

Full Planning application

Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway
LAND AT BALDERSTONE LANE BURNLEY

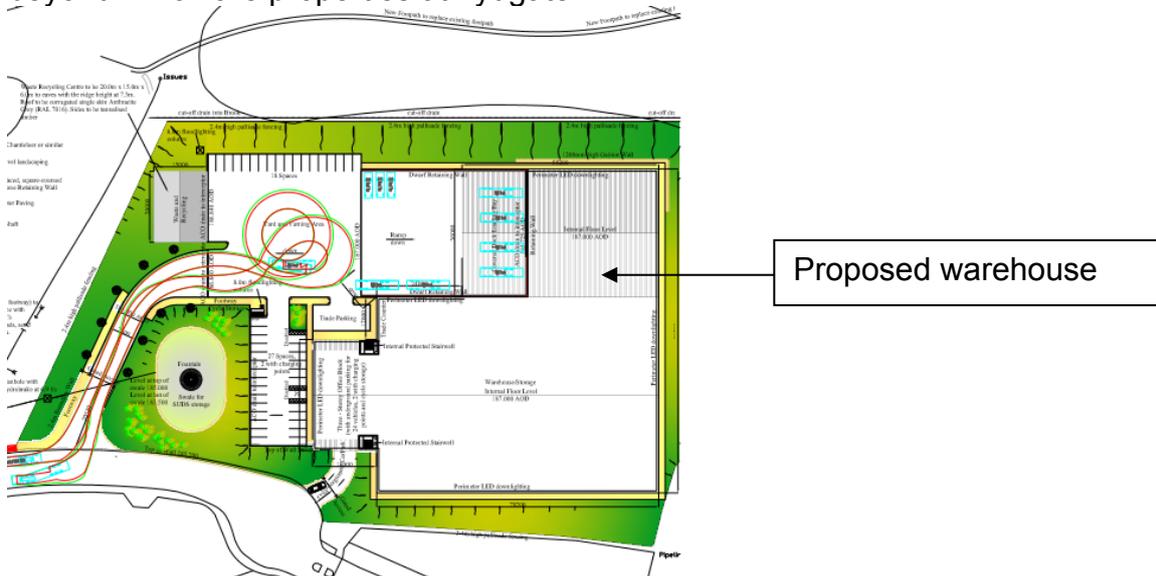
Background:

The proposal is to develop approximately 0.9ha of open land for employment purposes at the north side of Balderstone Lane, at the eastern side of Heasandford Industrial estate.

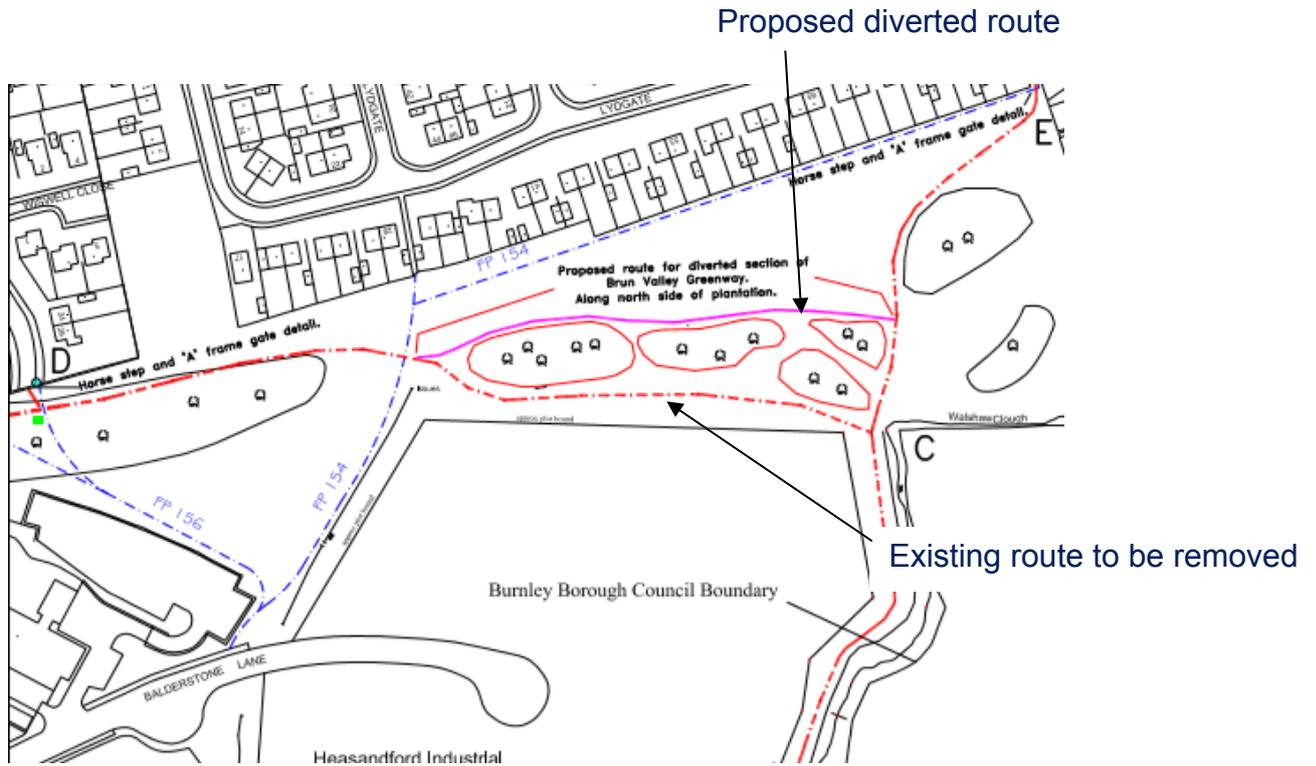
Proposed site



The site is bound on its north side by a belt of trees and the Brun Valley Greenway, beyond which are properties at Lydgate.



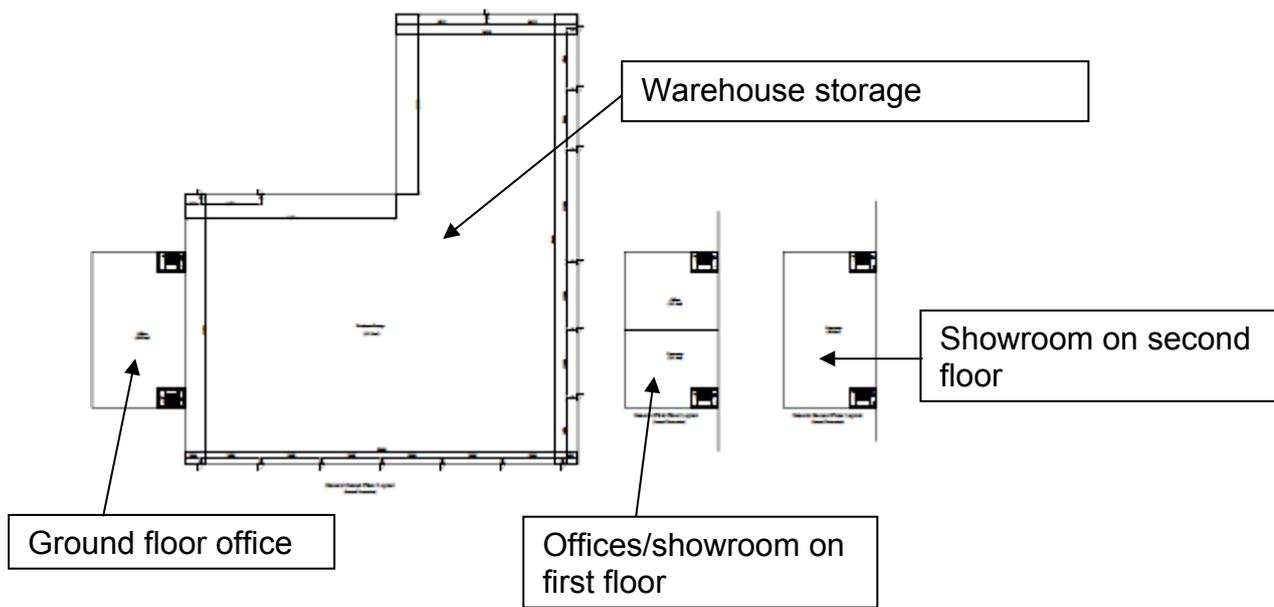
The proposals involve the diversion of the Brun Valley Greenway to a similar route but on the north side of the woodland.



The proposed development would consist of a large mainly 'L' shaped warehouse building with ancillary offices and showroom (for trade customers). The building would measure up to 97.2m x 90m with a roof spanning two pitches up to 16.3m high. The west facing elevation would contain a central area full height glazed screen with rows of windows within a brick façade to either side and metal cladding to other elevations in silver and black/grey with an anthracite grey profiled metal roof.



Floor Plans



The proposed unit is to be occupied by an existing carpet and flooring wholesaler wishing to consolidate its wholesale operations into one unit. The unit would provide 5,513sqm warehousing, 754sq associated office space and 754sqm showroom for wholesale customers.

The proposed access to the site would be from Balderstone Lane where a gated access would lead to a yard and turning area and parking for 75 cars. A Transport Statement has been submitted to support the application.

The site would be bound on all sides by a 2.4m high palisade fence. A gabion wall is required at the north east corner of the site due to the slope of the land that rises in a northerly direction. A swale and fountain in a landscaped setting would be formed to the east side of the site entrance to assist with the drainage of the site.

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 – Employment allocations

NE1 – Biodiversity and ecological networks

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems (suDS)

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

The National Planning Policy Framework.

Site History:

7/7/6019 - Extension of existing industrial roads – Approved July 1969.

12/74/0485 - Extension of estate road and services in connection with the use of adjoining land for industrial and warehousing development – Approved March 1977.

12/77/047 - Earthworks to create sites for industrial development; landscaped mounding – Approved.

APP/90/0230:Proposed Industrial Unit Plot 1 (Class B1) – Granted (*Not implemented*).
Plot 1:
Erection of factory unit Plot2 (warehousing and light industrial) – Approved (*Not implemented*).

APP/2006/1116 - Proposed erection of six blocks of Use Class B1 – Approved March 2007.

APP/2007/0541 - Proposed erection of six blocks of Use Class B1/B8 (re-submission). Approved July 2007.

Consultation Responses:

LCC Highways

No objection. Previous concerns have been addressed. Conditions are recommended to require lighting to be screened from the view of drivers; details of highway structures affected by the scheme; a scheme for the construction of the site access and off-site works of highway improvement; and, a Construction Method Statement. Informatives to be added to any planning permission are also requested.

The Wildlife Trust for Lancashire, Manchester and North Merseyside

Object. A summary of their points is provided below:-

- Is not compliant with the NPPF as is not does not take account of potential impacts on the ecological network or provide opportunities for restoration and enhancement
- The application would result in the destruction of three habitats of principal importance which form part of the Heasandford District Wildlife Site (DWS)
- The application does not deliver measurable net gains in biodiversity as required by the NPPF. There would be a net loss in biodiversity within the DWS and net loss of habitats that are suitable to support European and statutory protected species, UK species of principal importance and local BAP (Biodiversity Action Plan) species.
- To be compliant with the NPPF, the applicant needs to provide at least the same amount of land that is developed as Off-Site compensation, supporting similar habitat types to those destroyed. The land should be as close as possible to both the development boundary and the Heasandford DWS and be capable of being managed by the applicant either directly or indirectly.
- If the application is approved, a Management Schedule for the compensatory land should be costed up in full and provided as a commuted sum through a section 106 Agreement.

Burnley Wildlife Conservation Forum

It is the last approximately 50% remaining northern part of the Heasandford District Wildlife Site (DWS). The plot comprises a historically important range of wildlife habitats most especially including a mosaic of unimproved acid, neutral, dry heath and marshy heathland areas. It has a rich and diverse range of wild flower, grass and sedge species, supporting a wide range of insects. The majority of the site would be developed ; the remaining small linear land along the site's boundaries is too narrow and inadequate for significant on-site restoration and there is therefore wholly inadequate scope for any meaningful habitat restoration and on-site mitigation. Any approval should be subject to appropriate off-site compensation which will create a similar mosaic of grassland habitats.

Greater Manchester Ecology Unit (GMEU)

The site is identified as a Local Wildlife Site for Burnley, although this designation appears to be based on rather dated ecological information. There are two up-to-date ecological surveys which have been carried out to inform the current application, one dated June 2017 and an addendum to this report dated October 2017. Both survey reports agree that the site has some ecological value associated with a nutrient-poor acidic substrate which supports acid grassland and small areas which can be described as lowland heathland vegetation, a priority habitat for conservation. These areas were likely to have once been more species-rich, which would explain the local wildlife designation, although they are succumbing to ranker grassland and scrub in places which has somewhat reduced their ecological value. Nevertheless lowland heathland is a scarce habitat type in Burnley and efforts to retain and/or recreate the habitat type are fully justified.

Currently the available plans show all of the heathland vegetation and a good part of the acid grassland areas as being lost to the scheme. Landscaping of parts of the site are proposed in the overall site Masterplan but the Landscaping plans are currently poorly defined and lack detail. There is limited scope within the red-line of the application for accommodating retained or replacement habitats and I would currently regard the amount of retained greenspace proposed for retention/recreation as insufficient to compensate for lost greenspace/habitats. I would recommend –

- That more space be made available for habitat enhancement / recreation
- That consideration be given to the future positive management of nearby greenspace as part of any required compensation for the loss of habitats to the built development
- That a more detailed Landscape Plan for the development be required, taking into account the need to re-create important habitats as part of the scheme.

I would support the recommendation made in the Ecology reports to retain the existing topsoil and use this in any new landscaping scheme. Use of this substrate would require a bespoke landscape scheme reflecting the habitat types and plant species composition affected by the development.

Species

I would support the recommendation made in the Ecology reports that a pre-commencement survey of the site for the presence of Badgers should be required to be carried out by means of a Condition placed on any permission that may be granted to the scheme. The survey should be carried out by a suitably qualified consultant and to appropriate standards. If Badgers are found then a Method Statement will need to

be prepared giving details of measures to be taken to avoid any possible harm to Badgers during the course of any development. Once agreed the Method Statement must be implemented in full. Badgers are legally protected under the terms of the Protection of Badgers Act 1992.

No vegetation clearance required by the scheme should take place during the optimum time of year for bird nesting (March to July inclusive). All nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Following receipt of off-site mitigation proposals, GMEU advise as follows:
The proposal to compensate for habitat losses by retaining local substrate to recreate grassland around the new development *and* to create an area of species-rich grassland off-site at Bank Hall are in principle acceptable. I recognise that the habitats to be created will not be exactly like-for-like replacements for those lost but I would note that the habitats currently on the site are degrading and will be lost to the expansion of rough neutral grassland and scrub over time if there is no intervention. The development at least presents an opportunity to re-create and manage similar habitats over the long-term.

I would recommend that in addition to the required S106 agreement to facilitate the off-site grassland creation works a detailed Landscape Creation and Management Plan for the application site also be required as a Condition of any permission which may be granted to the scheme.

Environmental Health

No objections in principle. There are however potential concerns over the use of fork lift trucks (with reversing alarms) due to the proximity of the operation to nearby noise-sensitive receptors. Therefore, in the absence of a detailed assessment of the use of forklift trucks within the submitted noise assessment, I would suggest a condition restricting the use of forklift trucks to the inside of the building only. Also recommend conditions relating to noise mitigation measures during construction, noise mitigation within hours of operation, a Construction Method Statement, and electric charging points at a rate of 10% of the car parking spaces.

Health and Safety Executive

Does not advise, on safety grounds, against the granting of planning permission.

Contaminated Land Officer

The developer should undertake an intrusive investigation in accordance with the Phase 1 report submitted with the application. Remediation work shall be undertaken in accordance with a subsequently approved remediation scheme and programme. A validation report, including evidence that all remediation work has been carried out in accordance with the approved scheme shall be approved before any part of the development is brought into use.

Coal Authority

Initially objected. Records indicate that there are five recorded mine entries present within the application site and surrounding area, two of which are at locations which are not known for certain and there are no recorded treatment details. A thick coal seam (Dandy Mine Coal) outcrops across the site and may be the subject of unrecorded working in the past. A programme of proof drilling and grouting would

normally be required to ensure that any workings present are suitably consolidated and stabilised. The originally submitted assessment does not adequately address the risks to the safety and stability of the development proposal from coal mining legacy issues. Following the submission of an intrusive site investigation, the Coal Authority has withdrawn its objection. It states that the applicant indicates that a proof drilling and grouting exercise is to be undertaken beneath the footprint of the proposed building in order to stabilise any unrecorded shallow mine workings which may be present within the Dandy Coal seam. The recommendations of the report are accepted and conditions are recommended to require further intrusive site investigation work in accordance with a Coal Authority Permit, in order to establish the exact situation regarding coal mining legacy issues on the site and to inform an appropriate remedial strategy to ensure the safety and stability of the proposed development.

Green Space and Amenities Manager

Regarding the relocation of the route of the Brun Valley Greenway: I have met on site with the Council's engineer and am satisfied that the proposed relocation of the footpath provides a satisfactory, albeit very slightly longer, alternative route for pedestrians cyclists and horse riders. The new section will be constructed to 3m width and funded by the proposed S106 contribution and will be maintained by the Council.

The ecological report identifies the loss of the acid grassland habitat but also identifies that some of the unimproved neutral grassland can be preserved by retaining excavated topsoil and using this material to re-soil the banks around the proposed building. This requirement should be made a condition of approval, together with a landscape management plan for the site that will identify how the areas of grass around the building are to be managed as species rich neutral grassland rather than as close and frequently mown grass.

In addition to restoration of some meadow habitat within the site, there is an opportunity for off-site habitat creation. The areas of grassland immediately around the proposed development will be improved using a S106 contribution that has already been made by the Boo Hoo development. However, elsewhere within the Brun Valley Forest Park, there are large areas of grassland at Bank Hall, which are currently being managed as meadow and which would benefit from cultivation and reseeded using a wildflower mix that replicates the neutral grassland species identified in the ecology report. Advice of Lancashire Wildlife Trust has been taken to prepare a species list. The costs of undertaking this offsite compensation have been calculated.

The new building is very large in relation to the area of the site that it will occupy and there is consequently very little green space between the edge of the building and the boundary of the site. To help break up the visual mass of the building (in time), the developer should be required to plant trees within the site on the landscaped areas around the east, north and west of the building and on the southern frontage to the greenway footpath. There is plenty of space for approximately 100 trees (not all will survive to maturity). Oak, scots pine, alder, cherry, lime, birch and field maple are suggested. The landscaped areas within which the trees are planted should be seeded with a wildflower mix: LWT Meadow Mix. This is the same mix that the Lancashire Wildlife Trust has recommended for reseeded adjoining areas of meadow to compensate for the loss of habitat due to this and the BooHoo development. The meadow mix requires cutting once per year and would be suitable on the west, north and east landscaped areas. The developer may prefer a mown lawn to the frontage to

Balderstone Lane, together with more ornamental planting. Outside the site there is limited scope for planting, but I suggest that we could undertake some additional underplanting of the existing woodland immediately to the north of the development, between the site boundary and the re-aligned greenway, which will help to screen of the development from nearby houses and the re-aligned greenway. I recommend underplanting the woodland with native shrubs, including evergreens and some scots pine on the southern edge of the woodland. Some thinning of undesirable species such as poplar may be required.

The application identifies that 2.4 m high steel palisade fencing will enclose the site. I suggest that 1.8 metres high on all boundaries of the site is adequate and it should be green in colour to match the fencing colour around the adjoining household waste site and to create a less hostile environment for people using the greenway.

At the south east corner of the site the building is hard up against the boundary of the site and the Brun Valley Greenway, significantly narrowing down what is currently a more open aspect to the greenway. This will deter people from using the path and ideally the south east corner of the building should be pulled back a few metres. In addition the Council can cut down some of the trees growing on the eastern side of the greenway at this point, to improve views up and down the path and therefore to reduce the sense of enclosure and improve safety.

Engineers have provided details for the re-alignment of the Brun Valley Greenway link to the north of the site. My view is that this should be done as a S106 contribution so that it links in with the S106 contribution that has been received from the BooHoo development for other greenway improvements.

To the east of the site there is a definitive right of way on land that will be retained in Council ownership and I recommend that the developer contributes to stone surfacing this path to 2m width. This will help to implement the recommendation of the Green Infrastructure Strategy to create new green travel routes between areas of industry and housing. If this definitive right of way is not surfaced and made inviting to use, it is likely to fall out of use as the damage caused by the construction of the development and installation of the steel palisade fencing will disrupt use.

Briercliffe Parish Council

Wish to support all valid objections to the application submitted by residents including the following points:

- The application does not adhere to the use classes in the Local Plan;
- There will be significant adverse noise from HGVs;
- There are existing building that could be utilised
- There would be an adverse effect on local wildlife and trees;
- There are highway safety concerns with regards to access and parking;
- There will be loss of privacy and sunlight and residential properties will be overlooked.

Councillor representations

Councillors Anne Kelly, Gordon Lishman and Margaret Lishman make the following comments:-

- Appreciate that the application is within the industrial estate on Heasandford but request that concerns are considered
- 68 vehicles would create a lot of noise and question how residents would be protected from this
- Ask whether the buildings would be as high as BooHoo which can be seen for miles and stand out. This application is much nearer and very near to homes
- Ask whether there would be planting to screen the area to protect the residents' visual amenity
- Every morning there are deer in that field as well as other wildlife

Publicity

91 letters of objection have been received as well as a petition with 11 signatures. The objections are from residents on Lydgate and the surrounding residential area. Neighbours have set out their objections in detail and have also attached photos of the trees and wildlife, including deer on the site. The main points of objections have been summarised and listed below:-

Highways/parking:

- Increase in traffic, noise and pollution – 50 HGV's, 100 LGV's and cars daily to the site
- Impact on congested roads at Briercliffe Road/Casterton Avenue/Eastern Avenue/Widow Hill Road with inadequate junctions for existing traffic
- Increase in congestion/tailbacks and risk of hazards and accidents
- Roundabout at junction of Briercliffe Road/Casterton Avenue/Eastern Avenue is too small to handle the traffic, including an increase in HGV's
- Accidents have already been recorded at junction of Eastern Avenue/Widow Hill Road. Four accidents in the area over a four week period. Motorcycle accident on Widow Hill Road in August 2018
- Safety for school children due to an increase in traffic near to three schools
- Will lead to problems for ambulance access to and from Burnley Hospital
- Inadequate parking for lorries, vans and cars on the site – 75 parking bays is unlikely to be sufficient, leading to further on-street parking
- Widow Hill Road is already congested with parked vehicles and taxis to both sides, particularly due to the expansion of BooHoo, making it difficult for HGV's
- Will affect traffic to and from the existing businesses on Widow Hill Road and Balderstone Lane, including the recycling plant
- Employees and visitors will park on the narrow roads at Lydgate and the area and walk through to the proposed site for ease of access and parking (to avoid Widow Hill Road) which would affect congestion and the safety of residents, school children and children playing out

Views/open space:

- The development will remove an attractive local beauty spot and highly valued local green area, used for recreation, wildlife and enjoyment
- It will ruin the natural landscape
- It will remove a safe place where people enjoy walking their dogs, running and where children play games, football and enjoy the local wildlife
- It will be visible from miles around similar to the BooHoo units which dominate the area
- Proposed building is too high (16.3m) and would block views across the skyline
- The proposal runs contrary to Article 8 of the Human Rights Act which extends to the enjoyment of the home and its surroundings

- Public paths, and rights of way would be disturbed
- Object to the diversion of the Brun Valley Greenway due to the squeezing out of recreational and leisure space and wildlife
- The proposed diverted path is too near the playing area of the field where football is played and children play
- The development goes beyond the site boundary
- The development would be too close to surrounding public footpaths, leading to a hostile experience for footpath users
- Trees that are tall and mature, planted over 30 years ago to shield the industrial area are not evergreen and would not shield views of the proposed building in the winter
- There would be a loss of some of these mature trees

Effect on wildlife:

- Loss of a habitat of principal importance where deer are regularly seen as well as bats, newts, badgers, weasels, squirrels, foxes, stoats, moles, rabbits, hedgehogs, many species of birds – including rare birds, butterflies.
- It will spoil the natural environment for residents and future generations
- Ecology reports have not identified all the wildlife activity such as the deers, badgers and bats
- Areas are left uncut to grow and encourage wildflowers which would be lost
- A high building would stop bats settling in the trees

Impact on amenities:

- An over-development of the Widow Hill industrial area, indicates serious cramming
- Scale and magnitude of building is not in keeping with other units on Balderstone Lane
- Scale and height of the building would tower over homes, causing overshadowing and loss of daylight and sunlight and reduce privacy
- The building would have an ugly appearance
- Had been promised that building on this site would be single storey only
- The size and height of the building should be scaled down
- It would pose a risk to peoples' health and well-being
- The noise assessment submitted with the application is inadequate
- The development will lead to unacceptable noise pollution and disturbance from day to day operations, traffic, HGV's, reversing vehicles during the day and night with working hours from 6am to 10pm – too close to residential properties, will affect families with children and the quietness required for sleep
- HGV's cause noise and vibration, parked HGV's have generators that cause noise
- Noise from the loading bay area and lorry park which is on the part of the site which is closest to residents
- There is already a level of noise that comes from the industrial estate (including high pitched and crashing sounds); noise from traffic moving and parking all through the day and night from other premises (BooHoo) and noise from the recycling plant
- The working hours should be restricted to the core hours of the day, similar to other units and the recycling plant
- The noise assessment submitted with the application is inadequate

- It should be located in a less rural area, further from houses
- Will lead to smells and fumes
- Increase in footfall using surrounding footpaths would lead to less privacy and an increase in crime rates
- Will lead to more rubbish and litter in the area
- It will lead to light pollution. Sodium lighting should be used

Mineshafts:

- There are old mine shafts that are uncapped underground and have not been located
- Risk of collapse of from unrecorded mine shafts that pose substantial public health and safety risks

Drainage:

- The trees, bushes and grass soak up water from a waterlogged area and the proposed building may prevent water from draining away

Planning and Environmental Considerations:

Principle of proposal

The site is located within the main urban area of Burnley where Policy SP4 seeks to locate 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. The application site is undeveloped and under grass at the north eastern end of Heasandford Industrial Estate and to the north side of Baldestone Lane where the land rises gently towards an area of protected open space and the perimeter of residential development at Lydgate. Policy EMP1 identifies the site as an employment allocation that would be suitable for Class B1 (b and c) (light industrial and research and development), Class B2 (general industrial) and Class B8 (storage and distribution) uses. This proposal is to develop the site with a singular large building for Class B8 purposes. This would fall within the expectations of Policy EMP1, in which case, there is no objection in principle to the proposal. There are however detailed material considerations which are considered below.

Impact on highway safety

The National Planning Policy Framework (2018) states that proposals should provide appropriate opportunities to promote sustainable transport modes, provide safe and suitable access to the site and mitigate against any significant impacts in a cost effective manner. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure. In this case, there are buses from Colne and Burnley/Padiham to Widow Hill Road which would be convenient for this site. The site is also situated amongst a network of paths and public right of ways which make the site accessible by walking and cycling.

A Transport Statement was submitted by the applicant to assess the impact of the development on traffic within the highway network. The applicant who currently operates elsewhere operates a two shift cycle between 6am and 10pm and has 33 employees. It is anticipated that may in time increase to 50 employees. The proposed surface level of car parking (45 spaces) would be sufficient for the needs of the development. A separate car park of up to 8 spaces would also cater for trade customers. No members of the public would be visiting the site. Operational traffic generated by the site includes 3no. 7.5 tonne and 3no. 26 tonne vehicles and 2no. artic lorries. Allowing for future growth, the maximum movements per day is expected to be around 24 operational vehicle movements in total (in and out) per day. LCC Highways has reviewed the Transport Statement and raises no objections subject to a number of conditions that are set out above, including the provision of new section of footway to link to the existing footway on Balderstone Lane. There have been a considerable number of neighbour objections that refer to the congestion of surrounding streets and their junctions as well as the parking on both sides of Widow Hill Road. The traffic movements from this development are however relatively minor and are unlikely to have any significant impact on overall congestion and the flow of traffic. Impact at peak times is particularly unlikely due to the shift pattern (6am to 2pm / 2pm to 10pm) and the nature of the business where outgoing trips and arrivals are throughout the day.

The proposed development can therefore be accommodated at the site without a significant or severe impact on traffic on the highway network and the site layout is adequate to provide for the operational traffic and parking needs of the development. Conditions as recommended by LCC Highways are necessary to ensure the satisfactory implementation of the proposal.

Impact on public footpaths/bridleways

Policy IC1 states that development schemes should, amongst other things, ensure that existing public rights of way are retained and where appropriate improved or rerouted.

Part of the proposal involves the diversion of the Brun Valley Greenway which is a multi-user accessible route (for walkers, horseriders and cyclists) and bounds the north and easterly edges of the site. That part on the north side is required to be diverted to provide the space around the perimeter of the building for forming retaining wall. The diverted path would run along the north rather than the south side of the woodland which is within an area of protected open space. The stoned path to the east side of the site would, at the south east corner, be uncomfortably close to the proposed building and as such the applicant agrees with the Council (as landowner) to slightly divert the path away from the south east edge of the site. The applicant would meet the costs of these works as well as the improvement of surrounding paths. The diversion routes and improvements would maintain accessibility to and around the site for walkers, cyclists and horseriders. As such, the site would be well served by sustainable modes of travel. There are objections from nearby residents to the diversion of the Brun Valley Greenway. The current route offers open views. However, the development of the proposed site would completely change the views from the Greenway and whilst the open views may be currently preferred, this would be compromised in the future and the alternative route would retain the proximity of users to the woodland and provide a pleasant route through an area of open space.

Impact on trees and ecology

Policy NE4 states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. 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. The site is identified on the Policies Map of Burnley's Local Plan as part of a grassland and woodland ecological network. The existing woodland would be retained and improved with underplanting and new some new trees. A condition is required to ensure adequate protection measures during construction.

The application site is described as lowland heathland vegetation, a priority habitat for conservation. It provides habitat for a range of wildlife, including deer which visit the site. The consultation responses from GMEU, the Lancashire Wildlife Trust and the comments from neighbours highlight the ecological credentials of this site. Its main value is as habitat rather than for breeding, contributing to the Heasandford District Wildlife Site. Policy NE1 only permits development where there is likely to be an adverse impact on a local wildlife site where the benefits of the development outweigh those impacts and there is mitigation or compensation against the adverse effects. In this case, the site is allocated for development and contributes to the supply of employment land within the plan period (up to 2032). There are therefore identified benefits in favour of its development. Whilst it is acknowledged that there would be a significant loss of habitat and biodiversity at the site, it is accepted (by GMEU, the Lancashire Wildlife Trust and the Burnley Conservation Forum) that compensation for this loss can, in principle, be acceptable. The Head of Green Spaces and Amenities has identified a suitable site at Bank Hall (within Council ownership) which is a reasonable proximity to the site. The applicant has agreed to the costs of planting and sowing to create a meadow across an equivalent area of 1.9ha. A 10 year commuted sum for maintenance has been included within the total cost (£22,573.21) which would be secured through a section 106 Agreement. GMEU concur that this would provide adequate compensation.

The applicant also agrees to tree planting around the north and east perimeters of the site (amounting to 500 trees), the cost of which would be included in the section 106 Agreement. Conditions are also recommend conditions to require a detailed Landscape creation and Management Plan for the application site, as well as precautionary measures to protect badgers and birds. The latter would ensure that protected species are not put at risk. Subject to these measures and conditions, the identified adverse impacts of loss of habitat would be outweighed by the benefits in bringing an allocated site into employment use and would be adequately compensated and mitigated by an off-site scheme of meadow creation, and new planting to the north and east sides of the site and on-site measures to optimise appropriate landscaping at the site. These measures would, in total, ensure that the development complies with Policies NE1 and NE4.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. There is a considerable amount of objection from neighbouring residents on the grounds that the scale, massing and height of the proposed building will dominate their outlook and lead to excessive noise and disturbance. The nearest property (from the rear garden boundary) to the edge of the development site is approximately 40m at the north west corner of the site, with most properties being further than this.

The relative distance and levels between the nearest properties at Lydgate and the development are sufficient to avoid any significant impact from overshadowing and there would be no significant impact on daylight/sunlight or privacy. Objections that have been received also refer to an increase in the use of footpaths and use of residential streets for parking. In addition to the Brun Valley Greenway, a public right of way (FP 154) closely follows the rear boundary of properties at Lydgate and a path provides direct access to Lydgate between 29 and 31 Lydgate. These paths are already well used by residents and any small increase that would be due to the proposed development is likely to be negligible. Adequate parking provision would be provided on-site and additional parking is not therefore expected to take place at Lydgate or the surrounding residential streets.

A noise assessment has been submitted and indicates that the main source of noise would be from the reversing beepers of forklift trucks which would be contained within the building. The Council's Environmental Health Officer (EHO) recommends that no fork lifts be permitted to operate outside the building to prevent any nuisance from beepers. The late night comings and goings of heavy goods vehicles would also be a potential source of noise, particularly as the loading docks are located to the rear of the building. The Council's EHO is satisfied that a condition to confine operational hours to between 6am and 10pm would minimise early morning/late night noise. There would be no other noise generating activities within the building.

Objections have also referred to light pollution. There are a number of 8m high lighting columns within the site. These should be angled downwards and use sensitive illumination (such as sodium lights) to avoid light glare to protect residential amenities as well as to protect wildlife. A condition is recommended to secure this.

With these provisions, it is accepted that the proposed use would not cause a significant loss of amenity to residents or lead to a significant increase in background noise levels or disturbance.

Impact on ground conditions

Policy CC5 requires appropriate assessment to identify the risks posed by unstable land. Following the submission of a further coal mining risk assessment, the Coal Authority accept that the site can be safely developed subject to conditions which require further intrusive site investigations and details to be agreed with the local planning authority. Pre-commencement conditions are necessary to ensure that this is carried out.

Following the submission of a desk top study, the Council's Contaminated Land Officer recommends a condition to require intrusive investigations and remediation where necessary. A pre-commencement condition is necessary in this instance.

Impact on visual amenities

Policy SP5 seeks a high standard of design. The proposed building would be a suitable design and appearance at this location. A condition is recommended to agree details of external materials. The proposed building is three storeys in height and will be prominent from within the industrial estate but due to its position on sloping ground would have less visual impact from other viewpoints.

Other issues

A Flood Risk Assessment has been submitted with the application which indicates that the site is capable of being adequately drained. Sustainable drainage measures are incorporated into the design by the use of a swale near the site entrance. The Lead Local Flood Authority has been consulted on the application but have not to date responded. Any response that is received will be reported in late correspondence prior to the meeting.

An Air Quality Assessment has been submitted and its findings which indicate that the proposal would not significantly affect air quality are accepted.

Planning obligation

A summary of the measures to be subject to a section 106 Agreement (as referred to elsewhere in the report) are:-

Off-site ecology compensation to create meadow land: £22,573.21

Planting : £2,500

Greenway diversion: £7,000

Path resurfacing: £2,400

These contributions are necessary to mitigate against the identified impacts of the development and have been agreed with the applicant.

Conclusion

The proposal seeks to develop a site that is allocated for employment purposes for a suitable use and development. Issues relating to the impact of the development on the ecology of the site, on traffic, residential amenities, footpaths and ground conditions have been assessed and can be adequately addressed by conditions and a legal agreement. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding.

Recommendation: Delegate authority to the Head of Housing and Development Control to grant planning permission subject to the following:-

- a) a section 106 agreement to secure off-site ecology mitigation, off-site planting and the improvement of paths; and,**
- b) appropriate conditions**