

Proposed 19,741sq m extension to existing B8 distribution unit 18m high to underside of eaves including ancillary hub office, loading canopy and associated service yard, landscaping and civil works

Technology House Magnesium Way Hapton Lancashire

### **Site**

Planning permission was granted in 2010 for the development of the 28.6ha, former Hepworth, site for employment and residential re-development. Over the years the site has developed out with a mix of B1, B2 and B8 businesses with the largest occupiers on the site being Exertis, Birchalls, Fagan and Whalley.

The site forms part of a wider protected employment site called Burnley Bridge, located to the west of the borough boundary in which policy EMP2/5 of the Burnley's adopted Local Plan applies. Over the years much of the site, aside from the remaining 'zone 4' has been largely built out.

The main vehicular access into the site is from a newly created bridge over the Leeds and Liverpool Canal from junction 9 of the M65. A pedestrian and cycle route also runs through the site from the Padiham Greenway through to Cambridge Drive.



**Photo 1** – the application site on the southern elevation of the existing building



**Photo 2** – showing the current area of land. Note the established tree boundary the site has with the canal to the south



**Photo 3** – The photo helps to show the current levels of the site as the main road through the industrial estate falls sharply from south to north

## Background

As part of the original outline application for the site in 2008 (APP/2008/0805) and a subsequent variation of condition application APP/2011/0362, a vehicle cap of 248 vehicles was established as the target for maximum traffic generations for the site, based on 24 multi modal data. This figure was based on all the trip rates for all the different uses within the original application APP/2008/0805. A condition was therefore placed on the respective applications referring to 248 detailed within the supporting master travel plans. The condition was required so as to ensure that M65 junction 9 as a whole can operate safely and effectively during the busy AM weekday peak periods. Furthermore to ensure compliance with the condition, an Automatic Traffic Counter (ATC) was installed at the site entrance to the business park which records the number of vehicle arrivals and departures.

As part of the initial assessment of this application in 2018, concerns were raised from LCC Highways and Highways England that the 248 cap was frequently being breached, revealed by the ATC. As a result of these findings, the owner of the whole Burnley Bridge site was asked to make a new assessment through an updated travel assessment and travel plan. This has been the main reason for the delay in the determination of this current application. Two applications were submitted earlier this year VAR/2020/0157 and VAR/2020/0158 which sought to vary two conditions which related to the cap of 248 and also the requirements for travel plans. The applications were supported by updated Travel Masterplan (July 2020) and Transport Assessment (December 2019), both these applications were approved in August 2020.

The findings of the 2020 Master Travel Plan and Transport Assessment concluded that an acceptable vehicular access can be provided in terms of safety and capacity and that the target figure of 248 arrivals in the approved Master Travel Plan for the Burnley Bridge Business Park is no longer relevant to the current situation and so is not required. The principles of this had been discussed with the owner of the site, Highways England and Lancashire County Council Highways.

## Proposal

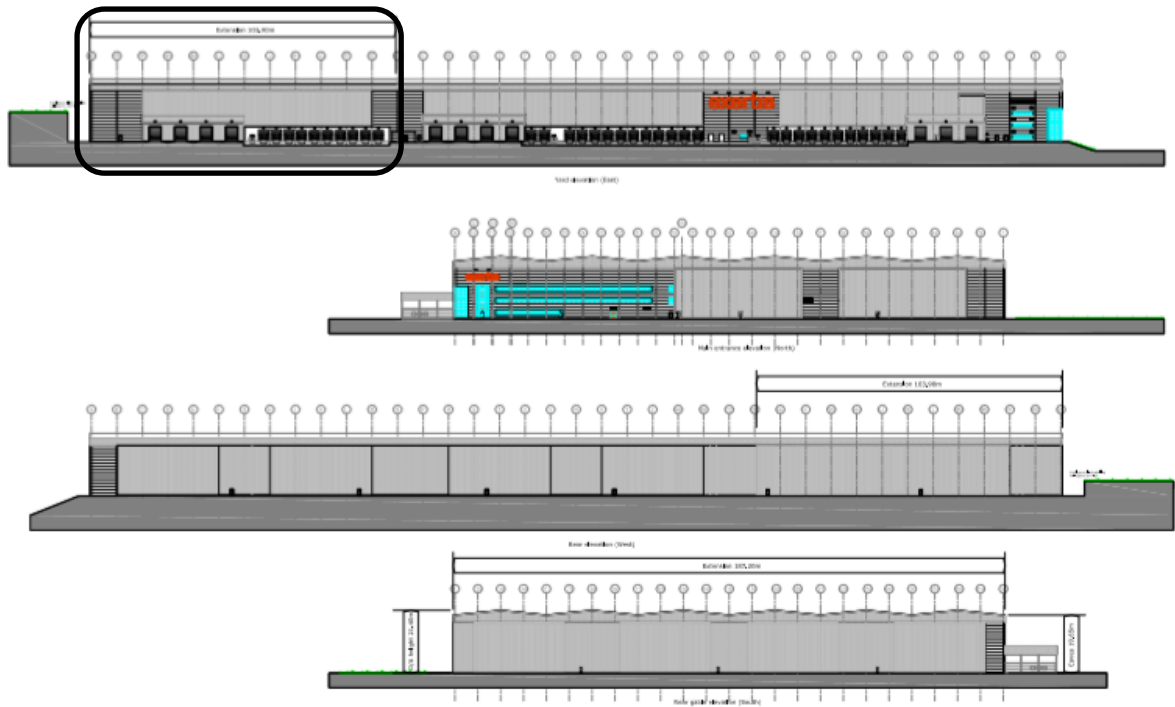
The application seeks consent for an extension to the southern elevation of the existing building creating an additional 19,741 sqm B8 space. Broken down the additional space will provide:

- 19,320 sqm – warehouse
- 121 sqm – hub office/staff facility block
- 4 level access loading doors
- 10 dock levellers
- Service yard

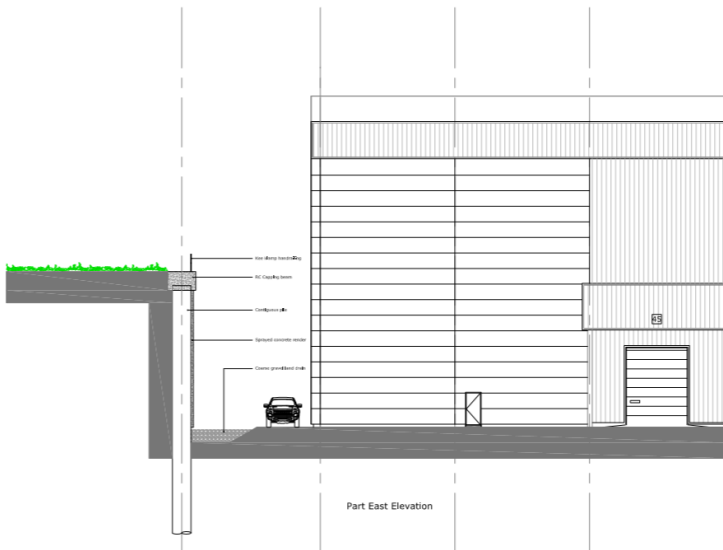
The extension will measure 186m in length, 104m in width and 18m in height. Proposed materials will match those of the existing building. A canopy will project approximately 18m from the front elevation into the service yard area.



**Plan 1:** Plan extract block plan showing the extent of the extension in relation to the existing building



**Plan 2 extract:** Proposed elevations (top extract with bold line showing the proposed front elevation)



**Plan Extract 3:** Cross section through the site showing that the building will site approximately 18m lower than the canal.

## **Access and parking**

The proposed extension does not involve the creation of any additional parking for the site as this had been factored in with previous applications. The same means of access will be used.

## **Landscaping**

Proposed plan 17007 – P 02 shows an area of soft landscaping to the eastern boundary with Magnesium Way this will be native shrub planting, to the southern and part of the eastern boundary of the site will be the retention of existing woodland mix.

There is a large area of large to the remaining southern elevation between the elevation of the proposed extension and the canal, which will measure approximately 108m at it's widest point which will be left open acting as a buffer between the development and the canal.

## **Relevant Planning History**

VAR/2020/0158 – Variation of wording to conditions 11 (Master Travel Plan) and 13 (Master Travel Plan) of approval APP/2011/0362 Approved

VAR/2020/0157 - Variation of wording to conditions 11 (Master Travel Plan) and 13 (Master Travel Plan) of approval APP/2008/ Approved

2014/0395 - Application for approval of all reserved matters for the proposed industrial development (Use Class B8) incorporating mezzanines and ancillary offices (Use Class B1) to include future Use Class B8 expansion with associated external works including gate house, external plant alterations and extension to the existing estate road (pursuant to outline planning permission APP/2008/0805 as varied by planning permission APP/2011/0362) Approved 18/11/14

APP/2012/0140: (Compliance with conditions) Discharge of Conditions 7, 9, 29, 36 and 39 of Planning Application APP/2011/0362 (pursuant to Outline Application APP/2008/0805) – Partially Discharged.

APP/2012/0031: (Reserved Matters) Alignment of access road into site from bridge - Granted.

APP/2011/0587: (Submission under conditions) Details of bridge – Partially discharged

APP/2011/0362: Variation of conditions 5, 12, 15, 32, and 37 and pre-amble to conditions on 2008/0805 – Granted.

APP/2008/0805: (Outline) Proposal for employment and residential redevelopment - Granted.

7/7/3072: Change of use for industrial purposes

74/0201: Erection of extension for the manufacture of plastic pipes to the extrusion department of existing factory – Granted

78/0155: Erection of two 60 tonne silos approx 17m high for additional storage capacity for main raw material (PVC resin) – Granted

79/0314: Erection of new portal frame building for manufacture of PVC profiles plus car parking for 50 vehicles – Granted

79/487: Erection of 2 new 40 tonne silos for bulk storage of PVC powder – Granted

82/0627: Erection of 3 bulk storage silos for PVC powder – Granted

88/0481: Erection of 1 bulk storage silo for storage of PVC powder on an existing base – Granted

88/0711:Expansion of 2 PVC and PE pipe extrusion bays with 6 external storage silos – Granted  
96/0240:Proposed creation of access road from M65 – Granted  
98/0298:proposed erection of monitored filtered discharge stack – Granted  
2002/0384:Extension to existing portal frame building – Granted  
2003/1047:Installation of 3 aluminium silos for bulk material storage – Granted

## **Planning Policies**

### Burnley's adopted Local Plan 2018

SP1 – Achieving Sustainable development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
EMP3 – Supporting Employment Development  
IC1 – Sustainable Travel  
IC2 - Managing Transport and Travel Impacts  
IC3 – Car parking standards  
NE1 – Biodiversity and Ecological Networks  
NE4 – Trees, Hedgerows and Woodland

NPPF 2019

## **Consultation Responses**

LCC Highways – No formal comments received at the date of writing the report

Highways England – no objections

Local Lead Flood Authority (response 10<sup>th</sup> October 2018)

After reviewing the submitted planning application information and the recent correspondence the Lead Local Flood Authority wishes to withdraw its objection to the proposed development which will be acceptable subject to the inclusion of the following planning condition, in consultation with the Lead Local Flood Authority:

*Appropriate surface water drainage scheme to be submitted. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum: a) Temporary storage facilities – confirmation of attenuation volume details. b) Flood water exceedance routes, both on and off site. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.*

*Reasons 1. To ensure that the proposed development can be adequately drained. 2. To ensure that there is no flood risk on or off the site resulting from the proposed development*

Coal Authority – no objection

Greater Manchester Ecology Unit -

The review and update of the ecological report has confirmed no additional ecological issues, the site largely un-vegetated. My previous response of the 14th June 2018 therefore still applies.

Environmental Health - no objection subject to conditions

*The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and any mitigation measures required to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.*

*Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy NE5 of Burnley's adopted Local Plan 2018*

*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 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.*

*Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.*

*No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

- i. the parking of vehicles of site operatives and visitors*
- ii. loading and unloading of plant and materials*
- iii. storage of plant and materials used in constructing the development*
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate*
- v. wheel washing facilities*
- vi. measures to control the emission of dust and dirt during construction*
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.*

*Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.*

**Notification Responses**

Ward Councillor (s) – comment received Cllr Greenwood June 2018

*The existing building already has a dramatic effect on the landscape. I am therefore worried that any expansion of this building will simply increase this and it is not considered visually pleasing as it is. I also have serious concerns about traffic to and from the business which is already causing problems which may increase given the change in size of business. The travel plan which has been set for the site as a whole is currently not working fully as many haulage lorries are still following old sat nav systems which see them travelling through the densely populated Kings Drive area. Lorries are getting stuck here on a daily basis and causing a real safety issue for residents who have already suffered damaged cars and knocked down garden walls. Increased signage to the site from the motorway is required but is not in place and I feel that this should be a requirement before any further extensions on the Burnley Bridge site to reduce the impact to residents.*

Padiham Community Action Group - *We have concerns regarding the proposed extension of the Exertis building at Burnley Bridge. In particular we feel that the increased visual presence, could have a negative impact on the resident's quality of life. We note that the present building is not in keeping with the surrounding natural environment. This could only be exacerbated by structural extension. We are also concerned that, if planning is permissible, it could set a precedent for the further building of storage units that dominate an essentially rural landscape. Open spaces of greenfields are paramount, for the wellbeing of children and adults . Added to this we call into question whether the extension will encourage the skilled long term employment that is needed in our area, or if it will contribute to low- skilled, low paid ,and temporary logistics jobs. We are also concerned that as artificial intelligence develops it could lead to larger warehouses and a depleted workforce*

Burnley Wildlife Conservation Forum – the plot of land has been vacant for about 5 years which acts as a sanctuary for wildlife. The current Envirotech report dated Dec 2014 and is out of date.

#### Neighbours

There have been 2 rounds of public consultation on this application given the length of time in the determination:

#### 5<sup>th</sup> June 2018 – 26<sup>th</sup> June 2018

20 individual neighbour letters were received during this period. Full details of the objections can be found on the file, due to the number of letters received for the purposes of this report I have summarised as follows:

- Site currently over traffic generation limits
- Impact on wildlife in Shawbrook
- Drainage and surface water issues around the site
- The building is already large enough and sets precedent in the area
- Impact of the building on the Leeds and Liverpool Canal
- Insufficient travel plan
- Noise from increased traffic
- Visual impact of the building, already a negative on the surrounding

#### 29<sup>th</sup> June 2020 – 19<sup>th</sup> June 2020

5 individual neighbour letters were received during this period. Full details of the objections can be found on the file, for the purposes of this report I have summarised as follows:



- Increase in traffic
- Degradation of trees and landscape
- Increase in flood risk across the whole site
- Poor design and appearance of the building
- Noise disturbance
- Overlooking of nearby houses

## **Observations**

### Principle of development

The site forms part of a wider protected employment site in which policy EMP2/5 of the Burnley's adopted Local Plan applies. Outline permission for the development of this site as an industrial/business park was granted in 2010 as part of the initial application APP/2008/0805. Over the years much of the site, aside from the remaining 'zone 4' has been largely built out.

Policy EMP 2 lists employment sites within the borough which will be protected for B1 b and c, B2 and B8 uses. Furthermore, Policy EMP3 of the Local Plan supports the expansion and upgrading of businesses where they do not have an unacceptable negative impact on surrounding uses, residential amenity, or the environment, or have an unacceptable impact on the townscape.

Paragraph 80 of the NPPF states; *planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

Subject to meeting all other relevant planning policies, the proposed development is acceptable in principle.

The main considerations in the determination of this application are;

- Design including appearance, scale, massing, and materials
- Impact on highways
- Impact on residential amenity and amenity of other users
- Impact on ecology
- Drainage

### Design and Appearance

Paragraph 124 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The design and general appearance of the proposed extension will match that of the existing building. The Exertis building is the largest on the site and whilst it can be viewed from distant views, the scale and mass is appropriate to its surrounding industrial context. By the very nature of the B8 use, the form and layout are typical of building for this use. I do not consider that there will have a detrimental impact on the character and appearance of the area. The development is considered to comply with policy SP5 of the adopted local plan.

### Impact on highways

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The findings of the 2020 Master Travel Plan and Transport Assessment concluded that an acceptable vehicular access can be provided in terms of safety and capacity and that the target figure of 248 arrivals in the approved Master Travel Plan for the Burnley Bridge Business Park is no longer relevant to the current situation and is not required. The principles of this have been discussed with Highways England and Lancashire County Council Highways throughout the determination of two variation of condition applications VAR/2020/0157 and VAR/2020/0158 which were approved in August 2020.

This application does not put forward any new parking spaces as part of the development as the future expansion had already been factored in previous applications. A condition will be placed on the installation of electric vehicle charging points as the council now have a policy in the adopted local plan, IC3 car parking standards.

### Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

In terms of the impact on residential properties, it is important to set out the current distances from the proposed extension site to the nearest properties. To the west is the redevelopment of the former William Blythes site, now being build out by Gleeson Homes. Properties on this site sit approximately 380m to the west of the site. To the north is the edge of Balliol Close which sits approximately 377m away, the nearest units to Balliol Close and the wider Cambridge Drive estate is Cobolt (Birchalls Food).

Whilst the extension will be visible from various short and long distance views, I consider that there sufficient distance between any of the residential properties as to not have a detrimental impact on amenity. Appropriate conditions on hours of operation, the requirement of a full noise assessment and hours of construction will be attached to the consent.

### Impact on ecology

Given the length of time from the original Ecology Report (Envirotech 2014), it was considered necessary for the report to updated in the assessment of this application. An updated report was submitted in June 2020 which has been reviewed by Great Manchester Ecology Unit whom have stated that they don't have any objections.

The report highlights the following;

*8.1.2 Bats are known to occur in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.*

*8.1.3 The site is almost entirely un-vegetated. What little vegetation is present has a low ecological significance in the local area. An area of scrubby woodland occurs to the South of the site, which is to be retained and protected.*

*8.1.4 The protection of trees on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.*

There is an established back of trees which runs alongside the canal which will not be affected as part of this application. From the southern elevation of the proposed extension there will still be an approximate gap of 108m of open space to the bank of trees and the canal tow path.

The Council has ensured that the latest ecological update has been presented as part of the application and has received no objections from GMEU. An appropriate condition will be placed on the completion of the landscaping and it is considered that the development meets the requirements set out in policy NE1 (Biodiversity and Ecological Networks).

### Drainage

The application has been supported with a drainage strategy statement (May 2018) which was consulted with Lancashire Lead Flood Authority. Initially concerns and an objection was raised with the peak run off rates for the site. Further information and discussions were made with applicant and the LLA and a later letter in October 2018 removed the objection from the application.

Appropriate conditions have been attached this report and in assessing all the drainage information as part of the application it is considered that the development meets policies CC4 (Development and Flood Risk) and CC5 (Surface water management and sustainable drainage systems Suds).

### Conclusion

The proposed extension is on land which forms part of a protected employment site within the borough. Whilst this is a large extension, the design and appearance are appropriate to its context. Whilst the site does sit on the edge of wider site with designated Green Belt land to the east, the ecological impacts on the land have been considered through updated studies and the established bank of trees with alongside the canal will not be affected.

The extension will help secure the expansion of an existing business within the borough and meets the aims of relevant local plan policies and the NPPF. The application is therefore recommended for approval subject to the following conditions:

### **Recommendation**

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

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

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

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

3. All materials to be used in the approved scheme shall be as stated on the application form and amended drawings received 25/5/18 and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

4. No goods/materials shall be stored on the site other than in the building shown on the approved plans.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with policy SP5 of Burnley's Local Plan 2018.

### **Highways**

4. 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 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

5. 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 prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

6. Details of a scheme of electric vehicle charging to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

### **Drainage**

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

8. Appropriate surface water drainage scheme to be submitted. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall

include, as a minimum: a) Temporary storage facilities – confirmation of attenuation volume details. b) Flood water exceedance routes, both on and off site.

The scheme shall be implemented in accordance with the approved details prior to the completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

### **Environmental Health**

9. The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and any mitigation measures required to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy NE5 of Burnley's adopted Local Plan 2018

### **Landscaping**

10. All hard and soft landscape works, as indicated on plan 17007 P - 02 , shall be carried out in accordance with the approved details. The planting as shown on plan 17007 P – 02 shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory in accordance with policy SP5 of Burnley's adopted Local Plan.