS body and funded from the social security contributions and other State funding. The Trust is commissioned to provide planned and emergency acute healthcare to the population of East Lancashire and Blackburn with Darwen. Acute healthcare services incorporate activities delivered in a hospital setting. The request is made on the basis that a direct impact of the development would be an increase in demand for its services within the Trust area which is not accounted for in the first three years of occupation. The Trust state that if there is a shortfall in funding that this will impact on service delivery.

The request has been fully considered against the requirements for obtaining contributions. Counsel opinion was obtained on a similar matter (for a larger and more significant development) and the advice remains relevant in these circumstances. A contribution must assist in mitigating the impact of the development in order to make the development acceptable. It can only be sought where it meets all of the three tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which are also repeated in the National Planning Policy Framework. An obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Trust has explained in its methodology that the need for the health care contribution for revenue funding is due to the impact from an increase in population in the Trust area due to the development on the site. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy (2.3 persons per household) at a calculated contribution rate of £1,707 per dwelling. Whilst, in principle, the provision of healthcare is a material planning consideration, it can only be material to an individual case where the impact has been clearly assessed. This request for capital and revenue funding is based on there being an increase in population from the whole of the development. Given, however, the breadth of the geographical area that the Trust covers which goes far beyond the Burnley area, it is unrealistic to assume that all new occupants of the proposed development will be new to the Trust area. The Trust also do not consider how new occupancies may result from changes in households or whether it would receive the same share of patients from the new development as it receives from the existing

population. The Trust provide no reasoning or evidence to support their assumptions on these matters and in, effect, this could lead to double counting.

Without any evidence to support the assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings on this site, there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust. On a recent appeal where a similar request had been made (FUL/2020/0321- Butchers Farm), the Inspector agreed with the Council's reasoning on this matter.

In these circumstances, a contribution is not necessary to make the development acceptable. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Other issues

The site is within Flood Zone 1 where there is the lowest risk of flooding. The proposal would provide a sustainable drainage solution to the site through an attenuation and swale that would also be landscaped to provide for biodiversity and visual amenity benefits. Subject to conditions recommended by the Lead Local Flood Authority and United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

Some neighbour objections refer to a strain on education and GP surgeries. The Schools Planning Team is satisfied that there are sufficient school places within the local area for additional school places. There is no evidence that GP practices will have insufficient capacity for new patients. An objection to the proposed development on these grounds could therefore not be sustained. A recent appeal for a residential development at Harrogate Crescent (FUL/2021/0264) which the Council refused planning permission on similar grounds has been Allowed with costs awarded against the Council for unreasonable behaviour for having insufficient evidence to substantiate its reasons for refusal.

There is no notable tree loss associated with the development but there are some off-site boundary trees within neighbouring gardens that will need adequate protection during construction.

The applicant has supplied some examples of how it seeks to form relationships with communities through its Barratt Legacy Programme. This involves working with local community groups, charitable organisations or schools and colleges to form a lasting legacy to be an ongoing benefit to the communities that surround each development. This is a Barratt initiative which is voluntary and cannot be required or controlled through planning conditions in which case whilst it is recognised as positive and beneficial it is not a material planning consideration.

Conclusion

The proposal seeks to develop a site that is allocated for housing purposes in Burnley's Local Plan. The proposed scheme has been amended since first submitted and proposes a high quality scheme that protects the amenities of existing neighbouring properties, addresses the need to provide safe access and to improve the functioning of a nearby junction and provide for safe pedestrian access, includes

measures to encourage the use of public transport by improving nearby bus stop facilities and provides for the biodiversity of the site and for off-site measures for farmland ground nesting birds. The scheme would also provide highly energy efficient homes on a key housing site and provide a degree of affordable housing with and a proportion of accessible and adaptable homes. Objections to the proposal have been considered and have been addressed in the report. The NPPF states that decisions should apply a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. The proposal complies with the development plan and there are no material reasons to outweigh this finding in which case the application should be approved.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement to secure contributions to highway improvements and biodiversity, to provide affordable housing and a scheme for open space management and responsibilities.

Conditions

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

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

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

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

3. Prior to the commencement of built development above ground, details and representative samples of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The material details are required prior to the commencement of above ground works to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development shall commence other than site clearance, remediation and preparatory works until a scheme of landscaping, to include details of all retained trees and new tree and shrub planting, to include native species on and near to site boundaries and within the development site (noting species, plant sizes/heights on planting and proposed numbers/ densities where

appropriate), has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides biodiversity and visual benefits to the site, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground works to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

5. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 4) shall be carried out in the first planting and seeding seasons following the first occupation of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

6. The boundary treatment for each plot / dwelling indicated on the approved plans (drawing number 490-P-BTL-01Rev4) shall be carried out and completed prior to the completion (whichever is the sooner) or the occupation of the relevant plot / dwelling and for all other boundary treatments indicated on the approved plans (drawing number 490-P-BTL-01Rev4), prior to the practical completion of the development. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

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

8. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:

- i) methodology for draining and infilling of the existing ditch and pond on the site;
- ii) method statement for site clearance for species such as hedgehogs; and,
- iii) measures to treat and prevent the spread of non-native invasive species on and adjacent to the site.

The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect the ecology of the site during the construction period, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The Plan is required prior to the commencement of development to ensure that the measures are implemented prior to any works taking place.

9. Prior to the commencement of built development above ground, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-
- a) description and evaluation of the features to be managed;
 - b) ecological features and constraints that may influence management;
 - c) aims and objectives of management;
 - d) appropriate management options and prescriptions for management actions;
 - e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
 - f) details of the body or organisation responsible for implementation of the plan; and,
 - g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the biodiversity benefits of the landscaping scheme and biodiversity enhancements for the site are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that an agreed scheme can be carried out at the appropriate stage of construction.

10. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or 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 adequate protection for the long term health of trees/hedges which are located on or close to boundaries and should be retained in the interests of the visual amenities, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

11. The ecological enhancements consisting of Bird and Bat boxes (drawing number (Fig 1 2019 -63e V1) and Hedgehog Gaps (drawing number Fig 2 2019-063e V1) shall be carried out in accordance with the submitted details prior to any dwelling associated with such measures is first occupied. The bird and bat boxes and hedgehog gaps shall thereafter be retained in situ in perpetuity.

Reason: To ensure adequate biodiversity enhancement measures for birds, bats and hedgehogs and other mammals, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

12. Prior to commencement of development, a detailed external lighting plan to minimise the intensity of lighting in wildlife sensitive areas 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 details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure the avoidance of any harm to wildlife from intensive or inappropriate external lighting.

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

- Wheel washing facilities
- Dust Management Plan to identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
- Construction vehicle routing
- Delivery and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

14. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

15. The applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 08:00 and 18:00 hours on Monday to Friday, between 08:00 and 13:00 hours on Saturdays and no deliveries shall be made at all on Sundays or Bank Holidays.

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

16. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement as outlined in the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and 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.

18. The approved access junction and estate road which shall include the full length of the estate road up to the red edge southern boundary of the application site, shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on the site.

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

19. No development shall be commenced until a scheme for the provision of access for construction purposes which shall include details of provision for facilitating construction traffic to the southern boundary of the site for access to the remainder of the housing site allocation (HS1/4), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved.

Reason: To enable all construction traffic associated with the development of housing site allocation (HS1/4) to enter and leave the development site via Rossendale Road in a safe manner in the interests of highway safety and to ensure satisfactory access for construction purposes to the remainder of the housing allocation that would otherwise be inaccessible, in accordance with Policies IC1 and HS1/4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order that the agreed works can be carried out at the appropriate stage of the development.

20. No development shall commence other than site clearance, remediation and preparatory works until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out only in accordance with the approved estate street phasing and completion plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed to ensure the provision of satisfactory access, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The plan is

required prior to the commencement of above ground development to ensure that the construction works and development are carried out in an appropriate manner.

21. No development shall commence other than site clearance, remediation and preparatory works 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 within each phase.

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

22. No development shall commence other than site clearance, remediation and preparatory works until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the management and maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed, managed and maintained in accordance with the approved details.

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

23. The emergency access indicated on the approved plans shall be constructed and used for emergency access for the purposes of emergency vehicles only and controlled by lockable bollards in accordance with a scheme for their operation and management which shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved emergency access shall thereafter be retained at all times and used for emergency access only and operated and managed in accordance with the approved scheme.

Reason: To ensure the provision of an alternative access to be used only in the case of an emergency and to ensure that it is used and operated effectively to ensure its proper use, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

24. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadam or other approved bound material) and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

25. Prior to any dwelling being first occupied, a full and up to date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 of Burnley's Local Plan (July 2018).

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

27. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket or Mode 3 type) shall be installed externally at each plot prior to its first occupation.

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

28. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with the approved plans. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

29. No development shall take place until a remedial strategy, based on the principles and conclusion set out in the submitted Geo-environmental Ground Investigation(report reference R2688-Ro1-V1, prepared by Smith Grant LL, dated April 2019), has been submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall detail measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring, and shall

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

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

30. No development shall be commenced until remedial treatment works to address instability arising from shallow coal mining legacy and recorded mineshafts on the site have been carried out and completed in accordance with authoritative UK guidance. A verification report to include a signed declaration or statement by a suitably competent professional to confirm the site has been made safe and stable for the approved development and the completion of the approved remedial treatment works and any mitigatory measures necessary to address the risks posed by past mining activity, shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied.

Reason: To ensure that the issues arising from the presence of mineshafts and historic shallow coal mine workings at the site are adequately dealt with in order to ensure the safety of the construction, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

31. Prior to the commencement of built development above ground level, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles and the principles set out in the submitted site specific flood risk assessment (reference 6376/R1, prepared by Lees Roxburgh, dated May 2021), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

32. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be

completed, retained, maintained and managed at all times in accordance with the approved plan.

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

33. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

34. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. 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 built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

35. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development as specified in Class A of Part 1 of Schedule 2 of that Order shall be carried out at plot 85 and no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at plots 72-84 inclusive without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement of plot 85 on the privacy and outlook of existing adjacent properties and to assess any enlargement to the roofs of plots 72-84 on residential amenities of other neighbouring properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

36. The development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes in respect of the approved house types T50 and T52 (a total of 19

dwellings) as indicated on the approved plans. None of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling has been submitted to and approved in writing by the Local Planning Authority.

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

37. The development shall be constructed to achieve a 20% betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Carbon Reduction Report (prepared by Environmental Economics Ltd, dated May 2022). Detailed proposals for energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority prior to any development being commenced above ground level. The development shall thereafter be constructed in accordance with all the approved measures and a verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance with the Strategy prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The Strategy is required prior to the commencement of development to ensure that the measures that are necessary to achieve energy efficiencies can be designed into the construction of the development at the earliest stages.

38. Play areas shall be constructed and completed in accordance with timescales and details of the location, design, layout and specification of play equipment to include its surfacing, seating, bins and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play areas shall thereafter be available for use in accordance with the approved timescales.

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

39. All mitigation measures identified in the Noise Impact Assessment (E3P report Reference: 50-154-R1-2) shall be implemented in full prior to first occupation of the associated dwellings.

Reason: To protect the amenities of future residents, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

Reason: To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in

accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the dwellings are constructed in accordance with the approved levels.

JF
26th May 2022

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Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 7d

Ref.

FUL/2022/0084

Paul Gatrell Head of Housing and Development

Location:



16-18 Elm Street, Burnley

1:1250



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Application Recommended for Approve with Conditions

FUL/2022/0084

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

Change of use of part of existing dwelling to form extension to existing hot food takeaway.

16 Elm Street Burnley Lancashire BB10 1AJ

Reason: The application has been brought to committee as there is a resident objection

Background:

The application site is located within the defined development boundary as designated in Burnley's Local Plan in which policy SP4 applies

The site comprises of an existing hot food takeaway at No. 16 Elm Street. The attached property to the south is No. 47 Devonshire Road which would appear to be a commercial property. To the north is No. 18 Elm Street which is a double fronted terraced property with 3 bedrooms. The wider area is predominantly residential, however there are some commercial premises within the area.



Photo 1: existing front elevation (April 2022)



Photo 2: Front elevation showing the neighbouring property No. 18 (April 2022)



Photo 3: provided by the applicant, flue to the rear of the property

Proposal

The application seeks consent to extend (internally) the main takeaway area which will move into the ground floor of No. 18 Elm Street. Submitted plans show a larger counter area and larger preparation area.

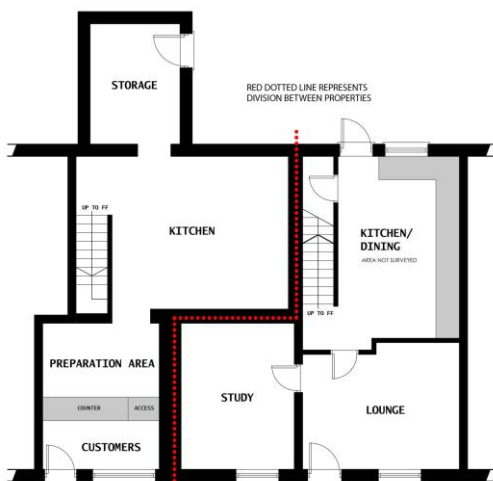
The attached property at No. 18 Elm Street shall become a 2 bedroom property with down stairs lounge and rear kitchen. No external alterations are being made.

There is an existing flue to the rear of the property which does not involve any alterations as part of this application.

Proposed hours for operation are to remain the same 11am – 11pm 7 days a week.

Any new signage may require the benefit of advert consent and the applicant should be aware of this.

EXISTING SITE PLAN 1:500 (A1)



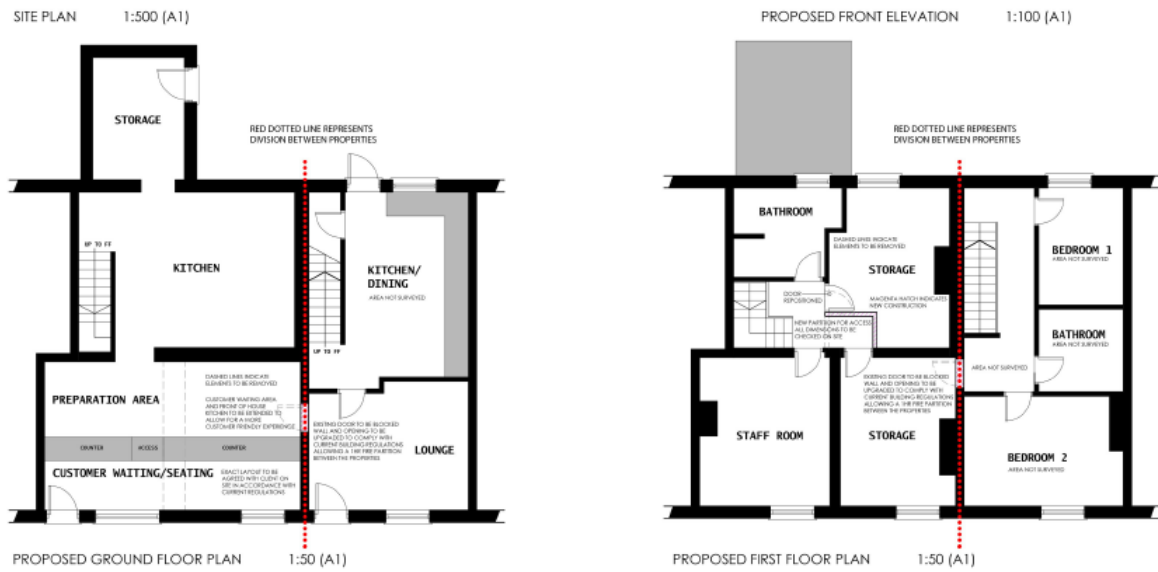
EXISTING GROUND FLOOR PLAN 1:50 (A1)

EXISTING FRONT ELEVATION 1:100 (A1)



EXISTING FIRST FLOOR PLAN 1:50 (A1)

Plan Extract: existing plans



Plan Extract: proposed plans



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP5 – Development Quality and Sustainability
- TC7 – Hot Food Takeaways

NPPF 2021

Site History: None relevant

Consultation Responses:

Highways

Lancashire County Council has no objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Environmental Health

A scheme of noise insulation between the commercial and residential premises shall be submitted to and approved in writing by the Local Planning Authority before any building work commences on the site. The insulation provided shall ensure that the noise level within the residential premises does not exceed: 35 dB LAeq, 16hour for living rooms (07.00 hours - 23.00 hours); 35 dB LAeq, 16hour for bedrooms (07.00 hours – 23.00 hours 30 dB LAeq, 8hour for bedrooms (23.00 hours – 07.00 hours); 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours).

Reason to not result in unacceptable conditions for future users and occupiers of the development, in regard to noise, in accordance with policy SP5 of Burnley`s Plan.

Public comments – 1 objection received summarised as follows:

- Increase in capacity will put further pressure for on street parking leading to safety issues with children who play nearby
- Issues of anti-social behaviour and people gathering outside the takeaway with impacts on residential amenity

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- The proposed use
- Impact on the amenity of neighbouring uses
- Environmental Health

The principle

Policy TC7 of Burnley`s adopted local plan sets out the location of where hot food takeaway premises could be located. The site is already established as a takeaway, with the application seeking a 20sqm increase to the existing business area which mainly comprises of the counter and preparation area. If the takeaway did not exist already and TC7 was assessed, then it would be difficult to comply with the policy requirements. However, given the site is established an assessment needs to be taken as to whether or not the increase in 20sqm has a detrimental impact on the

amenity, access and parking, odours, waste and opening hours. Each will be taken in turn below:

Amenity and accessibility

The site is located within a sustainable location. There is the availability of on street parking and LCC highways have been consulted on the application and have no objections.

Extraction of Odours

There is an existing extraction flue located to the rear of the business which is to remain in place. There are no proposals to alter the flue as part of this application and should any works be carried out then planning permission would be required. The Council's Environmental Health team have been consulted and suggest a condition on noise insulation between the properties.

Waste

Will remain the same.

Hours of Operation

There is no proposal to alter the hours of operation at the site. Whilst an increase in 20sqm at the site is not considered to have a detrimental impact on the adjoining properties or wider residential area, it is considered appropriate to attach a condition for the hours of operation to not extend beyond 11pm. This will allow the Council to have control over the use given the surrounding residential properties and potential for nuisance and noise into the evening.

The principle of the internal expansion of the takeaway is therefore considered appropriate.

Policy TC7: Hot Food Takeaways

Location

- 1) Proposals for hot food takeaways will only be permitted in the following areas:
 - a) Within the areas of Secondary Frontage of Burnley Primary Shopping Area;
 - b) Within Padiham Town Centre; or
 - c) Within in a defined District Centre.
- 2) Outside of these areas hot food takeaways will normally only be permitted where the property does not physically adjoin residential properties or other sensitive uses outside of the applicant's control.
- 3) Proposals for hot food takeaways will only be permitted in the locations set out above where they satisfy other relevant policies of the Plan and the following criteria:

Clustering

- a) The proposal will not create an unacceptable concentration of similar uses in Burnley Secondary Frontage or Padiham Town Centre;

Amenity

- b) The proposal will not cause detriment to the free flow of traffic or residential amenity;

Accessibility and Parking

- c) The location of the proposal is accessible by walking, cycling and public transport;
- d) They provide or are served by adequate parking spaces;

Extraction of Odours

- e) They provide for appropriate extraction systems to effectively disperse odours.⁶⁸ Such systems must:
 - i) have minimal impact on visual amenity, including location and external finish;
 - ii) be acoustically attenuated; and
 - iii) not have an unacceptable impact on the amenity of neighbouring occupiers;

Waste

- f) Their waste provision is appropriate to the scale and type of premises; and
- g) They provide appropriately sited bins for customers to use.

Hours of opening

- h) When determining the appropriate hours of opening, regard will be had to:
 - i) the likely impacts on residential amenity;
 - ii) the existence of an established late night economy in the area; and
 - iii) the character and function of the immediate area, including existing levels of background activity and noise.
- 4) Where appropriate, restrictions will be placed on opening hours through the use of planning conditions.

Impact on residential amenity

Hot food takeaways have the potential to harm the living conditions of nearby residents by reason of the noise and odour caused by cooking inside, but also the noise and general disturbance caused by the comings and goings of customers.

As this is an existing hot food takeaway, the use and associated activity is established. A condition has been requested from Environmental Health on noise mitigation between the adjacent property No. 20. It is therefore considered that the proposed expansion will not cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

Highways

Have been consulted and have no objections. The site is within a sustainable location and there is the availability of on street parking.

Neighbour comments

The comments made by a local resident are noted and it is accepted that takeaways can generate additional noise and disturbance. The current hours of operation are reasonable within a residential area and LCC highways do not consider that there to be any issues with current highway safety issues including parking. The expansion has to be considered in context to what is there already, and in this case an increase in 20sqm is not considered to be detrimental to the amenity of the surrounding area.

Recommendation: Approve subject to conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. A scheme of noise insulation between the commercial and residential premises shall be submitted to and approved in writing by the Local Planning Authority before any building work commences on the site. The insulation provided shall ensure that the noise level within the residential premises does not exceed: 35 dB LAeq, 16hour for living rooms (07.00 hours - 23.00 hours); 35 dB LAeq, 16hour for bedrooms (07.00 hours – 23.00 hours 30 dB LAeq, 8hour for bedrooms (23.00 hours – 07.00 hours); 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours).

Reason to not result in unacceptable conditions for future users and occupiers of the development, in regard to noise, in accordance with policy SP5 of Burnley`s Plan.

4. The use hereby approved shall not operate outside the hours of 11am and 11pm on any day.

Reason: In order to safeguard the residential amenity of nearby residents.

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0756

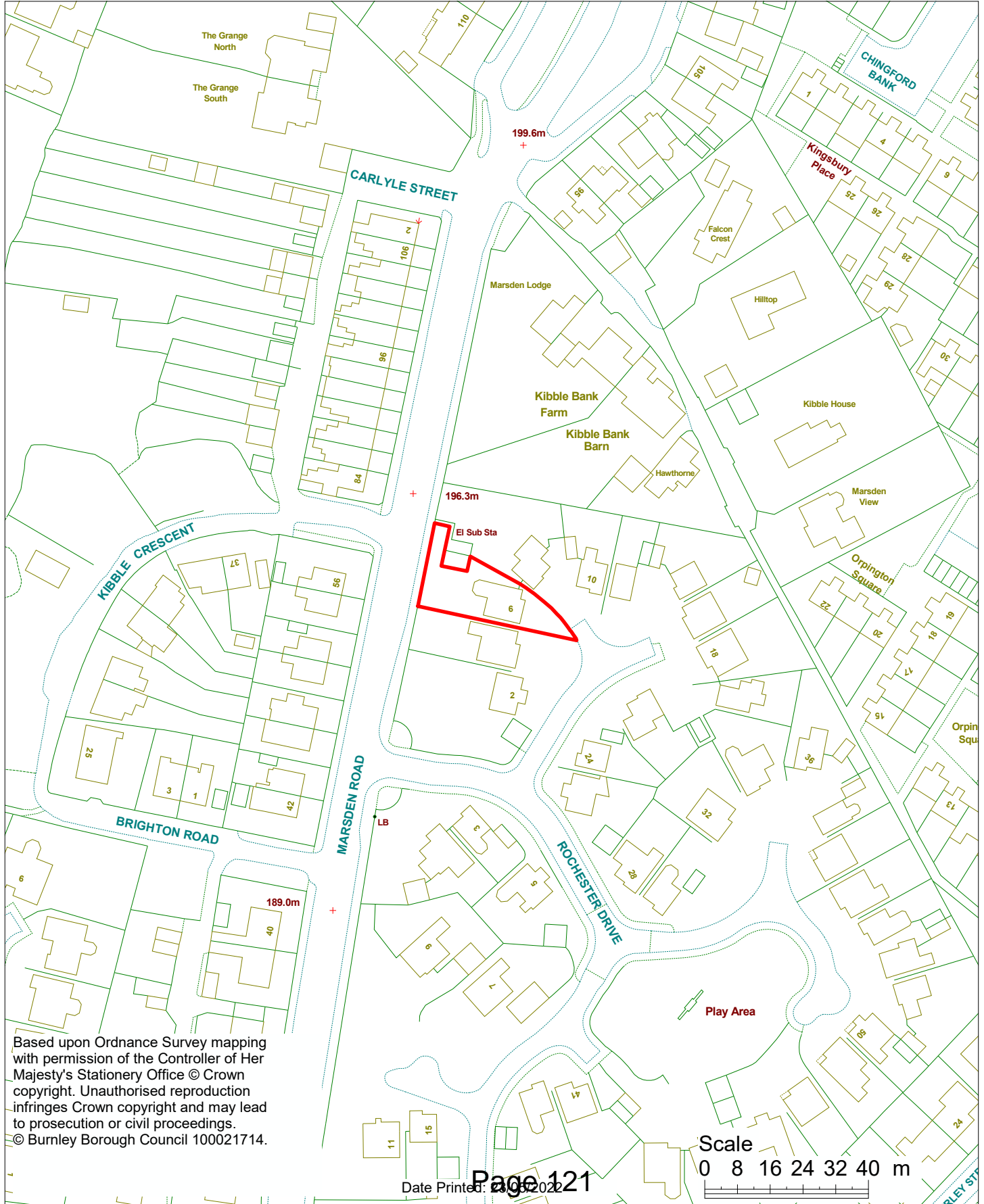
Paul Gatrell Head of Housing and Development

Location:

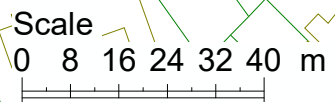


6 Rochester Drive, Burnley

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**Application Recommended for Approval with
Conditions**
Lanehead

HOU/2021/0756

Town and Country Planning Act 1990
Convert existing garage to sitting room with extension to front of 1.2m.
6 Rochester Drive, Burnley

Background:

The property is a detached dwelling on a modern housing estate off Marsden Road, Burnley. A small extension is proposed to the front of the dwelling.

An objection has been received from a neighbour.

Relevant Policies:

Burnley's Local Plan July 2018:

SP1 – Achieving Sustainable Development
SP4 - Development Strategy
SP5 – Development Quality and Sustainability
HS5 – House Extensions and Alterations
IC3 – Parking Standards

National Planning Policy Framework (NPPF)

Site History:

Since the housing estate was built there have been various tree applications to carry out work to protected trees at the property.

Other applications:

12/97/0346 – retention of playhouse and fence – refused

12/97/0526 – retention of playhouse and fence – granted

12/98/0196 – conservatory to rear – granted

APP/2007/0203 – retrospective retention of fence – withdrawn

HOU/2022/0186 – retrospective application to retain detached timber shed in rear garden - pending

Consultation Responses:

Highway Authority – Original comments - Have concerns over the amount of available off-street parking should the development be approved. A 4-bedroomed dwelling should provide at least 3 off-street parking spaces (only 2 are being provided).

Further comments were received after receipt of an amended parking plan (showing 3 parking spaces); the proposed revised parking plan is acceptable for the size and nature of the development.

Resident – Objection – Concerns have been expressed about parking vehicles on the highway which could be exacerbated by shortening the driveway.

Planning and Environmental Considerations:

The dwelling is located on a cul-de-sac off Marsden Road, Briercliffe and is situated within the Development Boundary where development is acceptable in principle.

The proposed small extension is to increase the size of the existing garage and change it into living accommodation.

The main considerations are design/materials, privacy/outlook/daylight and highway issues.



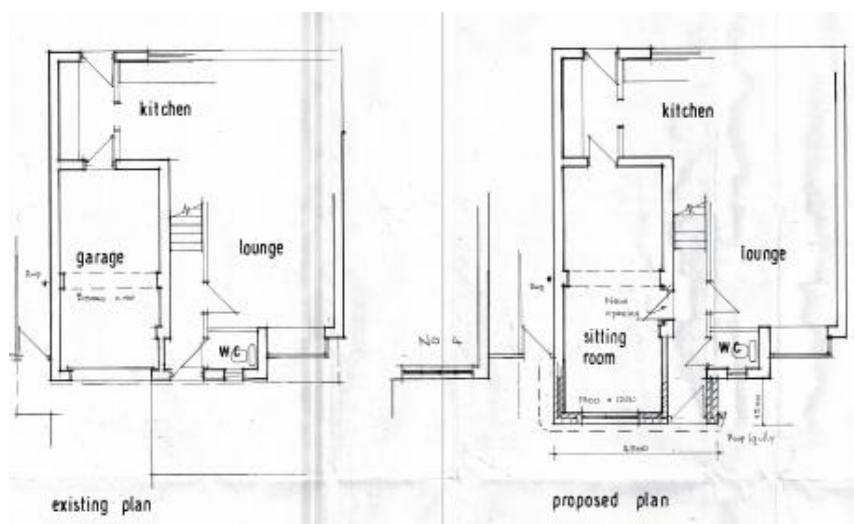
no. 4 no.6 Rochester Drive

Design/ materials

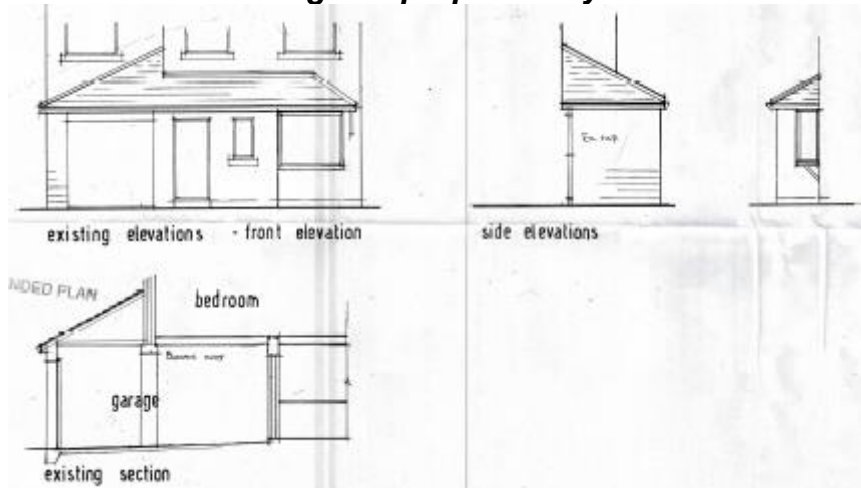
The proposed single-storey extension at the front of the dwelling will extend out by 1.2m from the front elevation and be 4.5m in width. The existing garage, hallway and WC currently extend out from the main elevation of the dwelling and have a hipped roof.

The proposed extension would have a gabled roofline with a window and door on the front elevation and no windows on the side elevations.

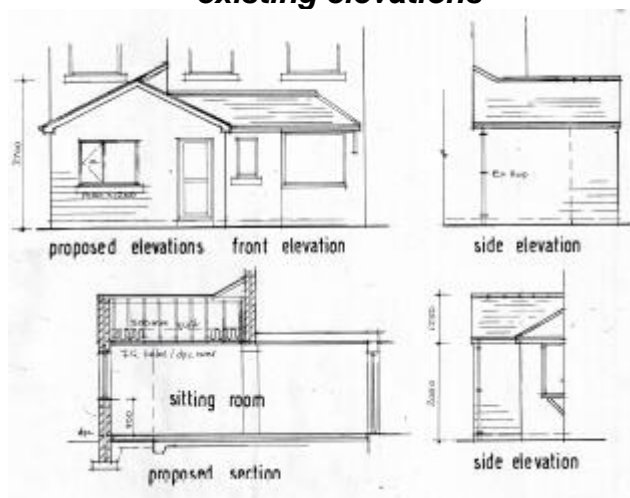
The proposed materials are stone for the elevations and roof tiles to match the existing dwelling.



existing and proposed layout



existing elevations



proposed elevations

Privacy/outlook/daylight

The extension will extend out by 1.2m from the existing front elevation. There are no windows proposed on the side elevations of the extension; therefore privacy is not an issue.

The small extension will not have a significant effect on outlook and daylight for the front room window of no. 4 Rochester Drive and no effect on the outlook and daylight for no 8.

Highway issues

The extension will reduce the size of existing driveway.

The applicant has confirmed that there are 4 bedrooms at the property therefore 3 off-street parking spaces are required in accordance with the Local Plan requirements and as requested by the Highway Authority.

The applicant has submitted a revised parking plan showing the provision of 3 off-street parking spaces; the Highway Authority consider the submitted plan to be acceptable.

Conclusion

The proposed extension is considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans:

Existing and Proposed Plans, Elevations and Location Plan (excluding site plan) Received 5th January 2022
Revised Site Plan Received 20th March 2022

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

- 3 The three off-road parking spaces shown on the submitted parking plan shall be made available before the extension is occupied and remain available thereafter for the parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone or gravel) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety

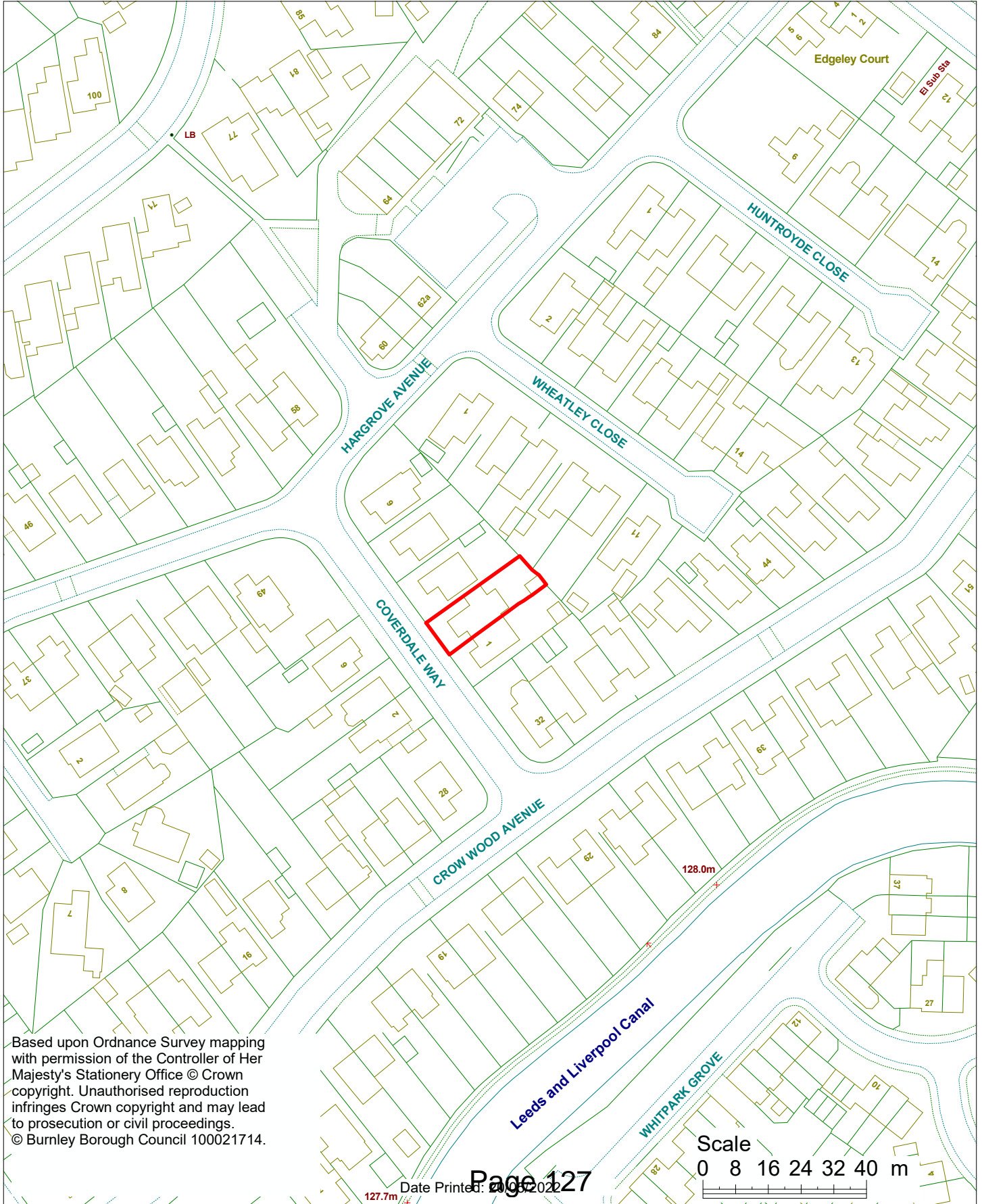
Paul Gatrell Head of Housing and Development

Location:



3 Coverdale Way, Burnley

1:1250



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Application Recommended for Approve with Conditions

HOU/2022/0065

Whittlefield With Ightenhill

Town and Country Planning Act 1990

Single storey rear extension, front porch extension and roof dormer extension to existing bungalow

3 Coverdale Way Burnley Lancashire BB12 0JL

Background:

The application site relates to a semi detached dormer bungalow located in Burnley. The property benefits from an attached garage and driveway to the side, a garden to the front and a private garden to the rear.

The application is a resubmission of a previously refused development reference (HOU/2021/0004)

Reason: The application has been brought to committee as there is a resident objection.



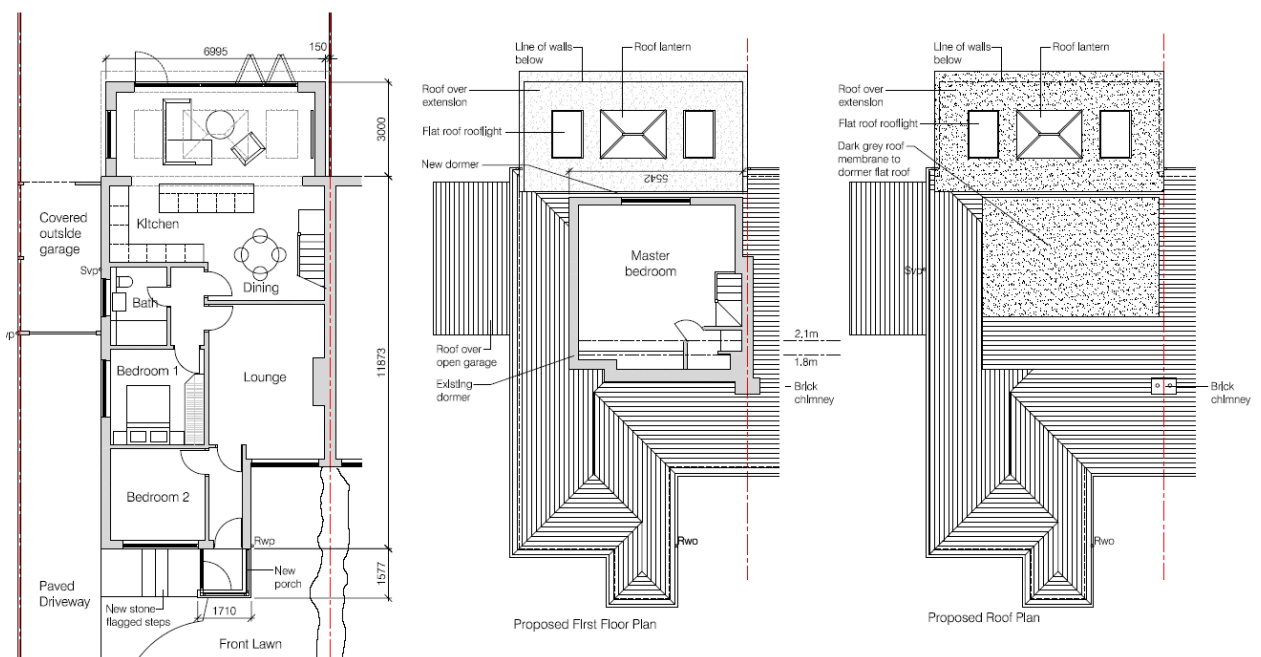
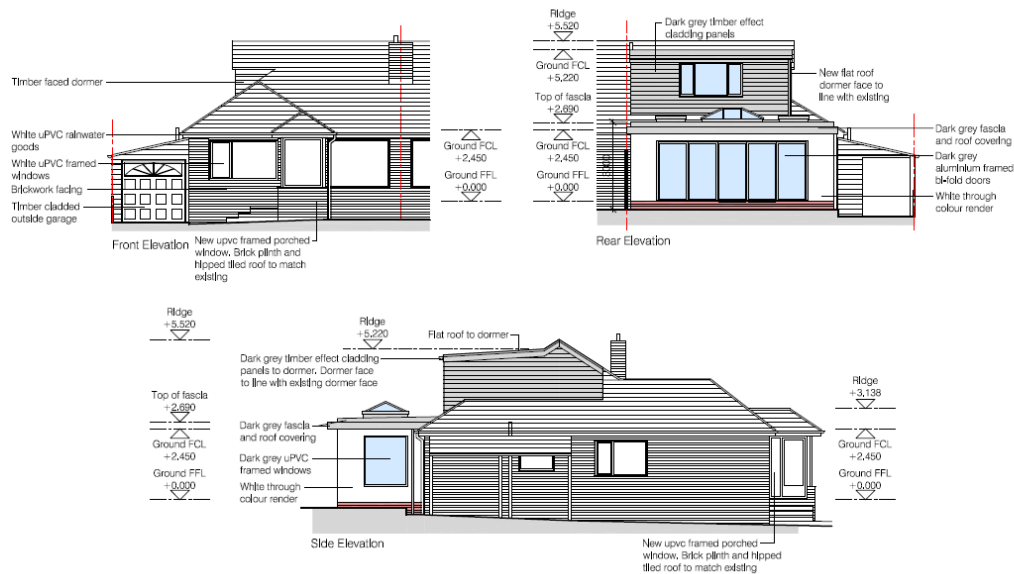
Proposed Development:

Consent is sought for the erection of a porch, rear extension and rear dormer.

The porch projects forwards of the property by 1.57m and measures 1.71m in width. The porch will have a hipped roof measuring 3.3m at the eaves matching the main dwelling and 4m at the ridge. The porch will be constructed with red brick with a grey tiled roof.

The rear conservatory will be demolished, and an extension will be erected at the rear of the property. The extension will have a rearward projection of 3m and measures 6.9m in width. The extension will have a flat roof measuring 3.1m in height. Two roof lights and a roof lantern are proposed on the roof taking the maximum height to 3.8m. The extension will be faced with render with a red brick plinth.

The rear dormer will connect with the existing dormer on the side of the property. The dormer will measure 5.6m and will project 3.5m from the roof slope and measures 2.2m in height. The dormer will be faced with timber effect panels.



Relevant Policies:

Burnley Local Plan

SP1: Achieving Sustainable Development
SP4: Development Strategy
SP5: Development Quality and Sustainability
HS5: House Extensions and Alterations
HS4: Housing Development
IC3: Car Parking Standards

National Planning Policy Framework

Site History:

App Number	Proposal	Status	Received Date	Decision Date
HOU/2021/0004	Double storey rear extension with side roof extension to existing bungalow	REF	04.01.2021	01.03.2021
CEA/2021/0220	Single storey pitched roof rear extension, a hip to gable extension and a rear dormer roof extension	REF	18.04.2021	08.06.2021
CEA/2022/0018	Single storey flat roof rear extension and a rear dormer roof extension	WDN	17.01.2022	08.03.2022

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No objections
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Interested Party Responses:

One letter of objection has been received with concerns regarding loss of light, privacy and noise.

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

The Principle of Development:

The site is located within the development boundary of Burnley within the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Impact on Residential Amenity:

Both policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants of adjacent land users, with reference to issues including loss of lights, privacy / overlooking and outlook.

In relation to the single storey rear extension the extension is a replacement of a similar sized rear extension. The proposed extension will have a rearward projection of 3m and a maximum roof height of 3.8m. The property with the most potential to be affected by the development is the attached property at no. 1 Coverdale Way. It is not considered that the extension would have an unacceptable impact on this property compared to the existing situation. In addition, the extension in terms of its size is considered to be permitted development. The reason it is included in the proposal is because it is proposed to be faced in render which means the development requires consent (as it would not be of similar visual appearance to the host dwelling).

In terms of the proposed rear dormer it is set back from the eaves and therefore there should be minimal loss of light to the neighbouring property. In relation to loss of privacy, if compared to the existing situation, the dormer would result in some loss of privacy to the rear garden. However a dormer of this size can be erected under permitted development and therefore the application could not be refused for this reason. The dormer has been included on this application as the proposed changes to the property required consent for the rear extension and the applicant also wanted a decision on this aspect of the proposed development.

Due to the separation distance from neighbours and the minimal footprint, the porch would not have a detrimental impact on the closest neighbours.

Impact on Visual Amenity:

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

Paragraph 126 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

The proposed porch is proposed to the front of the property and therefore it will be visible from the nearest highway. The porch will have matching eaves, a hipped roof and will be constructed in matching materials. For this reason, it is considered that the

porch would not result in an incongruous addition.

The single storey rear extension will be contained within the rear garden area of the property and will not be visible from the nearest highway. In terms of its scale and size the extension is considered to remain subservient to the main dwelling. The use of render is considered acceptable as the development is to the rear of the property and the use of render is minimal when compared to the dwelling.

The rear dormer is proposed to be set down from the main ridge and set above the eaves of the main dwelling. The proposed materials are considered appropriate. Whilst the dormer would enclose a large section of the rear roof it is not considered to dominate the original dwelling.

Recommendation:

That planning consent be granted subject to conditions.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan: 2070-LP10	Received 17 th February 2022
Proposed Plans: 2070-PL10B	Received 17 th February 2022
Proposed Elevations: 2070-PL11B	Received 17 th February 2022

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.
For Information

9th June 2022

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2020/0417	mr Mark Wilkinson	Land West Of Kiddrow Lane Burnley	Discharge of Conditions 6 (Landscape Management Plan), 11 (car parking spaces), 12 (cycle and pedestrian links) and 14 (refuse and recycling facilities) of planning permission APP/2018/0003 (Condition nos. 5, 8, 9 and 11 of VAR/2021/0140)	Conditions part discharged	9th May 2022
HOU/2021/0349	Mr Joel Henderson	41 Lower Mead Drive Burnley Lancashire BB12 0ED	Proposed 2 storey side extension and single storey rear extension.	Refuse	25th April 2022
HOU/2021/0350	Asam Zaman	2 Casterton Avenue Burnley Lancashire BB10 2PA	Proposed single storey side extension with single storey rear extension and associated internal alterations and site works.	Approve with Conditions	10th May 2022
FUL/2021/0510	Mr Jameel Hussain Kareem	170 Burnley Road Hapton Lancashire BB11 5QT	Erection of 2No 2bed bungalows for existing family members.	Refuse	22nd April 2022
COU/2021/0570	Mr N Gerken	Old Red Lion Hotel 2-4 Manchester Road Burnley Lancashire BB11 1HH	Proposed change of use from public house to use of ground floor to cafe and offices (Class E), conversion of first and second floors to 3 no. apartments and associated internal and external works including removal of existing fire escape	Approve with Conditions	5th April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
LBC/2021/0571	Mr N Gerken	Old Red Lion Hotel 2-4 Manchester Road Burnley Lancashire BB11 1HH	Listed building consent to carry out internal and external alterations including removal of external staircase and single window and repair of roof to convert former public house to cafe and offices on ground floor and form 3 no. apartments on the first and second floors	Approve with Conditions	5th April 2022
HOU/2021/0606	Mr Abdul Ghafoor	17 Eastern Avenue Burnley Lancashire BB10 2NN	Single storey side and rear extension	Approve with Conditions	13th May 2022
HOU/2021/0631	Mr Andy Green	75 Ightenhill Park Lane Burnley Lancashire BB12 0LL	Single storey extension to side incorporating existing detached garage	Approve with Conditions	29th March 2022
CND/2021/0633	Mr M Hussain	Lower Ridge Belvedere Road Burnley BB10 4BQ	Discharge of Condition 4 (Noise assessment) and Condition 5 (Construction Method Statement) of planning permission FUL/2020/0540	Conditions part discharged	27th April 2022
FUL/2021/0656	Mr G Williams	The Barn Cherry Fold Farm Rossendale Road Burnley BB11 5DE	Demolition of existing outbuilding, erection of detached garage and new access.	Approve with Conditions	29th April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0661	Mr and Mrs Khan, Hajra	168-172 Colne Road Burnley BB10 1DY	Change of use first-floor storage space to form 4 self-contained flats with internal changes/alterations to the ground floor retail to form two separate units.	Approve with Conditions	5th May 2022
FUL/2021/0683	Mr M O Donnell	Land And Buildings At Ingham House Farm Halifax Road Briercliffe BB10 3QU	Proposed conversion of exiting garage and stables to two dwellings. Provision of a new access and associated garden and parking	Refuse	8th April 2022
HOU/2021/0710	Mr Ged Walsh	230 Red Lees Road Cliviger Lancashire BB10 4RF	Proposed 2 storey and single storey extensions to existing dwelling	Approve with Conditions	16th May 2022
HOU/2021/0750	Miss Julie Roberts	9 Honister Road Burnley Lancashire BB10 2PX	Installation of electric cantilever metal driveway gate, manual driveway metal gate and side metal gate.	Refuse	25th May 2022
CND/2021/0771	Mr Christopher Howell	Healey Wood Mill Healey Wood Road Burnley BB11 2HJ	Discharge of conditions on application LBC/2019/0445: Condition 4 (Cycle / refuse store materials); Condition 5 (Window details/samples); Condition 6 (Door details/samples); Condition 7 (Stone Cleaning).	Conditions part discharged	25th April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0749	Mr A Brown	Crow Wood Holme Road Stoneyholme Burnley Lancashire BB12 0RT	Proposed extension to leisure facilities.	Approve with Conditions	13th May 2022
COU/2021/0751	MR JAMES NELSON	18-22 Bull Street Burnley Lancashire BB11 1DW	Proposed change of use of existing drinking establishment (sui generis) to 2no. retail units, workshop and bar/restaurant area, including 2 new shop fronts.	Approve with Conditions	9th May 2022
VAR/2022/0004		1 National Buildings Burnley Road Padiham Lancashire BB12 8BX	Variation of Condition 2 (approved drawings) of planning permission FUL/2019/0205 to amend the shopfront design	Approve with Conditions	6th May 2022
CND/2022/0008	-	Land At Former Bull And Butcher Pub Manchester Road Burnley Habergham Eaves Lancashire BB11 5NP	Discharge of Condition 8 (Biodiversity enhancement measures) of planning permission FUL/2022/0135 for care home	Conditions part discharged	21st April 2022
COU/2022/0016	Mr Ansar	1 Parker Lane Burnley Lancashire BB11 2BY	Proposed conversion of first and second floor to 8 bedroom house multiple occupation (HMO)	Approve with Conditions	18th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0017	Mr+ L Williams	Land To The Rear Cherry Fold Farm Rossendale Road Burnley Habergham Eaves Lancashire BB11 5DE	Erection of detached dwelling, garage and outbuilding with access off Florence Avenue	Approve with Conditions	25th May 2022
FUL/2021/0775	Mrs L Worswick	Simply Fields Hurstwood Lane Hurstwood Burnley BB10 3LF	Change of use of the land from agriculture to hospitality venue, erection of permanent building and creation of access track and parking area.	Refuse	31st March 2022
HOU/2022/0014	Lewis Spencer	725 Briercliffe Road Burnley Lancashire BB10 2EZ	Proposed two storey side extension and single storey rear extension and associated site works.	Approve with Conditions	27th May 2022
FUL/2022/0010	Mr Kershaw	Plot 21 Griffin Garage Colony Rossendale Road Burnley Habergham Eaves Lancashire BB11 5DH	Proposed detached garage	Approve with Conditions	30th March 2022
HOU/2022/0030	Mrs Lesley Waterworth	17 Fairfield Drive Burnley Lancashire BB10 2PU	Extension to side & rear to provide attached garage and bedrooms (re-submission of application HOU/2021/0598)	Approve with Conditions	1st April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0671	Ms Mary Wallace	2 Hill End House Halifax Road Briercliffe Lancashire BB10 3QL	Replacement of 2 doors and door frame	Approve with Conditions	19th April 2022
LBC/2021/0672	Ms Mary Wallace	2 Hill End House Halifax Road Briercliffe Lancashire BB10 3QL	Replacement of 2 doors and door frame.	Approve with Conditions	19th April 2022
FUL/2022/0001	Ms K Sinclair	Land Between Nos 5 And 7 Olde Back Lane Burnley BB11 5BH	Erection of detached dwelling (re submission of FUL/2021/0405)	Approve with Conditions	1st April 2022
HOU/2022/0048	Mr James Kirby	85 Halifax Road Briercliffe Lancashire BB10 3QS	Two storey rear extension with a single storey orangery to the rear.	Approve with Conditions	1st April 2022
CND/2022/0042	MR & MRS I ASHWORTH	Monk Hall Todmorden Road Briercliffe Lancashire BB10 3PJ	Discharge of Condition 3 (External materials) of listed building consent LBC/2019/0557	Conditions part discharged	5th May 2022
CND/2022/0043	MR & MRS I ASHWORTH	Monk Hall Todmorden Road Briercliffe Lancashire BB10 3PJ	Discharge of Condition 3 (External materials) of planning permission APP/2017/0298	Conditions part discharged	5th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0045	Mr N Puttnam	Land At Curzon Street And Pioneer Place Burnley Lancashire BB11 1DF	Discharge of Condition 16 of application VAR/2021/0487 (relating to highways works)	Conditions part discharged	5th May 2022
HOU/2022/0053	Mr Shazib Bin Zaman	129 Thursby Road Burnley Lancashire BB10 3EG	Proposed two storey side and rear extension including single storey extension to rear	Refuse	6th April 2022
PAH/2022/0050	Mr Majid Hussain	30 - 32 Clive Street Burnley Lancashire BB12 0BZ	Proposed WC rear extension to extend 4.05m externally beyond the rear wall, height of the extension to eaves is 3m and maximum overall height 3.95m	Prior Approval not required accept	11th April 2022
HOU/2022/0098	Mr Harvey Sutcliffe	31 Sandiway Drive Briercliffe Lancashire BB10 2JS	Extension to side and rear of house.	Approve with Conditions	8th April 2022
COU/2022/0060	Mr & Ms Ali & Neild	Higher Fenny Fold Farm St Johns Road Padiham Lancashire BB12 7LP	Change of use of barn to form ancillary accommodation	Approve with Conditions	4th May 2022
HOU/2021/0758	mr mathew O'kane	52 Westbourne Avenue Burnley Lancashire BB11 4DG	First floor side extension above the garage and single storey rear extension to the rear of the existing garage.	Refuse	14th April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0102	Mr S Forsythe	19 Slaidburn Avenue Burnley Lancashire BB10 4NS	Double storey side extension with a front juliet balcony and two off-road car parking spaces.	Refuse	21st April 2022
FUL/2022/0122	Mr Bhag Singh	231 - 233 Padiham Road Burnley Lancashire BB12 0HB	Change of use from betting office (sui generis) to two dwellings (Class C3) including changes to front and rear elevations	Approve with Conditions	4th May 2022
HOU/2022/0074	Mr Bryan Jones	6 Sherwood Court Burnley Lancashire BB10 4LX	Erection of outbuilding and retention of shed in the rear garden.	Approve with Conditions	9th May 2022
FUL/2022/0071	Environment Agency	Land At Former Crystal Plastics Site Off Wyre Street Padiham BB12 8DN	Siting of a temporary construction compound associated with the Padiham Flood Risk Management Scheme	Approve with Conditions	21st April 2022
ADV/2022/0080	Mr Guy Lightowler	60 The Mall Burnley Lancashire BB11 1BA	Erection of illuminated fascia sign and illuminated projecting sign.	Approve with Conditions	10th May 2022
FUL/2022/0082	Mrs Tabitha Grooby	161 Sycamore Avenue Burnley Lancashire BB12 6AS	Erection of garage to rear	Refuse	26th April 2022
HOU/2022/0086	Mr Jason Teal	79 Ightenhill Park Lane Burnley Lancashire BB12 0LL	Single storey extension to rear. Balcony to existing rear dormer (Revised application for HOU/2021/0471)	Refuse	21st April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0087	Mr and Mrs David Liversidge	152 Lancaster Drive Hapton Lancashire BB12 7DU	Single Storey side and rear extensions	Approve with Conditions	21st April 2022
PAH/2022/0128	Ms Aimee McKenny	6 Alexander Grove Burnley Lancashire BB12 6DJ	Single storey rear extension, extending 4 metres from rear, to a height of 3.6 metres to ridge and 2.85 metres to eaves	Prior Approval Granted	12th April 2022
HOU/2022/0026	Akram Ullah	39 Herbert Street Burnley Lancashire BB11 4JX	Single storey rear extension and loft conversion, Roof dormer extension to front and rear roof elevations	Refuse	4th May 2022
FUL/2022/0041	Mr Mohammed Sulayman	353 - 355 Briercliffe Road Burnley Lancashire BB10 1TX	Changes of use from shop at ground floor (Class E) to residential accommodation (Class C 3) to be incorporated into the existing two attached residential units, both including two-storey rear extensions; raising the ridge of the roofs; hip to gable roof extensions; rear dormer extensions; front elevational changes; new driveways and new front walls.	Refuse	19th May 2022
FUL/2022/0047	Mr Foysol Ali	159 - 161 Briercliffe Road Burnley Lancashire BB10 1UY	Change of use from lettings office (use Class E) to Hot food takeaway with some inside seating (Sui Generis), including the erection of an external flue to the rear	Approve with Conditions	5th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0135	Mr Mark Wilkinson	The Isaac Centre Harrogate Crescent Burnley Lancashire BB10 2NX	Discharge of Condition nos. 5 (Landscaping scheme), 6 (Arboricultural Method Statement), 11 (Road engineering and maintenance details), 12 (Surface water drainage), 13 (Land contamination) and 14 (Foul water scheme) of planning permission FUL/2021/0264	Conditions part discharged	18th May 2022
TPO/2022/0105	Mr Craig Macmillan	5 Keats Fold Padiham Lancashire BB12 6PJ	Application to fell T1 covered by the Burnley (Lytton Street, Burnley) Tree Preservation Order 1994	Approve with Conditions	27th May 2022
HOU/2022/0109	Mrs Emma Krupinski	86 Kiddrow Lane Burnley Lancashire BB12 6LH	Proposed two storey extension to rear	Approve with Conditions	4th May 2022
HOU/2022/0115	Mr & Mrs Acton Grieves	51 Bamburgh Drive Burnley Lancashire BB12 0TE	Proposed two storey extension	Approve with Conditions	9th May 2022
NMA/2022/0137	Mr Faisal Iqbal	29 Bentham Avenue Burnley Lancashire BB10 1XZ	Application for a non-material amendment to planning consent HOU/2021/0707. The amendment proposed is to replace the 3 vertical windows at the front of the garage conversion with 2 horizontal windows.	Approve with Conditions	6th April 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0117	Mrs Rita Harper	2 Sabden Road Padiham Lancashire BB12 9AW	Demolition of existing conservatory and detached garage and proposed two storey rear extension and single storey side garage extension.	Approve with Conditions	5th May 2022
HOU/2022/0118	Mrs Divya Dadlani	113 Marsden Road Burnley Lancashire BB10 2QW	Double Storey Side Extension with Single Storey Rear Extension and part demolition of Internal Wall and Demolition of 1no. Chimney	Approve with Conditions	6th May 2022
PAH/2022/0119	Helen Morrell	21 Stonyhurst Avenue Burnley Lancashire BB10 4NL	Single storey extension to rear extending 5 metres beyond rear wall, to a width of 5 metres, with a height to eaves of 2.45 metres and to the ridge 2.67 metres.	Prior Approval not required accept	26th April 2022
PAH/2022/0142	Eugene Redmond	16 Higham Road Padiham Lancashire BB12 9AP	Proposed single storey rear extension, extending 8 metres from the rear elevation and to a maximum height of 2.97 metres	Prior Approval not required accept	28th April 2022
FUL/2022/0073	Mr. Parr	39 The Waterloo Trafalgar Street Burnley BB11 1RA	Change of use to restaurant, erection of external flue, external alterations and associated car parking	Approve with Conditions	18th May 2022
PAH/2022/0148	Mr Brian Taylor	101 Printers Fold Burnley Lancashire BB12 6PH	Extension to dwelling to project 4 metres beyond the rear elevation, to a maximum height of 3.17 metres and 2.25 metres to eaves	Prior Approval Granted	6th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0153	Mrs Florence Reeve	11 Kentmere Close Burnley Ightenhill Lancashire BB12 8UG	Conversion of existing garage to create ground floor bedroom and shower room. Construction of ramp to front elevation to provide wheelchair access.	Approve with Conditions	18th May 2022
HOU/2022/0154	Mr Arthur Terrell	121 Basnett Street Burnley Lancashire BB10 3ES	Extension to rear of property to provide ground floor WC	Approve with Conditions	20th May 2022
HOU/2022/0126	Mrs Khan	17 Clive Street Burnley Lancashire BB12 0BZ	Proposed rear extension with flat roof.	Approve with Conditions	18th May 2022
HOU/2022/0144		19 Moorland Road Burnley Lancashire BB11 2NY	Proposed access ramp	Approve with Conditions	13th May 2022
HOU/2022/0064	Mr & Mrs Vivian & Dave Pascoe	31 Hillingdon Road Burnley Lancashire BB10 2EG	Proposed ground floor single storey extension converting existing garage to form en-suite bedroom and store.	Approve with Conditions	19th May 2022
FUL/2022/0145	Mr Afraz Ali	88 Burns Street Burnley Lancashire BB12 0AJ	Change of use of existing amenity space to side of property to form private garden space, erection of 1.2m high stone wall around the perimeter and single storey rear extension.	Approve with Conditions	12th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0779	Mr Peter Denton	1 River Drive Padiham Lancashire BB12 8SE	Extension to front elevation to form bathroom, porch & extension to garage, including new pitched roof to existing garage. New hardstanding and vehicular crossing to footpath including dropped kerbs.	Approve with Conditions	24th May 2022
HOU/2022/0121	Mr & Mrs Hugman	32 Holyoake Street Burnley Lancashire BB12 6LX	Rear single storey extension	Approve with Conditions	11th May 2022
FUL/2022/0072	Miss Michelle Green	Bentley Wood Farm Accrington Road Hapton Lancashire BB11 5QH	Change of use from use as a public house/restaurant to use as a training and beauty therapy treatment centre	Approve with Conditions	24th May 2022
TNG/2022/0172	Cornerstone And Vodafone Limited	St Stephens Church St Stephen Street Burnley Lancashire BB11 3JA	Installation of 1no. GPS antennas mounted on the inside face of the parapet at roof level on the northern elevation, the upgrade of the 3no. existing internal antennas and the installation of 3no. additional antennas and ancillary development thereto.	Permitted Development	22nd April 2022
CND/2022/0177	Mr Mark Wilkinson	The Isaac Centre Harrogate Crescent Burnley Lancashire BB10 2NX	Discharge of Condition 3 (Lighting design strategy) and Condition 4 (Biodiversity enhancement measures) of planning permission FUL/2021/0264	Conditions part discharged	16th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
LBC/2022/0169	Mr Tom Stott	74 Manchester Road Burnley Lancashire BB11 1HN	Internal alterations and associated refurbishment works to facilitate conversion of the existing building to a 6 bedroom House in Multiple Occupation.	Approve with Conditions	27th May 2022
CND/2022/0181	Mr Mark Fuller	Paddock Lodge Hfe Highfield Avenue Burnley Lancashire BB10 2PS	Application to discharge condition no. 5 (floor plan layouts), condition no. 6 (illumination of external areas of site) and condition no. 8 (planting) of APP/2018/0025	Refuse	11th May 2022
HOU/2022/0155	Zara Hossain	80 Dall Street Burnley Lancashire BB11 3LF	Single storey ground floor rear extension	Approve with Conditions	11th May 2022
HOU/2022/0198	Mr Chris Fowler	52 Longton Road Burnley Lancashire BB12 0TF	Two storey extension to side of dwelling, conversion of existing garage and erection single storey side extension (re-submission of HOU/2021/0127)	Approve with Conditions	11th May 2022
PAH/2022/0167	Mr Jason Fenwick	12 Queens Park Road Burnley Lancashire BB10 3LB	Single storey rear extension extending beyond the rear elevation by 3.6 metres, with a height to eaves of 2.9 metres and a maximum height of 3.0 metres, and replacing existing pitched roof with a flat roof.	Prior Approval not required accept	23rd May 2022
FUL/2022/0164	Mr Nathan White	1 Mitre Street Burnley Lancashire BB11 4EH	Erection of new fence to a height of 2.45 metres	Approve with Conditions	11th May 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2022/0212	Mr Shane Harrison	19 West View Terrace Padiham Lancashire BB12 7BL	Proposed single storey rear extension to extend 5.50m externally beyond the rear wall, height of the extension to eaves 2.45m and maximum overall height 3.45m	Prior Approval not required accept	24th May 2022
PAH/2022/0216	Mr M Crook	8 Wasdale Close Padiham Lancashire BB12 8NJ	Proposed single storey rear extension with part flat/pitched roof - extending 5.96 metres beyond rear wall, 3.0 metres to ridge and 3.00 metres to eaves.	Prior Approval Required	26th May 2022
FUL/2022/0215	Mr Elijah Nyimbili	2-4 Collinge Street Padiham Lancashire BB12 7BA	Alterations and change of use of the existing dwelling to a house in multiple occupation (HMO) for 8 persons.	Application Withdrawn	13th May 2022

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