

DEVELOPMENT CONTROL COMMITTEE

Monday, 24th January, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

**MECHANICS THEATRE,
MANCHESTER ROAD, BURNLEY**

Monday, 24th January, 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. Apologies

To receive any apologies for absence.

2. 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.

3. 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.

4. Exclusion of the Public

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

5. List of Deposited Plans and Applications

To consider reports on planning applications for development permission:

- a) **FUL/2021/0270 - Land at Stoneyholme Recreation Ground and Burnley College, Grosvenor Street, Burnley** 5 - 46

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Anne Kelly (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Frank Cant
Councillor Phil Chamberlain
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor Sarah Hall

Councillor John Harbour
Councillor Alan Hosker
Councillor Jacqueline Inckle
Councillor Karen Ingham
Councillor Mohammed Ishtiaq
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Ann Royle

PUBLISHED

Friday, 14 January 2022

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Part One Plan

Agenda Item 5a

Housing & Development
Town Hall, Manchester Road

Ref.
FUL/2021/0270

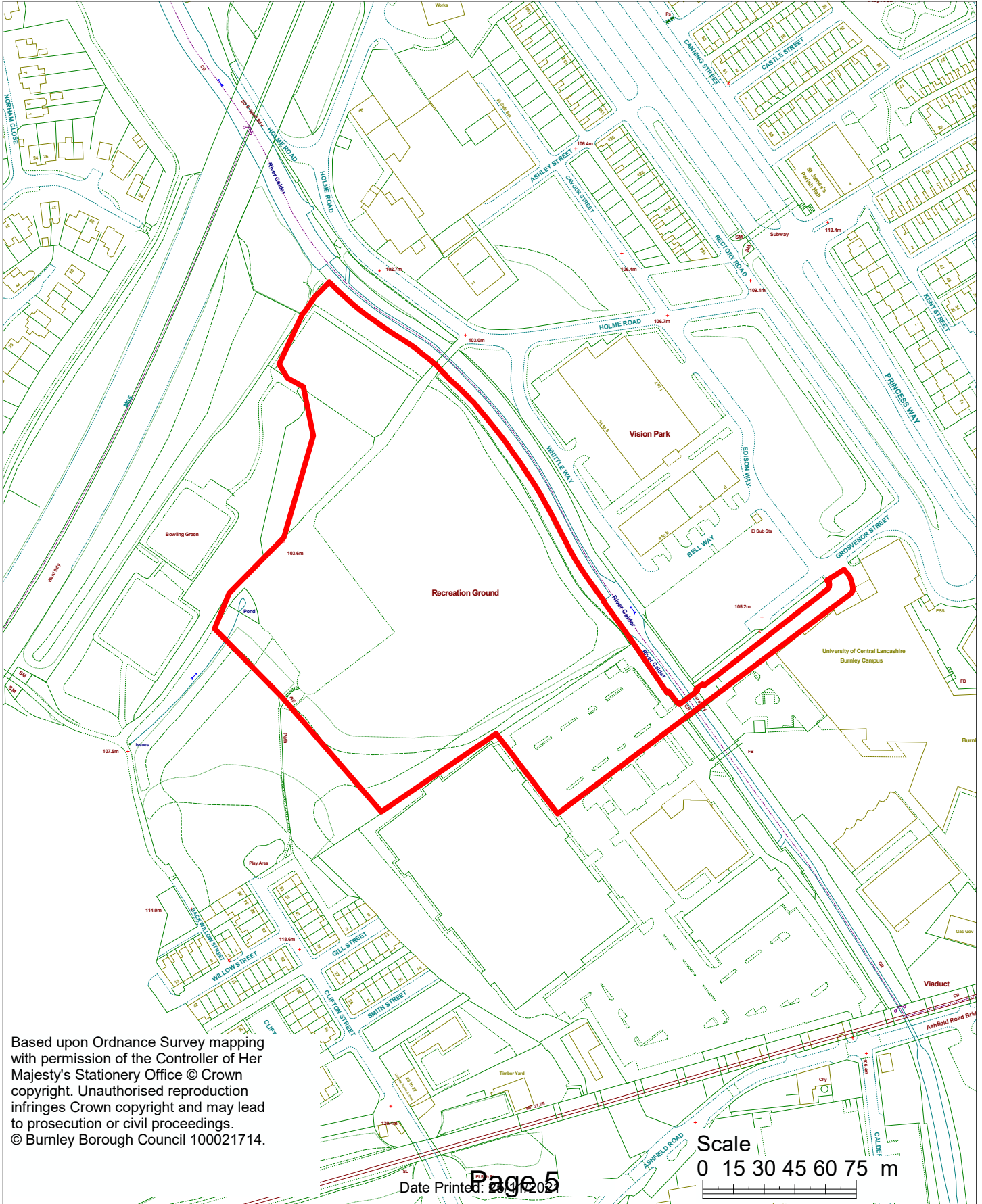
Paul Gatrell Head of Housing and Development

Location:



Burnley College, Princess Way, Burnley

1:2500



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

FUL/2021/0270

Town and Country Planning Act 1990

Hybrid planning application for development of a North Campus comprising: a) Full application for Phase 1 industry hub, open space, 5-a-side pitch with access road from Burnley College car park and provision of community use MUGA pitch, outdoor gym and and 7v7 grass pitch b) Outline application for Phase 2 comprising 2 no. education buildings, car park and associated works and landscaping (Proposal affects Public Footpath No. 11)

At Land at Stoneyholme Recreation Ground and Burnley College, Grosvenor Street, Burnley, Lancashire

Applicant: Burnley College

Background:

This application is being considered by the Committee due to objections that have been received. The application was scheduled to be considered at an earlier meeting on the 13th January 2022 but was deferred at the request of the Head of Housing and Development Control in order to allow Members sufficient time to consider the contents of the Late Correspondence. The initial report has been updated inclusive of a modified list of recommended conditions.

The application is a Hybrid application, being partly for Outline planning
Photos of Existing Site



permission and partly for Full planning permission. The proposed site which includes the existing College access from Princess Way and north side car park is approximately 3.45ha and comprises the current Stoneyholme Recreation Ground. The application has been amended since first submitted in response to some of the objections that have been received.

The site borders the River Calder to its east side, by trees, a bowling green and the M65 to its north side, by open space to its west side and by the existing Burnley College campus to its south side. A shelter belt of trees and banking separate the existing campus from the recreation ground which is the main body of the application site. Public Footpath No. 11 crosses the northern section of the site, linking the site to Holme Road to the east and to bowling greens and motorway subway to the west. The proposal would maintain the route of the footpath.



There are two parts to the application as indicated below.

Full Application area highlighted
Phase 1



Outline application area highlighted
Phase 2



Firstly, the Full Application where approval is sought for a detailed scheme relates to a proposed industry hub building, five-a-side pitch, open space, landscaping and a community use Multi-Use Games Area (MUGA) and outdoor gym. The full application proposal includes access to the site from the existing college car park.

Secondly, an Outline Application is made for two future university buildings and car park (82 spaces). This part of the proposal would utilise the same access that will be established through the full application but all other matters (Appearance,

Landscaping, Layout and Scale) would be reserved for subsequent approval. The layout of the proposed university buildings and car park as indicated on the Masterplan on the following page is therefore for indicative purposes only.

Proposed Masterplan



The proposed Industry hub building is the only building for which full planning permission is sought.

Illustration of proposed Industry Hub building

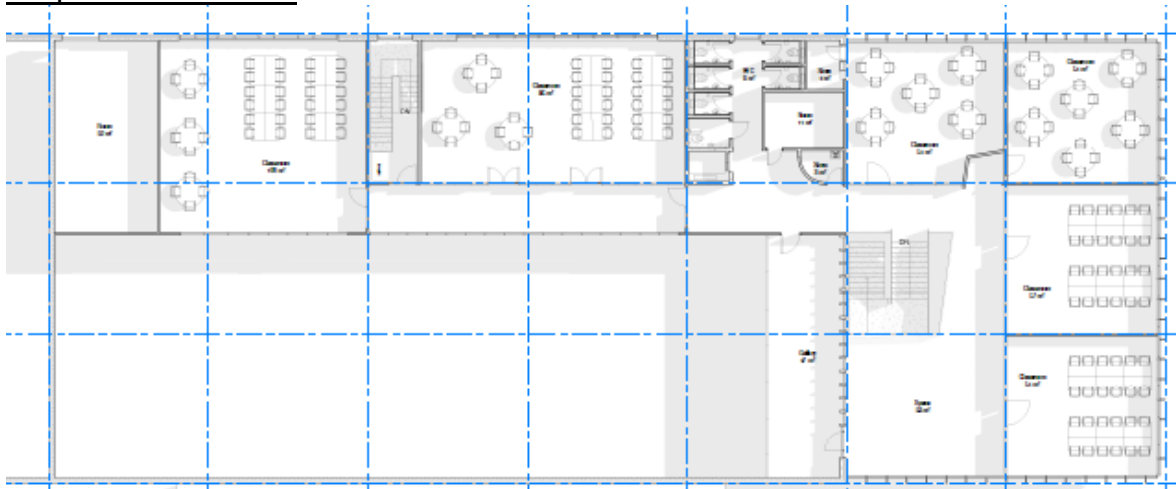


Proposed Ground Floor

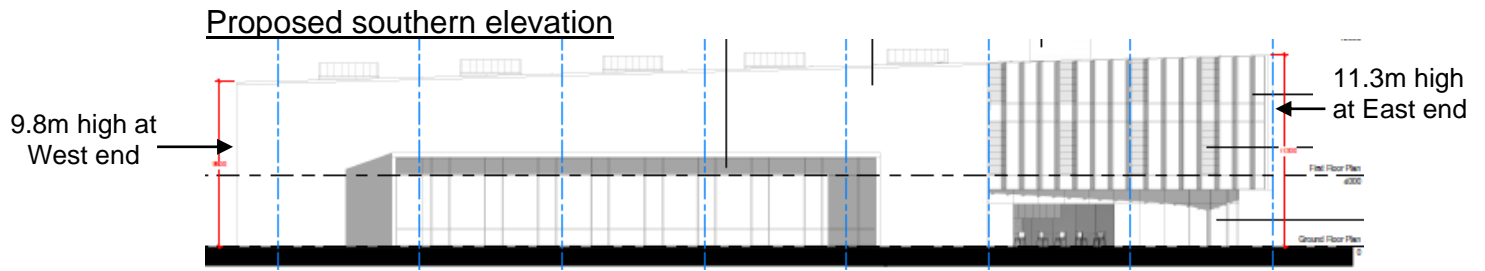


The ground floor would provide a large foyer to the east side, a series of teaching rooms and a large double height workshop area (479sqm).

Proposed First Floor



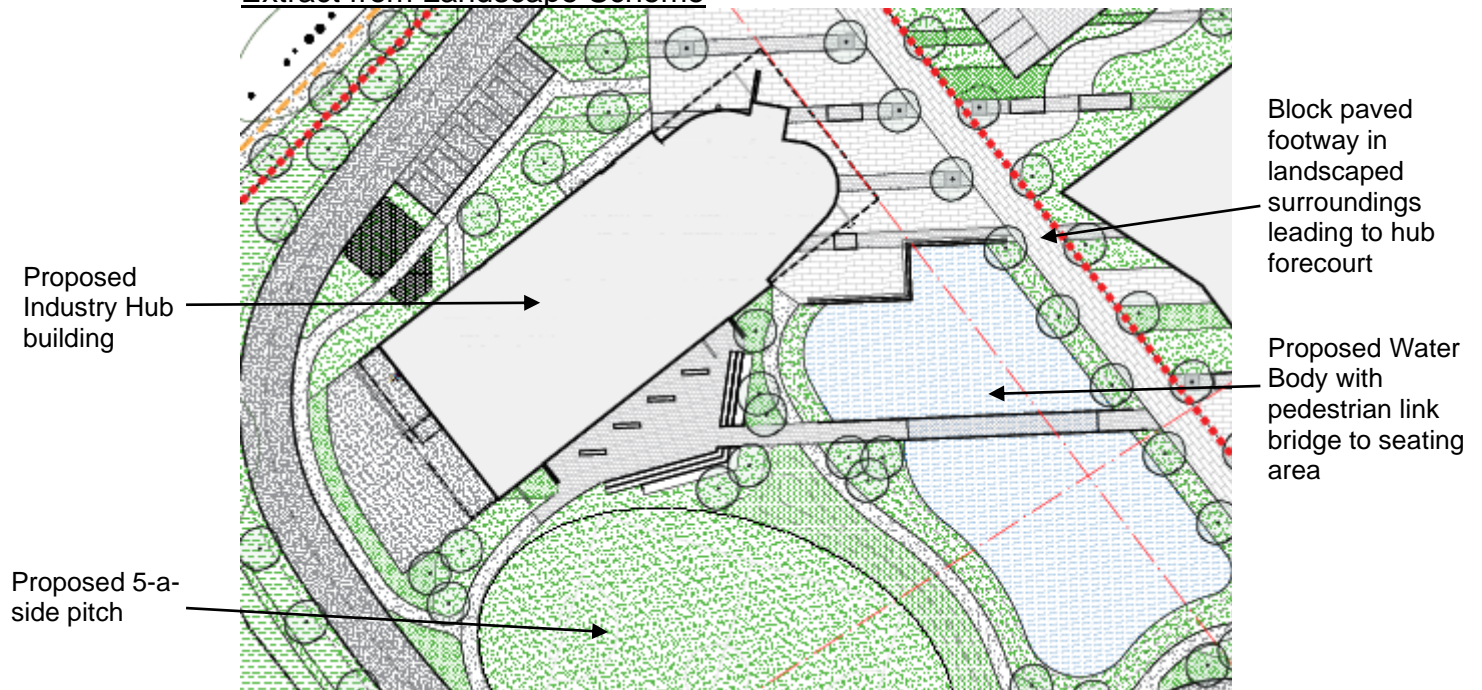
The proposed first floor is `L` shaped due to the double height workshop space on the ground floor and would provide a series of teaching spaces in varying sizes and formats and a gallery.



The proposed building would be two storey and measure up to approximately 22.5m wide x 54m long with a long sloping mono-pitch roof rising up to 11.3m at its east side which is the entrance and focal point of the building. At the entrance, the proposed first floor which consists of vertical glazing panels between aluminium louvred panels and fins would overhang the ground floor entrance which would be fully glazed. Metal rainscreen cladding would also be used on the elevations and aluminium clad rooflights on the roof.

The landscape scheme provides a long straight path lined on each side by trees and to the west side by a new open body of water with the glazed end of the proposed hub building creating a vista.

Extract from Landscape Scheme



To the east side of the block paved path would be two further buildings that are part of the outline element of this application. The submitted Design and Access Statement states that the strategy is to keep higher buildings to the east side of the site to avoid blocking sun to the central area. It is anticipated that the two university buildings that are proposed in outline form only would be 3-4 storeys.

The Full application also includes a proposed 5-a-side pitch to be used and managed by Burnley College. To the north side of the site, the proposal includes the retention and improvement of the existing informal grassed pitch and the

creation of an outdoor gym and multi-use games area (MUGA) which are for public use (and would remain in Council ownership).

Relevant Policies:

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
- EMP1/3 – Employment allocations – Vision Park
- HE2 – Designated heritage assets
- HE4 – Scheduled monuments and archaeological assets
- NE1 – Biodiversity and ecological networks
- NE2 – Protected open space
- 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
- IC5 – Protection and provision of social and community infrastructure

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:

No relevant planning history to this part of the allocated site. Relevant previous applications on the Site A part of the allocation (to the east side of the river Calder) are listed below:-

APP/2011/0346 - Proposed development of a business park comprising 12,000sq metres of use classes (B1(a), B1(b) and B1(c) business space; 280 car parking spaces and ancillary uses. (All matters reserved for future approval). Approved September 2011.

APP/2014/0397 - Application for approval of reserved matters for development of a business park providing B1(a), B1(b) and B1(c) business space, car parking spaces and ancillary uses under outline planning permission APP/2011/0346. Approval sought for access, appearance, landscaping, layout and scale. Approved January 2015.

Consultation Responses:

LCC Highways

No objections. Lancashire County Councils five year data base for Personal Injury Accident (PIA) records are in line with the information submitted as part of the Transport Assessment. The incidents recorded follow no pattern with regards to positioning or time and appear to be of a nature that would not be worsened by the proposed development. The proposed development is adjacent to a public rights of way (FP No.11) on the North East boundary of the site. The Framework Travel Plan is acceptable for its most part at this stage of the application process. To promote and encourage sustainable travel to the site I would however request that a condition requiring the submission of a Full Travel Plan is attached to the decision notice if this application is approved. The Full Travel Plan when submitted should include the following as a minimum:

- Contact details of Travel Plan coordinator
- Travel survey results (staff and students)
- Details of cycling, pedestrian and public transport links to and within the site
- Details of the provision of cycle parking
- SMART Targets
- Action plan of measures to be introduced and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

A request is made for a section 106 contribution of £12000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.

Regarding the full planning element of this application, the proposal will be accessed through the existing car park area of the campus site, which is served via the Rectory Road arm of the Princess Way roundabout via Grosvenor Street. For the size of development and the expected levels of vehicle and pedestrian movements this arrangement is acceptable to the local highway authority. The internal layout as shown in the submitted landscape masterplan including road alignment and widths, car parking and pedestrian provision is acceptable.

Regarding the outline application element, revised comments have been received to respond to amended plans which now remove the previously proposed secondary access from Holme Road and utilise the same access through the existing college car park as Phase 1 (the full application). LCC Highways also acknowledge other changes to the scheme, including the reduction in number of proposed buildings, the retention of a pitch to the north of the site and the revised location for a new car park. LCC Highways affirm that the removal of the proposed new vehicle access from Holme Road and utilisation of the College`s existing vehicle access to serve both phase 1 and 2 is acceptable.

As part of any future reserved matters application car parking and cycling provision will need to be in line with the relevant parking standards for the size and nature of the development. LCC Highways conclude that the level of traffic generated from a development of this size and nature and at this location would not have a severe impact on highway safety or capacity within the immediate vicinity of the site.

Subject to the requested contribution towards the Travel Plan and conditions to require a full travel plan, a Construction Management Plan and wheel washing

facilities, there are no objections to the proposed development.

Sport England

Initially objected to the proposal. Following the receipt of amended proposals, Sport England has withdrawn the objection subject to a condition requiring design and construction details for the college site pitch and MUGA, and a s106 agreement that:

- links this application with the works at Queens Park confirming option 1 of the STRI Report is to be implemented
- requirement for pitch specifications at Queens Park
- timescales for implementation (agree implementation works can be carried in parallel with development at Stoneyholme rather than prior to commencement of development as Sport England policy would normally require).
- amount of contribution for the works from the College
- timescales for securing the contribution from the College for the works

Sport England would wish to be consulted on the wording of the s106 to ensure all elements comply with the Sport England Playing Fields Policy Exception E4:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Pitch Construction Condition (Stoneyholme Rec)

A condition is recommended to require details of the design and layout of the natural turf pitches (7v7 and 5v5) and Multi Use Games Area and to ensure they are constructed in accordance with the approved details. An Informative is requested to advise the applicant that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011), and 'Artificial Surfaces for Outdoor Sport' (Sport England 2013)

Justification

Sport England agree the site has been disused for a number of years and that the improvement of a number of existing pitches is more sustainable than either retaining the site as a single pitch site, or replacing with a pitch type that there is no demand for.

A combination of the qualitative improvements at Queens Park, reinstatement of the Stoneyholme 7v7 pitch, creation of the 5v5 pitch, MUGA and outdoor gym outweigh the loss of playing field. This is subject to the conditions and s106 agreement required above.

Local Lead Flood Authority (LCC)

No objection. Conditions are recommended to require the development to be in accordance with the submitted Flood Risk Assessment and Drainage Strategy and

for a detailed Sustainable Drainage Strategy, a Construction Phase Surface Water Management Plan, and an Operation and Maintenance Plan and Verification Report, to be submitted to and agreed by the Council.

United Utilities

No objections. The proposals are acceptable in principle. Conditions are recommended to require a detailed surface water drainage scheme and to require foul and surface water to drain on separate systems. United Utilities advise that there is a public sewer that crosses the site which will require an easement.

Environment Agency (EA)

No objection. The previous use of the land immediately adjacent to proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A/secondary aquifer B and is in hydraulic connectivity with the River Calder. The EA agree with the report by Waterman Infrastructure & Environment Limited and agree with their proposals for further investigation and note that the report relates more to the engineering issues on the site and considerably more emphasis should be given to the potential contamination in the groundwater from the adjacent unlined and pre-licensing landfill sites of Clifton Colliery. The EA state that the proposed development will be acceptable if a planning condition is included requiring the submission of a groundwater remediation strategy.

In respect of flood risk, the EA affirm that a very small part of the site lies within Flood Zone 3 (high probability of flooding) while the remainder of the site lies within Flood Zones 1 and 2. Following a review of the submitted Flood Risk Assessment, the EA is satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The EA also affirm that any proposed work within 8m of the top bank of the main river may require an Environmental Permit.

Greater Manchester Ecology Unit (GMEU)

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).

The survey was conducted in January which is recognised as suboptimal for the majority of surveys, with further assessment for woodland ground flora in March. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.

The Report has adequately identified sites and designations relevant to the scheme. The only relevant designation outside of the planning policy allocation (EMP1/3) being the protection of an 8m corridor (from bank top) of the main river (River Calder).

There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.

As referred to in section 5 of the Report a number of measures are needed in order that the scheme complies with planning policy. Therefore, a number of conditions/informatives should be attached to any permission if granted, as follows: -

- Protection of retained trees and riverbank (8m corridor) Temporary fencing to be erected during construction secured via condition as per section 5.3.1 – 5.3.6).
- Design of the external lighting scheme, particularly along the western and north western boundaries. To be secured via conditions on both the outline and full elements of the scheme as identified within 5.3.14 for construction and 5.2.1 for design of operational buildings.
- Potential Roost Features in trees. The Report concludes that the site supports 4 trees (TN2, TN3, TN5 and TN7 [also identified as T14 in AIA scheduled for removal]) which are identified as having low potential value to bat roosting. Any of these that require removal or tree pruning should be felled/worked on according to the soft fell Reasonable Avoidance Measures outlined at 5.3.9. This should be implemented via condition. This includes the need to stop work until advice has been sought and implemented from the consultant ecologists if bats are unexpectedly found or suspected during any operations.
- Breeding birds (section 5.3.11 & 5.3.12) – Condition vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).
- Invasive Non-Native Species Method Statement – The Report identifies that Indian balsam (aka Himalayan balsam) is present to the west of the site. A programme to control this species should be required to be implemented via a condition. This Method Statement should also include details of how soil storage areas will be monitored and controlled.

The Report makes recommendations in respect of biodiversity enhancement as guided by the NPPF (February 2019, paragraph 175 d)) and it is recommended that these are implemented within the design detail and/or landscape proposals: -

- The enhancement of the off-site grassland to the south and west of the site (see section 5.2.9 – 5.2.12) and subject to a revised seed mix specification.
- Dogwood (*Cornus sanguinea*) is a highly competitive shrub which tends to dominate planting leading to reduction in biodiversity value, lavender species, and beech (*Fagus sylvatica*) should be removed and replaced in any future agreed landscape scheme. An updated landscape plan/full detailed landscape scheme with the recommended adjustments should be secured via condition.
- I note that the details for landscape in the outline part of the proposal including the SuDS basin and swale have not been specified. Detail should be required at Reserved Matters the submission of details secured via condition at the determination of the current application.
- The Report recommends the use of 5x bat and 5x bird boxes with suggested specifications. The location and final specification for this should be required at Reserved Matters in consultation with the ecologists, prior to

the occupation of the units. If the Units are to come forward in a phased approach it is recommended each 4 business units (incl the industry hub) is required to erect 3 boxes. An suitably worded condition should secure this. The Report indicates (5.4) that a Landscape and Environmental Management Plan (LEMP) should be provided to inform future long term management of the open space, riverside footpath and business unit estate. The production and agreement of this scheme should come forward at an appropriate stage within both the full and outline parts of the proposal. A condition requiring this should identify the appropriate timeframe for submission and commencement of its implementation. This should also identify the resourcing and responsibility for the LEMP's implementation.

Burnley Wildlife Conservation Forum (BWCF)

An initial response requested the submission of an Arboricultural Impact Assessment due to concern over trees that would need to be felled due to the new access road from the existing college car park. On re-consultation, the BWCF object to the application on the basis of a considerable loss of trees that would result in a significant adverse impact on the existing biodiversity value of the site. The submitted Assessment outlines the following trees which would be removed: 2 Category A2 trees (out of 10) 17 Category B1,2 and 3 trees (out of 38), 9 Category C1 and 2 trees (out of 15), 12 trees not suitable for retaining and three groups of Category C trees (out of 6 groups). This amounts to a loss of 40 individual trees (out of a total of 75) plus a further 3 groups of trees (out of 6 groups) which is a considerable loss of trees from the site. Many of the trees to remove are mature or semi-mature specimens and include Lombardy Poplars and the rare hybrid Black Poplars and would result in a high to moderate negative impact on the amenity benefit value to the local landscape.

Coal Authority

No objection subject to condition. Parts of the application site fall within the defined Development High Risk Area. The northern half and south eastern part of the site lie within an area of probable shallow coal mining and thick coal seams of workable thickness outcrop within the site that may also have been historically worked at shallow depths. If shallow coal mining has taken place beneath the site, this could affect the safety and stability for the redevelopment of this site.

The planning application is accompanied by a Coal Mining Risk Assessment, April 2021 which finds that there is a moderate to high risk as a result of the potential for unrecorded shallow coal seams / workings (Maiden Coal Seam); unrecorded surface mining; and mine gas emissions.

Therefore, in order to confirm the actual ground conditions (depth / condition of the coal seam / competent rock cover) and to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development, recommendations have been made that intrusive ground investigations, including gas monitoring are required.

The Coal Authority recommends the imposition of the conditions to require a scheme of intrusive site investigations and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy and to require verification following the completion of those measures.

Environmental Health

No objection. Recommend a condition to require a contaminated land investigation and validation/ verification.

LCC Historic Environment Team (Archaeology)

The submitted documents state that remains of two 19th Century colliery tramways may be impacted by the development and there is also potential for late prehistoric to medieval activity to be present and recommends a limited programme of trial excavation. A condition is recommended to require a programme of archaeological work in accordance with a written scheme of investigation.

Head of Greenspaces and Amenities

Part of Stoneyholme Recreation Ground (SRG) was designated for industrial use in the Council's 1990 Local Plan. The 2012 – 2032 Burnley Local Plan re-designated part of SRG for employment use.

Since this first designation, there has been no investment in the site and instead there has been investment elsewhere in the community to replace the facilities that were provided, such as the play area and ball court, as follows:

Play Area: Development of four new play areas at Clifton St (within SWG),
Byerden Holme Park, Stoneyholme Community Garden, Burns St,

Ball court: Development of new ball court at Byerden Holme (rear of former
Stoneyholme Community centre)

Football pitch: Contribution to provision of new artificial turf pitch at Prairie
Community/

Changing Room: Burnt down early 1990's and not replaced.

Burnley's Green Spaces Strategy

The Green Spaces Strategy identifies that the Clifton St residential area has a significant surplus of open space relative to the size of the population that it serves.

Overall there are 11.5 hectares of green space within the Clifton St residential area of which 4 hectares is classified as amenity greenspace and this includes the recreation ground.

District Number	District Name	Residential Area	Open Space Name	Abr'v	Area Ha
5	North Burnley	Clifton Heights	Ashfield Road Grass Area	N&SN	0.33
5	North Burnley	Clifton Heights	Clifton Heights	N&SN	4.62
5	North Burnley	Clifton Heights	West Gate	N&SN	2.50
5	North Burnley	Clifton Heights	Clifton Street	AGS	0.06
5	North Burnley	Clifton Heights	Stoneyholme Rec	AGS	3.93
5	North Burnley	Clifton Heights	Clifton Street Playground	CYP	0.06

Amenity Green Space

Within the category of Amenity Green Space there is currently a surplus provision of 3.8 hectares when compared with the Burnley local standard for provision which is 0.2 ha per 1,000 population. The population of Clifton St residential area (2011 census) is 256 including 44 children.

Amenity Green Space							Local Standard		0.80	
District Name	Residential Area	0 – 4	5 – 9	10 – 14	0-14	Res Pop	AGS (Ha)	AGS Per 1,000	Quantity to meet standards	Surplus/ Deficit
	South Burnley	1282	1038	1219	3518	19276	11.88		15.42	-3.54
North	Casterton	97	119	93	309	1617	1.29	0.80	1.29	0.00
Burnley	Clifton Heights	14	15	15	44	256	4.00	15.63	0.20	3.80
	Daneshouse	338	285	234	857	2865	3.26	1.14	2.29	0.97
	Heasandford	426	323	302	1051	4609	4.32	0.94	3.69	0.63
	Lanebottom	22	22	31	75	633	0.00	0.00	0.51	-0.51
	Lower Manor Lane	41	22	25	88	685	0.56	0.82	0.55	0.01
	N Briercliffe	62	78	78	218	1296	0.38	0.29	1.04	-0.66
	N Lanehead	117	117	170	404	2502	1.67	0.67	2.00	-0.33
	S Lanehead	108	107	93	288	1827	1.00	0.55	1.46	-0.46
	Queensgate	233	189	150	572	2656	1.27	0.48	2.12	-0.85
	Rakehead	175	147	126	448	2350	1.15	0.49	1.88	-0.73
	S Briercliffe	92	54	76	222	1366	0.90	0.66	1.09	-0.19
	Stoneyholme	330	291	211	832	2409	0.89	0.37	1.93	-1.04
	North Burnley	2041	1754	1589	5364	25069	20.69		20.06	0.63

The proposal involves the loss of approximately 2 hectares of amenity green space, with 2 hectares remaining and this would mean that there remains a surplus of 1.8 hectares.

Natural & Semi-natural Green Space

There is a significant area of woodland and un-managed meadow grass land that are not affected by the proposals and which provide a significant area of habitat.

Burnley's Play Strategy

The play strategy assesses levels of play provision across 51 residential areas across the Borough. Clifton St residential area is ranked as having the highest level of play provision across the whole borough in relation to the population of children, the quality of the play area and the amount of greenspace that is available for play. The proposed loss of open space will not have a significant effect on play provision and it has been agreed that there will be some refurbishment of the existing play area with provision of a new item of equipment.

New Facilities

The proposals submitted by the College include the provision of a new floodlit and fenced multi-use games area, an outdoor gym and refurbishment of the existing 7-a-side grass football pitch with improved grass playing surface and ball-stop fencing to the River Calder.

Replacement of grass pitch (for formal organised use)

Following consultation with Sport England, it has been agreed that the loss of the 11v11 grass football pitch will be compensated for by the improvement of four existing junior pitches at Queens Park which will be funded by way of a S106 agreement. Improvements to these pitches are identified as a priority in Burnley's Local Football Facilities Plan.

Summary of comments by Head of Greenspaces and Amenities

The development of part of the recreation ground will involve the loss of a level area of poorly drained grass (the former football pitch) and a large tarmac area.

However, this will be mitigated by the replacement facilities that have been identified. These will be of a high quality and will be useable year-round. The floodlit MUGA will be playable on winter evenings and the outdoor gym is a new facility.

The improvement of the existing poor quality and overplayed grass pitches at Queens Park will improve provision for junior football and compensate for the loss of the unused adult pitch.

Publicity

Objections have been received from 16 residents from Clifton Street and the local area. Further letters have been received from three of these to affirm that their original objections still stand to make further representations. A summary of all the points received is provided below:-

- Loss of vital green space, green infrastructure, community space and recreation ground what was built for the people over a century ago
- Stoneyholme Recreation Ground provides valuable Green Infrastructure and is used for dog walking and football and is a place where children can play safely
- It is used for socialising with friends, picnics, family time, jogging, sledging, access to college and should be left for people to enjoy
- A lot of athletes, clubs and professionals train on the site
- It is an important contribution to the health and well-being of the community
- No prior consultation with residents
- The requirements of the NPPF for the assessment of open space have not been followed
- Loss of this amenity space for interaction and a play area would greatly impact on children where in Stoneyholme district there is one of the highest concentrations of children and young people aged 0-14
- The area has the highest need for equipped play areas and there is a shortfall against the local standard
- There is currently not enough provision in the area for children and young people
- Will lead to a loss of social integration and access between differing communities that use the site and form a physical barrier and segregation between communities
- Its also used as a footpath from the Ightenhill area to the town centre
- Stoneyholme Recreation Ground is on the assets list at the Council (LA816077).
- There is credible evidence that the recreation ground has been used as a sports ground since 1828, that is 193 years of usage as an area of recreation by the people of Burnley for football, rugby, tennis and cricket
- The site has significant local and national importance in relation to Burnley Football Club and Burnley Cricket Club
- The site should be on the Council's heritage list
- Should be protected open space and kept in trust by the Council as a recreational area for the people of Burnley
- It will destroy endangered and protected wildlife and habitats
- The site is a wildlife haven for birds, fox, deer, owls, bats, rabbits and wildflowers

- The submitted protected species survey has not been carried out at the correct time of year and has not covered night time hours such as owls, badgers, hedgehogs
- There are birds on the red list – Birds of Conservation Concern (grey wagtail, song thrush) and birds on the amber list (oystercatcher, bullfinch, swift, willow warbler, dunnock, chiffchaff, bluetit, wren, sand martin, mallard, carrion crow, jackdaw, woodpigeon, blackbird, blackcap, green tit, tree creeper)
- Loss of trees, including Manchester Poplars which are very rare and are an important part of the historical character of the local landscape and provide a thriving biodiversity
- Will cause added congestion on roads, affecting residents and businesses
- Already a huge traffic overflow in the area that causes traffic problems
- Will lead to further road accidents involving traffic/pedestrians or cyclists in and around the campus
- There is a lack of car parking which leads to staff and visitors parking in the surrounding areas and on single and double yellow lines
- Emergency vehicles have struggled to pass through these parked up streets. An increase in traffic will create more parking chaos
- The Travel Plan used to support the application is out of date and require revision as it does not factor the large predicted number of students or give a true reflection on student and staff modes of transport
- Impact of noise from college buildings closer to houses
- It is within a coal mining high risk area with potential unrecorded shallow mine workings that cause ground collapse and mine gas emissions which, without further evidence, make the site unsuitable for development
- There is a possibility of early tramways or jinny tracks on the site which area heritage assets and require further investigation
- There is a culvert inside the application site with a 600mm diameter culvert which flows to the west
- Concern over the increase in people in the area and an increase in crime
- Consider that there are other deprived areas of Burnley that would benefit from this investment
- Suggest that the land on the other side of the college under the archway has been left derelict for many years and would be better suited to build on.

Comments by Councillors

A full copy of comments made by the Councillors listed below is published and available to view on the Council's web site. The comments that are provided below are a summary made by the Case Officer. The Case Officer's response in relation to some of these points can be found under the section headed 'Other Issues' towards the end of the report.

Councillor Andy Fewings:

Objects to the proposal. In summary, his comments state that no screening opinion has been carried out in respect of Environmental Impact Assessment; the Clifton Street/Stoneyholme Recreation Ground is protected open space (refers to Appendix 7 of Burnley's Local Plan); the submitted Planning Statement has not assessed the loss of open space, including a playing field as required by the NPPF and Local Plan; the Burnley Green Spaces Strategy 2015-2025 identifies Stoneyholme as an area with a significant shortfall in green space and amenity

space and states that Stoneyholme should be prioritised for improvements to the open space in that area; the ownership certificate was not correctly served; and the heritage assessment has not been undertaken correctly in respect of the setting of the listed viaduct.

Councillor Martyn Hurt:

Objects to the proposal. In summary, his comments state that the proposals would have a long lasting and detrimental effect on local communities, on protected open space, wildlife and the environment; the replacement provision needs to be in place before planning permission can be granted; the Prairie is not a suitable replacement; would not protect and enhance green infrastructure as required by Policy SP6, would not protect Green belt [NB the land is not designated Green belt]; it contravenes the NPPF which requires an assessment to show the open space is surplus or would be replaced by equivalent or better provision in a suitable location; and that the land is not surplus to requirements (there is not sufficient existing provision) and there are no plans for a suitable replacement in a suitable location. Following the submission of amended plans, Councillor Hurt has made further comments to state that his original objections still stand and also adds that the proposals affect the Asset of Community Value that forms part of the Clifton Street/Stoneyholme Recreation Ground.

Councillor Sobia Malik:

Concern is expressed, stating that this is an area of green space beloved by the local residents of the Rectory Road and Clifton Street area.

Comments in Support:

39 representations have been received in support of the application from residents of Burnley and a wider area. A summary of the comments is provided below:-

- New campus would allow more of the population to access training and increase high quality education in the town
- It will provide much needed teaching space
- The facility will help to train engineers of the future and help to re-build the skilled workforce, to diversify and allow Burnley to grow and thrive
- An opportunity for more jobs and will attract more businesses and students to the town
- Good addition to the opportunities for the community and young people
- Development includes plenty of green space and would improve the area and encourage wildlife.

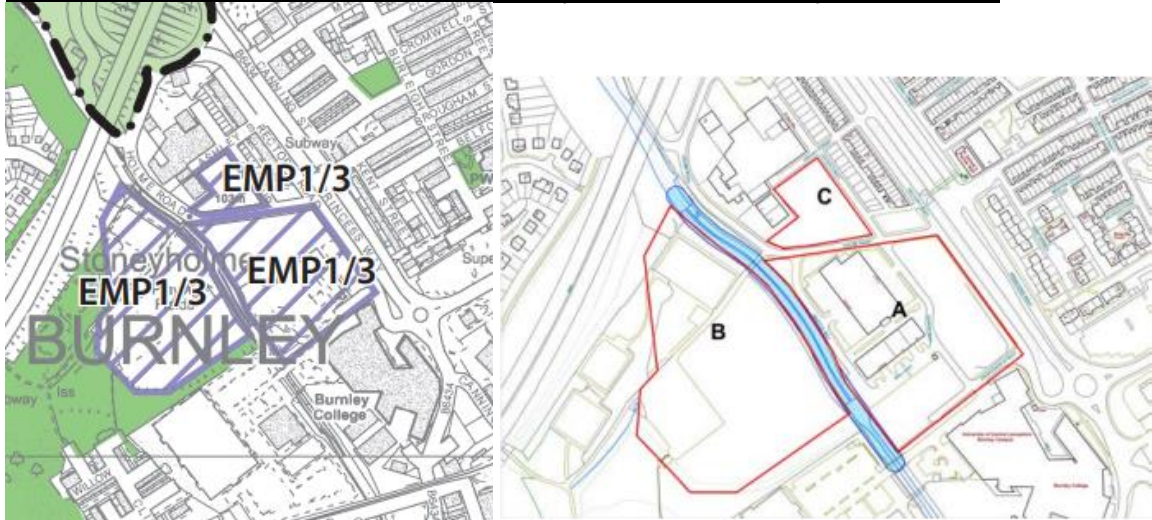
Planning and Environmental Considerations:

Principle of proposal

The site falls within the Development Boundary as identified in Burnley's Local Plan where Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. In Burnley, identified as the principal town, employment development will include large scale, medium and a variety of smaller sites to deliver a comprehensive range of units for new and existing businesses and employment opportunities for new and existing residents. Policy SP3 states that the employment land requirement for the period of Burnley's Local Plan (2012-2032) is 66ha, of which 27.87ha is to be met by site allocations. Policy EMP1/3 identifies a site referred to as Vision Park that totals

5.05ha (sites A, B and C indicated below) which form an important element of the employment allocations that will deliver the Council's employment land requirement.

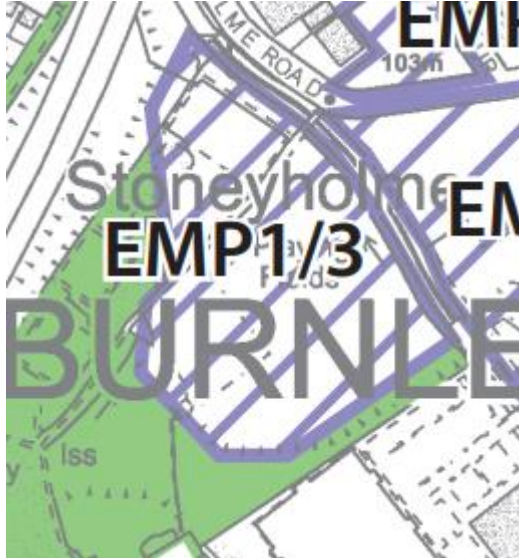
Extract from Policies Map (West) and Policy EMP1/3 of Burnley's Local Plan



Policy EMP1/3 relates to greenfield land with separate parcels of land divided by the River Calder. Whilst land to the east of the river at Site A has been developed for employment uses (Vision Park, completed 2018), the current application site relates to the part B of the allocation on the west side of the river. Policy EMP1/3 states that Sites B and C are suitable for B1 (b and c) (Research and Development and Light Industrial use) and B2 uses (General Industry) and limited B1a (general office use). It also states that Site B which relates to the current application site is also suitable for D1 uses (Non-residential institutions). The proposal which is to create a `North Campus` as an expansion of the existing college site is a Class D1 use (now falling within Class F1 following amendments to the Use Classes Order in 2020) which would, in principle, comply with Policy EMP1/3. In respect of the proposed Industry Hub building that is part of the Full application, the concept of the building which includes a large double height workshop is to involve innovative industries in learning which would further support the delivery of the objectives of the employment land allocation.

The extract from the Policies Map above indicates a narrow strip of land between the site allocation (Site B) and the northern boundary of the existing Burnley College site. This narrow strip of land (coloured green) is part of the wider area of Protected Open Space that surrounds the site allocation on its western side. Policy NE2 of Burnley's Local Plan seeks to protect open space. This narrow strip of land that falls within the current application site is therefore designated as Protected Open Space. Due to the more regular shape of the planning application boundary compared to the site allocation boundaries, there are also small areas in the south west and north west corners of the application site that are within the application site boundary. An extract from the Policies Map in comparison to the application site indicated by a red line on the proposed Masterplan, is displayed below:

Extract from Policies Map (West)



Extract from Proposed Masterplan



The above extracts depict that the small peripheral areas of the application site that are designated as Protected Open Space would be retained as open space. In the case of the narrow strip of protected open space on the south side of the application site, this consists of a shelter belt of trees on a steep bank. The designation of this strip of land excludes it from built development and allows for the retention of the green corridor between the existing Burnley College site and the site allocation. The proposed Masterplan and landscaping scheme allow for the retention of trees with the exception of the minimum necessary to create an access and path between the two sites. The proposed scheme would therefore retain each of those areas designated as part of the Protected Open Space which would satisfy both Policies NE2 and EMP1/3. The proposed Masterplan also shows that the northern portion of the site allocation would not be built on and would instead be retained as open space.

Policy EMP1/3 sets out 'Additional and Site Specific Policy Requirements and Design Principles'. These matters which include replacement provision for Stoneyholme Recreation Ground, an easement for the river Calder, suitable access, on-site walking and cycling facilities, the retention of a public right of way, consideration to trees and ecology, appropriate flood risk assessment and drainage and archaeological evaluation, should be considered amongst other considerations in detail.

Loss of open space

The proposal would lead to the loss of a grassed and hard surfaced recreation ground which is used informally by the public and nearby residents. Objections from local residents to this loss are reported above. The site is not designated as protected open space in Burnley's Local Plan although forms part of Burnley's Green Infrastructure which Policy SP6 seeks to protect and enhance. Proposals should seek to retain and enhance green infrastructure (GI) assets and functionality through the design process and where loss of or negative impact on GI functionality is unavoidable, details of mitigation measures or replacement GI will be necessary. In this case, the Site Specific requirements at Policy EMP1/3 also partly deal with this issue, making reference to the playing pitch, stating that "Replacement provision for the loss of the existing playing pitch at Stoneyholme will need to be identified before any planning permission in respect of Site B is

granted and will need to be delivered before work begins on site". It also identifies a potential site for the re-provision at Prairie Sports Village.

The National Planning Policy Framework (NPPF, paragraph 99) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The grassed pitch amongst the open space at the application site has not been in formal use since 2012 (and no agreements with any clubs or teams for its use or hiring out by the Council) and is not maintained except for grass cutting. The Council's Playing Pitch Strategy refers to the pitch as "One poor quality adult football pitch currently unused". Suitable replacement provision would therefore be appropriate and satisfy the above stated requirements of the NPPF. Sport England is a statutory consultee in these circumstances and made an initial objection where the re-provision had been directed to the Prairie Sports Village as this provision had already been made. Subsequently, a report on options for suitable replacement was commissioned by the applicant and carried out by agronomic experts (Sports Turf Research Institute). This identified options for constructing a new pitch at Towneley Park or improving five existing junior pitches at Queens Park. In respect of the former, there is no evidence of demand where there are already a number of unused pitches. However, in respect of the latter, the five junior pitches at Queens Park are in poor condition and heavily used. Improvements would improve the levels of the pitches and install primary and secondary drainage which would improve the playing capacity of these pitches. The improvement of existing pitches is the favoured option of the Council's Head of Greenspaces and Amenities. Sport England also accept that the improvement of the existing pitches would be adequate mitigation for the loss of the grass pitch at the application site.

The public objections that have been received relate to the loss of the sports pitch but also to the area of green public open space as a whole. The area is an attractive and relatively quiet area of open space, surrounded by trees and close to houses around Clifton Street and Holme Road. Some of the objections refer to the long history of the site as an area for recreation, dating back to the 1800's. The development of this land is therefore likely to have some adverse impact on the amenities of local residents that are familiar with the open space. The applicant has also sought to address this in changes that have been made to the scheme. The amended proposals include the following:-

- The retention and improvement of the existing informal grass pitch on the north side of the site. It will be improved with additional topsoil depth and re-seeded and provided with ball stop netting to the riverside. This will provide a 7v7 pitch;
- A new floodlit and fenced multi-use games area with a tarmac surface to standard MUGA dimensions 38m x 18m; and
- An outdoor gym.



These improved and new facilities would be for community use and would remain in the ownership and management of the Council. These facilities would be accessed from the existing paths indicated on the proposed Masterplan (with the existing public right of way FP No.11 improved and re-aligned where necessary). These improvements would offer suitable mitigation for the loss of amenity from the development of the main area of open space. In August 2021, the Council listed part of the Stoneyholme Recreation Ground as an Asset of Community Value (ACV). The extent of the ACV which includes the north portion of the site where the proposed community facilities would be located and open space to the west side of the application site, is shown below:

Boundary of Asset of Community Value

Appendix 2- Boundary map of area to be listed as an Asset of Community Value



The proposed Masterplan also includes a pitch facility for use by the college, together with large areas of new tree planting and landscaping and open water which together with the open space to the north side of the site will continue to contribute to Burnley's Green Infrastructure.

Subject therefore to a legal agreement to secure the improvement of existing playing pitches at Queens Park, including the timing of the works and conditions to require the details and implementation of the proposed 7v7 pitch, MUGA and outdoor gym, the loss of the existing pitch and recreation ground would not significantly affect the supply or quality of open space provision or Green Infrastructure and would comply with Policies EMP1/3 and SP6 and the provisions of the NPPF.

Visual impact and design

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development.

The proposed Masterplan displays a sensitive scheme that is pedestrian focussed in a landscaped setting, with a path along the riverside and paths from the existing campus along attractive routes to the proposed Industry hub building, seen as a vista on the approach. The scale, contemporary design and use of modern materials, including glass and PPC (Polyester Powder Coating) aluminium, would be suitable at this location and form an attractive and appropriate extension to the existing college campus.

The scale and appearance of the proposed buildings on the east side of the site closest to the river Calder are not being considered in detail at this stage as they form part of the outline part of this hybrid planning application. It is however appropriate to consider the amount of the development that is proposed which would have a consequence on the scale of development. The original Design and Access Statement indicated that the proposed buildings (3no.) in the outline part of the site would be 4-5 storeys and up to 8000sqm in total. Following revisions to the scheme which re-locate the proposed car park and consequently reduce the number of indicative new buildings from 3no. to 2no., the applicant affirms that this would create a gross floor area up to 5,300sqm with building(s) of 3-4 storey.

Proposed section from West (Clifton Street) to East (existing Vision Park)



The section above, although indicative at this stage, shows how the scale of proposed buildings for the outline application at 3-4 storeys would sit in the context of the proposed Industry hub building and existing surrounding buildings. Notably, the ground levels on the proposed site are approximately 3m lower than the existing. The site is therefore low lying in a valley setting and given the space between and around the proposed buildings, a scale of up to 3-4 storeys may be achieved with suitable design. As such, the amount of development up to 5,300sqm for the outline part of the application is acceptable and conditions are recommended to restrict development to up to this amount.

Policy SP5 requires new non-residential buildings over 1000sqm to be designed to achieve a BREEAM rating of `Very Good`. Further details of how this would be achieved for the Outline part of the proposals will need to be provided with the details of the design as part of a Reserved Matters application. In respect of the proposed Industry hub building, a Low and Zero Carbon Technology Analysis has been submitted that concludes that the building would be suitable for a photovoltaic (PV) array or heating via an Air Source Heat Pump providing a 18.9% and 31.3% improvement on the baseline model respectively. A detailed set of proposals and assessment to achieve the BREEAM efficiency targets is also necessary and a condition is recommended to secure this and its implementation.

Subject to conditions to require details of external materials, surfacing materials, landscaping and to secure the BREEAM or equivalent rating of Very Good, the proposal would provide a high quality and sensitive designed scheme with a high level of energy efficiency that would comply with Policy SP5.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets or their settings will be assessed having regard to significance of the asset and states that all levels of harm should be avoided. Policy HE4 seeks to protect archaeological assets. There are views between the site and the prominent Grade II listed British Railways Viaduct to the south side of the existing college campus. It is necessary therefore to assess whether the setting of the Viaduct would be affected by the proposed development.

A Heritage Statement has been submitted with the application to assess the impact of the development on the significance of the Grade II listed viaduct. It concludes that the site does not form part of the setting of the historic asset due to its distance from it, the topography and intervening land uses. It is accepted that these factors have a correlation with the level of impact on the setting of the viaduct. Given the distance from the viaduct, the lower level of the site and the relative openness of the proposed site, it is unlikely that there would be an adverse impact on the setting of this heritage asset; as such the proposal complies with Policy HE2.

The Historic Environment Team at Lancashire County Council advise that there may be archaeological remains at part of the site due to the siting of the former Clifton Colliery and potential remains of 19th Century colliery tramways. A condition is recommended to require a programme of archaeological investigation to be agreed and carried out which would ensure that any matters of historic or archaeological interest are suitably recorded. With this provision, the proposal would comply with Policy HE4.

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. In addition, Policy SP6 also seeks to protect and enhance the borough's green infrastructure.

There are no nature conservation designations that affect the site; the main areas of biodiversity interest is the river bank and trees that provide habitat for birds and

bats. The Consultant's consultant ecologist (GMEU) has assessed the submitted Ecological Survey and Assessment and accepts its findings. The ecology of the river bank should be protected during construction and whilst the trees to be removed have low potential for bat roosting, Reasonable Avoidance Measures must be followed and no tree felling or works to trees should take place during the bird nesting season. An external lighting scheme is required to provide sensitive lighting near to trees and wildlife, invasive non-native species (Indian Balsam) should be controlled and removed from the site and some adjustments are necessary to the landscape scheme to ensure an appropriate seed mix specification and removal of dogwood which is competitive and a dominating shrub. The submitted Ecological Survey and Assessment recommends the use of 5x bat and 5x bird boxes which together with the landscape scheme would provide a net gain of biodiversity to the site. A Landscape and Habitat Management Plan (LHMP) is also required to ensure the future long term management of the open space, riverside footpath and site as a whole. With these provisions, the proposal would protect and enhance biodiversity and comply with Policy NE1.

Impact on trees

Policy NE4 requires development proposals to provide for the protection and integration of non-protected existing trees and hedgerows for their wildlife, landscape and/or amenity value. An Arboricultural Impact Assessment (AIA) has been submitted with this application that identifies trees on the site which are mainly around the site's perimeter, along the river bank and between the site and the existing college campus. An amended AIA has also been received which responds to concerns of the Burnley Wildlife Conservation Forum over the amount of tree loss and seeks to minimise loss, including the retention of two Category A trees (Manchester Poplars).

From a total of 75no. individual trees on or adjacent to the site, the proposal involves the removal of 12no. Category B trees, 4no. Category C trees and one small group of Category C groups. The losses would facilitate a vehicular and separate pedestrian paths at the southern boundary of the site in order to link the sites. The applicant affirms that the road and path connections have been carefully located in order to retain some of the best tree specimens on this section of the boundary. The AIA also indicates that there would be a further 14no. trees that would be removed due to their poor condition (Category R). The more limited removals as proposed are necessary for the development of the site. In these circumstances, compensatory planting would be appropriate.

The proposed scheme involves extensive new tree planting across the site. In addition, a new area of woodland has been incorporated into the south west portion of the site that would cover approximately 540m² of land with around 240 trees. This would provide a valuable new area of woodland that should be planted with native species in order that it can also contribute towards biodiversity.

Subject to conditions to require an Arboricultural Method Statement, tree protection measures and a detailed woodland planting scheme (as part of a landscape scheme for the site), the identified loss of trees would be adequately mitigated and the proposed scheme would protect and secure the long term tree cover on the site. The proposal therefore complies with Policy NE4.

Impact on traffic and parking

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. Policy IC3 requires car parking to be provided, having regard to the standards at Appendix 9.

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. A Travel Plan has also been supplied. The site is in a sustainable location close to the town centre and public transport (rail and bus services).

Traffic to the site would utilise the existing access to Burnley College from Princess Way. The proposed Industry hub building is expected to have up to 15 staff whereas the proposed buildings in respect of the outline application is up to 60 staff. In Phase 1 of the development (the Industry hub), the proposed parking consists of the existing 455 spaces on the site whilst Phase 2 of the scheme (the outline element) includes the provision of a new 82 space car park that would include 2 electric vehicle charging points. The car parking spaces would be for staff and visitors whilst pupils would arrive on foot, by cycle, bus or be dropped off. The amount of traffic to the site and demand for car parking would therefore be controlled and managed by the college. The local highway authority accept that the additional traffic that would be generated would not significantly affect the road network and is acceptable. An updated Travel Plan is required to ensure that measures are in place to optimise sustainable travel to and from the site. The local highway authority has requested a contribution for the monitoring and assistance with a Travel Plan which the applicant is agreeable to.

Subject to conditions to require a revised Travel Plan, to secure car parking, cycle facilities and a Construction Management Plan, the proposal would have an acceptable impact on traffic, parking and highway safety and would comply with Policies IC1 and IC3.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. The proposed development sits within a valley at a distance from the nearest dwellings at Clifton Street to the west of the site and is unlikely to adversely affect background noise levels or amenities. Existing residential amenities would therefore not be harmed.

Ground conditions

Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks. The Council's Contaminated Land Officer recommends a condition to require a full contaminated land investigation. In addition, due to mining legacies and the potential for shallow mine workings to be present, a condition is recommended by the Coal Authority to require intrusive site investigations and any

necessary remedial measures. With these provisions, the proposal would comply with Policy NE5.

Flood risk and drainage

Policy CC4 states that the Council will seek to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

A Flood Risk Assessment (FRA) has been submitted with the application that identifies the river corridor of the Calder river within Flood Zone 3 which has a high risk of flooding and part of the site within Flood Zone 2 (moderate risk) with the rest of the site within Flood Zone 1 (low to moderate risk). The proposed scheme includes a large open body of water which would facilitate a sustainable approach to drainage. United Utilities and the LLFA accept the principal findings and assessment of the FRA and recommend conditions to require a detailed drainage scheme and details to ensure its appropriate management/maintenance and measures to prevent pollution of the adjacent river. Subject to these conditions, the proposed development would not lead to a significant risk to flooding on site or elsewhere and would comply with Policy CC4.

Other issues

Concern has been raised over the correct procedure for making a valid application in respect of the service of an ownership certificate. Part of the site comprising the Stoneyholme Recreation Ground is in the ownership of the Council in which case a Certificate B notice is required to be served on the owner. Confirmation of this service was received from the Council's Head of Property on the 24th May 2021. It is therefore affirmed that the application has been correctly made.

Comments from Councillor Fewings earlier in the report refer to Environmental Impact Assessment. It is acknowledged that the amount of proposed urban development falls within the thresholds of Schedule 2 of the Environmental Impact Assessment Regulations 2017. As such, a Screening Opinion is necessary to determine whether Environmental Impact Assessment (EIA) is required for the application. A Screening Opinion has been completed and concludes that the environmental impacts of the proposal relate to the local area and are capable of being assessed through the site specific assessments, together with mitigation measures where appropriate. As such, the impacts of the proposed development are not of a magnitude that would require Environmental Impact Assessment. The proposed development is not therefore EIA development and no further assessments or information is required prior to determining this planning application. A fully copy of the Screening Opinion is available to view on the Council's web site.

Conclusion

The proposed development would be beneficial in developing a site allocated for employment development for the benefit of expanding Burnley College and creating new learning opportunities in the town. The design of the scheme is focussed on pedestrian experience in a heavily landscaped setting and accords with the principles of the Council's policies in promoting good design and sustainability. The loss of a grass pitch and amenity space would be adequately mitigated by improvements to provide a multi-use games area, outdoor gym and improved 7v7 grass pitch and provision of off-site improvements to increase the playing capacity of junior football pitches at Queens Park. Conditions and a legal

agreement are necessary to secure some of the mitigation measures that are necessary. It has been demonstrated that the proposal complies with the development plan and there are no material considerations that would outweigh this finding.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to secure Playing Pitch Mitigation works and a Travel Plan contribution

Conditions

1. The development comprising the Full application (Phase 1) 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. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters" for Phase 2 of the development) shall be submitted to and approved in writing by the Local Planning Authority before any development of Phase 2 begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

3. Application for approval of the Reserved Matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

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

4. The development at Phase 2 hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

5. The development hereby permitted comprising the Full application (Phase 1) shall be carried out in accordance with the following approved plans: Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021; Masterplan – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Full planning application indicated by Dashed red line); Landscape General Arrangement – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;

Landscape Philosophy – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Ground Floor – drawing number BURN02-ABW-IH-A-DR-A-2101, received on 19th May 2021;
Proposed First Floor – drawing number BURN02-ABW-IH-B-DR-A-2102, received on 19th May 2021;
Proposed Elevations (South and North) - drawing number BURN02-ABW-IH-ZZ-DR-A-2800, received on 19th May 2021;
Proposed Elevations (East and West) - drawing number BURN02-ABW-IH-ZZ-DR-A-2801, received on 19th May 2021; and,
Proposed Roof Plan - drawing number BURN02-ABW-IH-ZZ-DR-A-2103, received on 19th May 2021.

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

6. The development hereby permitted comprising the Outline application (Phase 2) shall be carried out in accordance with the following approved plans:

Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021;
Masterplan (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Outline planning application indicated by solid red line);
Landscape General Arrangement (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;
Landscape Philosophy (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Site Section (Indicative only for purposes of Outline planning application) – drawing number BURN02-ABW-IH-ZZ-DR-A-1111, received on 16th December 2021.

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

7. The development comprising the Outline planning application (Phase 2) shall be limited to a maximum gross floorspace of 5,300 sqm.

Reason: To ensure the amount of development is appropriate and not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings as well as the provision of car parking, open space, footpaths and landscaping as indicated on the proposed Masterplan, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. The development comprising the Outline planning application (Phase 2) shall be limited to buildings(s) no more than 3-4 storeys in height.

Reason: To ensure the scale of development is not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

9. 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 approved shall be used for the provision of education only (Class F1) and shall not be used for any other use falling within Class F1 or for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the basis of the proposed use only and would require further assessment, particularly in respect of the site's employment land allocation, access and parking arrangements, for an alternative use, in accordance with Policies EMP1/3, IC1, IC2 and IC3 of Burnley's Local Plan (July 2018).

10. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Prior to the commencement of development in Phase 1, details and representative samples of the external materials of construction to be used on the elevations and roof 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 materials.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters for the appearance, layout and scale of the development, shall be accompanied by details and representative samples of the external materials of construction to be used on the elevations and roof of the development. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure an appropriate and high quality appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

11. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Prior to the commencement of development in Phase 1, full details of the existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) 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.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters shall be accompanied by full details of the existing and proposed ground levels and proposed

building finished floor levels (all relative to ground levels adjoining the site). The development shall thereafter only be carried out in accordance with the approved details.

Reason: In order to ensure that these details are satisfactory and to ensure the satisfactory implementation of the proposal, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018). These details are required prior to the commencement of development to ensure that the development is carried out as agreed at the early stages of development.

12. An application for the approval of Reserved Matters shall be accompanied by details of the construction, drainage and layout of the proposed car park that shall include a minimum of 2no. electric vehicle charging points. The approved car park shall thereafter be constructed, completed and available for use (including the approved electric vehicle charging points) prior to any building in Phase 2 (the outline application) being first brought into use. The car park shall thereafter be retained as approved for the purposes of parking at all times.

Reason: To ensure the proposed car park is suitable and appropriate and is provided as approved to cater for the needs of the development, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

13. The car park in Phase 2 of the development (the Outline application) shall be for use by for staff and visitors of the development as a whole (including Phase 1) and not for students.

Reason: To ensure the car park that is to be provided for the scheme is able to service the key parking requirements that have been identified which are for staff and visitors, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

14. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Prior to the commencement of development in Phase 1, details of secure cycle storage to be provided for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:

An application for the approval of Reserved Matters shall be accompanied by details of secure cycle storage to cater for Phase 2 of the development. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To encourage the use of cycles as a sustainable mode of travel, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

15. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Prior to the commencement of development in Phase 1, details of refuse and recycling storage, facilities and means of disposal for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:

An application for the approval of Reserved Matters shall be accompanied by details of refuse and recycling storage, facilities and means of disposal for Phase 2 of the development. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To ensure that these details are satisfactory, to ensure a clean and tidy appearance to the site, in accordance with Policy SP5 of Burnley's Local Plan. The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

16. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
No development shall be commenced within Phase 1 until an assessment of how energy efficiency measures have been designed into Phase 1 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the approved industry hub building in Phase 1 being first brought into use.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:

An application for the approval of Reserved Matters shall be accompanied with an assessment of how energy efficiency measures have been designed into Phase 2 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method). The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any building in Phase 2 of the development being first brought into use.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018). The assessment and measures are required prior to the commencement of development in order that the agreed measures can be factored into the design and construction of the development at the earliest stages of construction.

17. No development shall be commenced until details and specifications for the multi-use games area (MUGA), outdoor gym and improved 7v7 grass pitch (including details of illumination) that form part of Phase 1 of the development, together with details of the future management of these facilities, have been submitted to and approved in writing by the Local Planning Authority. Each of these facilities shall thereafter be constructed and completed in accordance with the approved details and specifications and shall be made available for unrestricted access for use by members of the public prior to any part of the approved development being first brought into use. The approved MUGA, outdoor gym and 7v7 grass pitch shall be managed in accordance with the approved details of the future management of the facilities and shall be retained and remain available for use by the public at all times, in perpetuity.

Reason: To ensure that the details of new and improved community outdoor facilities and their future management arrangements are appropriate and that these facilities are provided for use by the public to partly mitigate against the impact of the development from the loss of recreation open space, in accordance with Policies EMP1/3 and the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented as early as possible in order that the agreed mitigation is available for use without delay.

18. Prior to the commencement of development, details of the design and construction of the proposed 5-a-side pitch within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The 5-a-side pitch shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure that the details and specifications are appropriate for the use of the pitch, to ensure that it contributes fully to the outdoor sporting activities to be provided on the site, in accordance with Policies EMP1/3 and the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented at the appropriate stage of Phase 1 of the development.

19. Prior to the commencement of development, details of improvements to the width, construction and surfacing of Public Footpath No. 11 that crosses the northern side of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved improvements to the footpath shall be carried out and completed prior to any part of the development being first brought into use.

Reason: To ensure that the footpath is made suitable for the additional use that will be generated by the development, 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 they can be satisfactorily implemented and if applicable, to allow the applicant to seek a diversion of the public right of way.

20. Notwithstanding the submitted scheme of landscaping for the site, a revised detailed Landscaping Scheme for Phase 1 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in this phase. The revised scheme shall provide for a revised seed mix for the enhancement of off-site grassland; replacement of dogwood (*Cornus sanguinea*), lavender species and beech (*Fagus sylvatica*) with species to improve biodiversity; details of the planting in and around the open water body of the site; and details of the surfacing materials to be used in the hard landscaped areas and paths within this phase, together with timescales for the implementation of such works.

Reason: To ensure that the landscaping scheme is appropriate for the site, has full regard to the benefits of landscaping to enhance biodiversity and provides full details for the hard landscaping aspects of the scheme, in accordance with Policies SP5, NE1 and NE4 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in Phase 1 to ensure that the details are satisfactory and can be implemented at the appropriate stage in the development.

21. All planting, seeding or turfing comprised in the approved details of landscaping within Phases 1 and 2 of the development 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, within each phase of the development.; 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. All hard landscaping works shall be carried out in accordance with the agreed timescales.

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).

22. Prior to the commencement of development in each phase 1 and 2, a fully detailed scheme for the construction of the site access works and access roads and footways as indicated on the Masterplan for that phase (to include engineering, drainage, street lighting and constructional details of access roads and footways and details of their maintenance and timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The site access, access roads and footways shall thereafter be constructed, completed and maintained in accordance with the approved scheme and made available for use prior to any building in each phase of the scheme being first brought into use.

Reason: To ensure the details are satisfactory, in the interests of public safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase to ensure that the agreed details can be correctly implemented at the beginning of the development process.

23. Phase 1 of the development shall be carried out and completed in accordance with the approved boundary treatment plan prior to the approved building in this phase being first occupied. Notwithstanding the approved Boundary Treatments Plan, details of materials, height and specification of the boundary treatment adjacent to the River Calder shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development above ground level in Phase 2 of the development. Phase 2 of the development shall thereafter be carried out and completed in accordance with the revised approved boundary treatment plan prior to any building in Phase of the development being first occupied. All approved boundary treatments shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development along the riverside, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to any built development above ground level in Phase 2 of the development to ensure that they can be implemented at the appropriate stage of Phase 2 of the development.

24. No development shall be commenced in each phase (Phases 1 and 2) of the development until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site in that phase, 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 for each phase of the development shall be implemented in its entirety before any works are carried out, including any site clearance work, within that phase and shall thereafter be retained during building operations until the completion of the development in each phase.

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 Policies NE1 and NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development in each phase to ensure that provision can be made for their implementation at the appropriate stage of the development process.

25. No development shall be commenced until a Construction Environment Management Plan (CEMP) to include details of protective measures to prevent earthworks, storage of materials or equipment, or any construction activities within a 8m wide buffer of the top of the bank of the River Calder

adjacent to the site and to control external lighting during the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The protective measures and lighting details in the approved CEMP shall thereafter be strictly adhered to from the start of any site clearance works, site preparation works or development taking place and shall be retained and adhered to at all times until the completion of the development.

Reason: To protect the habitats of the site and the adjacent watercourse, in order to protect biodiversity, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of development to ensure that protective measures can be put in place when needed at the earliest stages of the development process.

26. None of the trees that are indicated on the approved plans to be removed or require pruning shall be removed or pruned unless and until the Reasonable Avoidance Measures outlined in section 5.3.9 of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists Ltd, dated May 2021) have been carried out and adhered to in full.

Reason: To ensure that there are sufficient checks prior to any harm to such trees to ensure that there are no bat roosts present, in order to protect bats which are a protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

27. Prior to the commencement of development in each phase (Phases 1 and 2), an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the types and design of light sources and luminance levels and demonstrate how it has been designed and located to avoid excessive light close to wildlife habitats and trees. Only the external lighting hereby approved shall be installed at the site and this shall be retained as approved. No additional external lighting shall thereafter be erected or installed at the site without the prior written permission of the Local Planning Authority.

Reason: To protect birds, bats and other wildlife that are sensitive to artificial lighting, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase in order to provide sufficient time for a scheme to be agreed and for the appropriate lighting to be sourced and installed at the appropriate stage in the construction process.

28. 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).

29. Prior to the commencement of development in each phase (Phases 1 and 2), a scheme of biodiversity enhancement measures for that phase, in accordance with the recommendations of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists, dated May 2021), to provide a minimum of five bat boxes and five bird boxes across the site as a whole, shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to any building in each phase being first brought into use.

Reason: To ensure that the scheme provides adequate benefits for bats and birds in order to enhance the biodiversity of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of the development in each phase so that it can be effectively implemented from the earliest stages of the development.

30. Prior to the removal of any vegetation on the site or commencement of development in each phase (Phases 1 and 2), a method statement for the removal of Indian balsam and to prevent its spread both within and from the area covered by that phase 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 method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

31. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, a Landscape and Habitat Management Plan (LHMP) pertaining to that phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted LHMP for each phase of the development, 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) timescales for the implementation of the LHMP;
- g) details of the body or organisation responsible for implementation of the plan; and,
- h) on-going monitoring and remedial measures.

The LHMP shall also include details of the resourcing 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 LHMP shall thereafter be carried out and adhered to at all times in accordance with the approved details.

Reason: To ensure that the ecologically sensitive areas of the site, including the riverside, areas of trees, woodland and new habitat areas 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 Plan is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

32. Prior to the commencement of the development in each phase of the development (Phases 1 and 2), a programme of archaeological work for that phase, in accordance with a Written Scheme of Investigation, shall be submitted to and approved in writing by the Local Planning Authority. This programme of works shall include a phase of trial trenching to investigate the presence or absence of buried archaeological remains and their nature, date, extent and significance. In the event that archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority which shall thereafter be implemented before any development is commenced. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the approved details.

Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of each phase of the development to ensure that any archaeological interest can be identified and recorded or mitigation proposed prior to any work which may remove, harm or destroy any such finds.

33. Prior to any building 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).

34. No development shall be commenced until an Arboricultural Method Statement which shall incorporate the elements listed in section 3.9 of the submitted Arboriculture Impact Assessment (Revision A) (prepared by MP Trees, dated January 2022) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement.

Reason: To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented to prevent any harm to retained trees from the start of the development.

35. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, details of the design and implementation of a surface water sustainable drainage scheme for that phase, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for each phase shall thereafter be implemented and completed in accordance with the approved scheme prior to any building within that 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.

36. No building within each phase (Phase 1 and 2) of the development shall be first brought into use until a Verification Report pertaining to that phase to demonstrate that the approved surface water drainage scheme has been completed (within that phase) as approved by Condition 40 above and details of a sustainable drainage management and maintenance plan for the lifetime of the development in each phase have 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 management and maintenance plan.

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

37. 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.

38. Foul and surface water shall be drained on separate systems. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase (Phases 1 and 2) of the development. The approved scheme shall be implemented in full and completed within each phase prior to any building in that phase being first brought into use. The foul water drainage scheme shall thereafter be retained at all times.

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

39. No development shall be commenced in each phase of the development (Phases 1 and 2) until a scheme to deal with contamination within the area of that phase 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 building in each of Phase 1 and 2 of the development shall be first brought into use until a Verification report (produced by the suitably qualified person) for that phase, 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 users of the site by the historic uses of the site and surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

40. No development shall be commenced in each phase (Phases 1 and 2) of the development until the following has, in respect of that phase, been submitted to and approved in writing by the Local Planning Authority:

a) a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity; and,

b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary.

The intrusive site investigations and remediation works shall be carried out in accordance with the approved details and in accordance with authoritative UK guidance. A verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full within any phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any building within that phase of the development being first brought into use.

Reason: To ensure that the issues arising from historic shallow coal mine workings that may affect 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). The scheme is required prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remediation and mitigation measures to be factored into the construction of the development.

41. 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).

42. 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).

43. No development shall be commenced in each phase (Phases 1 and 2) of the development, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) for that phase 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 fully adhered to throughout the construction period in each phase of the development.

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

Janet Filbin
14th January 2022