

**Application Recommended for Approval**  
Coal Clough With Deerplay Ward

**FUL/2021/0135**

Town and Country Planning Act 1990

Erection of two storey care home (66 bedrooms) for older people with associated parking, access and landscaping (Class C2).

Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley

Applicant: LNT Care Developments

**Background:**

The proposal is to erect a two storey care home on approximately 0.68ha of land at the cleared site of the former Bull and Butcher Public House at the southerly edge of the built-up area at Manchester Road. The site consists of the former public house site and approximately half of the housing allocation (Policy HS1/23) at Manchester Road.



The a 66 bed residential care home (Class C2) has been designed in a `H` shape centrally within the site, with car parking to the east side and surrounded by gardens to all sides. The site would be served by a new access off Rossendale Avenue and the existing access on Manchester Road would be permanently closed. A total of 24 car parking spaces would be provided.

## Proposed Site Layout



The triangular shaped piece of land that is currently hard surfaced to the east of the site is part of highway land and outside the red edge of the application site but would be grassed and a new 2.0m footway constructed. The Habergham Eaves Parish Council seating area which also contains a blue plaque to mark the nearby site (within the fields to the west of the site) of the historic Buttercross would not be affected by the proposal. A footpath link has been provided on the southern boundary which would enable a link to be made with the remaining part of the HS1/23 housing allocation at a future date.



The proposed building would be approximately 5.2m to eaves level, 8.6m high to the perimeter roof and 9.5m high to the ridge of the highest part of the roof within the central core of the building. The elevation treatment has been improved since the original submission with the use of reconstituted stone and some render to all elevations. A flat grey tile is proposed to the roof.

The proposed scheme has been designed internally to provide two types of care – general residential and residential dementia in secure. The main entrance would on the east elevation facing Manchester Road.

Proposed Ground Floor Layout



The central area of the layout would be used lounge and dining rooms and a number of additional smaller garden rooms/lounge/quiet rooms on both the ground and first floors. The reception area on the ground floor would also contain a small café for use by residents. Bedrooms are 14.4sqm (excluding en-suite) and there would also be five larger bedrooms.

The applicant anticipates that the proposed care home would lead to 60 jobs working on a rotational shift (86% full time) with up to 24 staff members present on site at any one time.

**Relevant Policies:**

Burnley`s Local Plan 2012-32 was adopted on the 31<sup>st</sup> July 2018.

### Burnley`s Local Plan

SP1 – Achieving sustainable development  
SP2 – Housing requirement 2012-2032  
SP4 – Development strategy  
SP5 – Development quality and sustainability  
HS1 (HS1/23) – Housing allocations (Land to the rear of Bull and Butcher)  
NE1 – Biodiversity and ecological networks  
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  
IC5 – Protection and provision of social and community infrastructure

### **Material Considerations**

The National Planning Policy Framework (2019)

### **Relevant Site History:**

APP/2013/0390 – Residential development of 10no. dwellings with associated parking (Outline application with all matters reserved) on land to the rear of the Bull and Butcher. Refused October 2013.

APP/2015/0110 - Proposed refurbishment of existing Bull & Butcher building including single storey extension to rear to accommodate an Italian Restaurant with associated remodelling of external works and car parking layout. Approved September 2015.

NOT/2016/0377 – Proposed demolition of former Intack barn. Prior approval granted October 2016.

NOT/2016/0376 – Proposed demolition of buildings. Prior approval granted September 2016.

OUT/2019/0340 – Outline application for up to 20no. dwellings with access from Rossendale Avenue (all other matters reserved). Approved subject to s106 Agreement October 2020.

### **Consultation Responses:**

#### LCC Highways

No objections. The development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed access location, swept paths and internal parking arrangements and number of spaces are acceptable. The estimated traffic generation for a development of this size and nature at this location is acceptable. Requests to replace the existing access with a 2m footway and to grass the remaining area of adopted highway and to detail drop kerbs and tactile paving at the crossing point of the proposed site access have been taken into account on the amended site plan. Conditions are recommended to require a Construction Management Plan; to ensure the parking spaces and manoeuvring areas are constructed and surfaced; and, to secure a scheme for the off-site works (new

vehicle access, closure of existing access, reinstatement of footway to Manchester Road and Rossendale Avenue frontages).

Lead Local Flood Authority (LCC)

No objection subject to conditions to require a detailed sustainable drainage strategy for the site, details of how surface water and pollution prevention will be managed , and an associated maintenance plan and verification report.

United Utilities

The proposals are acceptable in principle subject to conditions to require a detailed surface water drainage scheme and to ensure that foul and surface water are drained on separate systems.

Greater Manchester Ecology Unit (GMEU)

Potential ecological issues include nesting birds and landscaping.

*Protected Species*

The site was assessed for all likely statutory protected species, bats, badgers, great crested newts, reptiles, otter and water vole. No evidence or suitable habitat was found for any such species and all reasonably discounted. Given the previous use of the site, I have no reason to doubt that protected species are absent. The only species that could theoretically utilise the site would be badger, which would be relatively easy to detect on a site of this scale and nature. No further information or measures are required.

*Nesting Birds*

The development will result in the loss of young trees and shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

*No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.*

*Contributing to and Enhancing the Natural Environment*

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development appears to result in the loss of some trees and scrub but given the nature of the development there is adequate potential to mitigate on site and notably more potential than the previous housing development. As long as some native planting is included around the boundaries and bird nesting opportunities provided in line with the recommendations of the ecological report, I am satisfied that mitigation and enhancement can be achieved. I recommend the details are conditioned.

Burnley Wildlife Conservation Forum

States that a new up to date Arboricultural Impact Assessment is required given that the submitted report is dated April 2019. [The assessment is adequate in this case and provides a useable assessment of trees on the site].

Contaminated Land Officer



The submitted reports have satisfactorily assessed the risks to future users of the site from contamination. The remediation strategy should be implemented and followed up with a verification/validation report.

#### Habergham Eaves Parish Council

Support the application and state that they have worked with the applicant to ensure the parish garden which is adjacent to the site is kept and maintained for use by the community.

#### Publicity

Three neighbour letters have been received expressing the following comments:

- Gateway position into Burnley where would prefer to see a natural landscaped recreational area
- Oppose the location of the bike/garden/bin store which is close to the gardens of adjacent properties and would lead to smells, attract rodents.
- Would like as much of the trees/landscaping to be retained to the rear of Buttercross Close
- The embankment and vegetation should be preserved and landscaped and maintained to protect privacy of Buttercross Close residents
- Regularly see various species of birds, butterflies and wild deer which should be protected
- Question the impact from the height of the proposed building on the sunlight and privacy of adjacent dwellings
- Concerns over the road layout at Rosendale Avenue where cars/vans park on both sides of the road which would affect visibility from the new access. Suggest that Lancashire County Council put yellow lines on either side of the road from the access up to Manchester Road, to improve safety for traffic and allow pedestrians to use footways.
- Request that there is a tarmac area to the front of the care home for neighbours/current residents to use, similar to when the site had been a public house.

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

##### Principle of proposal

The site is located at the southern edge of the built-up area of Burnley where the Development Boundary identified on the Policies Map crosses the site. The portion of the site that falls within the defined Development Boundary is part of a housing allocation at Policy HS1/23 (Land to rear of Bull and Butcher), whilst the remaining part is outside the Development Boundary and is a brownfield site following the demolition of the Bull and Butcher public house in 2016.

Policy HS1/23 states that the site (the full allocation) is suitable for around 24 dwellings. An extant outline permission (OUT/2019/0340) has been granted for up to 20no. dwellings on same site as the current application which includes the brownfield site of the former public house premises. The brownfield element of the site is outside the Development Boundary where development would normally be strictly controlled. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. This cleared site adjacent to the main urban area is an unattractive scene at a defined gateway into Burnley. An appropriate development on

this site would therefore represent an effective use of a brownfield site. Notably, this view has already been accepted (OUT/2019/0340).

Extract from the Policies Map (West) of Burnley's Local Plan



The site is accessible from the urban area and on a route served by public transport. The site therefore represents a reasonably sustainable location for development.

The loss of housing numbers and its ability to provide a range of housing with 3+ bedrooms on the relevant part of the housing allocation (HS1/23) has the potential to affect the delivery of the overall housing requirement set out in Policy SP2. Class C2 accommodation does not contribute to the housing requirement. There are no sites in Burnley's Local Plan that are identified for this type of development and as such schemes would be considered against other plan policies, including Policy IC5 (Protection and provision of social and community infrastructure) which supports new larger facilities serving a wider population, in locations with good accessibility by walking, cycling and public transport. In this case, the relatively small loss of the partial housing allocation would be sufficiently outweighed by the significant benefits of developing the site, including a brownfield site (outside but immediately adjoining the Development Boundary) as a new purpose-built residential care home for up to 66 elderly residents.

The development of part of the housing allocation at HS1/23 would, as proposed, prevent vehicular access to the remainder of the site from Rossendale Avenue/Manchester Road. The Site Specific Policy requirements in Policy HS1/23 state that vehicular access should be from a single point onto Manchester Road. It also states in the Supporting Information that there is potential to explore a combined access strategy in conjunction with Site HS1/4 (Land at Rossendale Road). Given the the two sites share a boundary, the remaining part of the allocation HS1/23 could be afforded vehicular access from this wider allocated site. The current proposal would not therefore prevent the remaining part of the HS1/23 from coming forward for development in the future.

The proposal is therefore acceptable in principle subject to issues relating to design and visual impact; access, traffic and parking; impact on residential amenities; ecology, drainage and ground conditions.

Design, appearance and visual impact

The NPPF states that good design is a key aspect of sustainable development and that plans should set out a clear vision and expectations. Policy SP5 states, amongst

other things, that the Council will seek high standards of design, construction and sustainability in all types of development. Proposals should have respect to their townscape setting, contribute to the public realm and use a palette of high quality materials. The Policies Map (West) identifies the location of the development as a Key Gateway which should be addressed in the design, orientation and layout of the proposal and include, where appropriate, a landmark building, landmark tree planting, public art, or a carefully designed gentle transition from countryside to town.

The proposed two storey building which is designed in a convenient H shape would be prominent on the approach from countryside to town along Manchester Road. Tree planting to the southern boundary would filter views and soften the approach. Amended elevational treatment has recognised the need to use external materials to respect the distinctive character of the local area. Reconstituted stone would be used with some vertical sections of render, together with quoins, heads and cills and detailing at the entrance.

Illustration of proposed frontage



The drystone wall on the southern boundary would be re-built where necessary and improved and a new drystone wall built along the site's frontage on Manchester Road. These details would help to make a suitable transition from the rural into the urban area. The use of hipped roofs is not a characteristic of the local area but in this case it reduces the overall massing of the building. The applicant would use a suitable flat grey tile. A condition is recommended to require details of all external materials to be agreed. A further condition is required to ensure a suitable landscaping scheme. With these provisions, the proposal would have an acceptable visual impact and would comply with Policy SP5.

A Sustainability and Energy Statement has been submitted with the application. This states that the energy efficiency measures to be used in the development will be in line with a BREEAM very good rating. The technology to be used would include a Ground Source Heat Pump, using renewable energy to deliver over 30% of the care home energy requirements. Measures for water efficiency would also be employed. The development would therefore satisfy the requirements of Policy SP5 by creating an energy efficient development.



### Access, traffic and parking

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC3 requires adequate parking in line with Appendix 9. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site is reasonably accessible from the main urban area by cycle, foot or public transport. The proposal would generate regular traffic movements by care home workers and visitors. There would be up to 24 staff at the site at any one time. The traffic levels generated are likely to be less than from that of a development for housing on the site allocation and LCC Highways confirm that the impact would not be significant and raises no objections to the proposal subject to various conditions.

The proposed site plan has been amended to introduce a footpath link across the site's southern boundary that would link to the adjoining part of the housing allocation. This would ensure future accessibility and connectivity for pedestrians. A condition is recommended to require further details of the construction of the path and to ensure its implementation.

Adequate levels of on-site car parking would be provided to cater for the needs of the development in order to avoid the need for on-street parking. Some comments have been made by neighbours about the provision of hardstanding for the parking by existing local residents. The applicant is however not required to provide for this and the properties in the surrounding streets have the benefit of off-street parking.

Two parking spaces within the development would also be fitted with Electric Vehicle Charging points. These provisions comply with Policy IC3.

### Residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows.

The nearest part of the proposed building to the principal rear elevations of the existing houses on Buttercross Close would be 20m at the two small projecting elements to the two north wings with the main building mass further away than this. The splay of the end hipped roofs would reduce the roof height. The north wings have a ridge height of 8.6m which is reached approximately 28m from the rear elevations and the highest part of the roof which is the cross section is considerably further than this. The height, design and siting of the proposed building would therefore satisfactorily protect the sunlight, daylight and privacy of the occupiers of neighbouring properties. The proposed building would be surrounded by landscaped gardens. The currently raised levels to the northern boundary would be levelled to enable the gardens to be properly utilised and landscaped. Existing boundary treatment on the northern boundary would be retained. The restful nature of a care home is unlikely to generate noise levels that would adversely affect the amenities of neighbouring occupiers. The proposed bin store would be appropriately enclosed and well away from the boundary with neighbours.

The proposed scheme is therefore suitably designed to take account of the residential amenities of neighbours and the amenities of future occupiers of the care home. The proposal therefore complies with Policy SP5.

#### 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. The Site Specific Requirements at Policy HS1/23 refer to the protected species at the site and the need for an ecological survey. The application is accompanied by an ecological assessment which found that the site is of low ecological value with no evidence of protected species. GMEU accept the findings of the report and advise on conditions to avoid works to trees or shrubs within the bird nesting season and to enhance biodiversity with native planting on site boundaries and introduction of bird nesting opportunities. These measures should be incorporated into an ecological enhancement mitigation plan. Notably, there would be some removal of vegetation and trees to accommodate the development but most are of low amenity value and can be adequately compensated by replacement planting. With the provision of appropriate conditions, the proposal would have an acceptable impact on the ecology of the site and would comply with Policy NE1.

#### Other issues

The site is within Flood Zone 1 where there is the lowest risk to flooding. A satisfactory Flood Risk Assessment has been received which is accepted by the LLFA and United Utilities subject to conditions to require a detailed drainage scheme.

A condition is required to ensure the implementation of the remediation scheme that has been accepted by the Council's Contaminated Land consultant as well as a validation and verification plan to demonstrate that it has been satisfactorily completed.

#### Conclusion

The site forms part of a housing allocation with an extant outline permission for 20 dwellings and includes the brownfield site of the cleared former Bull and Butcher public house. The loss of a relatively small housing site has been considered. In this case, the loss of the partial housing allocation would not seriously prejudice the Council's supply of housing or a future five year supply of housing when considered against the benefits of developing the site for a purpose-built Class C2 residential care home for the elderly which is also likely to cater for the housing needs of elderly residents. The proposed plans display a high quality development that takes account of the sensitive location at a gateway to Burnley urban area. The proposed scheme satisfactorily addresses issues relating to the site's ecology, landscaping, drainage and need for a suitable access and parking as well as the need to safeguard the residential amenities of neighbouring occupiers and conditions can be imposed where appropriate to secure further details. The proposed development therefore, whilst not in full accordance of Policy HS1/23, would not conflict with the spatial strategy for locating development and would give rise to significant benefits in providing good quality accommodation for the elderly. As such, the proposal would not conflict with the development plan.

**Recommendation: Approve**

## Conditions

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

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

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

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

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

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

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Impact Assessment (Reference 1177.19, dated April 2019). There shall be 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. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

5. Prior to the commencement of development, a scheme of landscaping, to include details of retained trees and new tree and shrub planting, to include native species on or near to site boundaries (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that satisfactorily mitigates the loss of some trees on the site, provides a satisfactory setting for the development at a gateway location from the rural area and provides suitable species for biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to

the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

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

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

7. Prior to the commencement of development , a scheme of off-site works of highway improvement to include the new vehicular access, reinstatement of footway and landscaping works on the site`s frontage with Manchester Road and Rossendale Avenue, drop kerbs and tactile paving at the crossing point of the site access and at the junction of Rossendale Avenue with Manchester Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to the approved development being first occupied.

Reason: To ensure that satisfactory access is provided to the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works can be agreed and carried out at the appropriate stage of the development.

8. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (Report ref BEK-19549-3, dated February 2021), 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 the approved development being first occupied.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

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

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

10. The approved development shall not be first occupied until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in tarmac or an alternative bound treatment to be previously agreed in writing with the Local Planning Authority, marked out and made available for use. The car parking area shall thereafter be kept free of obstruction and available for the parking of cars at all times.

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

11. 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).

12. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
- 24 Hour emergency contact number
  - Details of the parking of vehicles of site operatives and visitors
  - Details of loading and unloading of plant and materials
  - Arrangements for turning of vehicles within the site
  - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
  - Measures to protect vulnerable road users (pedestrians and cyclists)
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
  - Measures to control the emission of dust and dirt during construction
  - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
  - Construction vehicle routing
  - Delivery and construction working hours.



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

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

13. 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).

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

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

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

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

16. 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 for condition: 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.

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

Reason: To ensure the site can be adequately drained, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018).

18. Prior to the approved development being first occupied, the enclosed refuse store shall be constructed and available for use in accordance with the approved plans. The refuse store shall thereafter be retained at all times.

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

19. The details of materials, height and specification of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any built development above ground level. The approved boundary treatments shall thereafter be constructed and completed prior to the approved development being first occupied and shall be retained at all times thereafter.

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

20. The development shall be constructed and completed in accordance with the recommendations contained within the Geoenvironmental Appraisal (report 7099/1, dated January 2020) and Remediation Strategy (report 7099/2, dated January 2021). In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved residential care home is first occupied.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. The development shall not be carried out otherwise than in accordance with the measures for energy and water efficiency contained within the submitted Sustainability & Energy Statement (dated March 2021) and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

22. A minimum of two Electric Vehicle Charging points shall be installed externally within the car park as indicated on the approved plans prior to the completion of the development.

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

23. 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 approved development shall operate as a residential care home for the elderly (Class C2) only and shall not be used for any other purpose within Class C2 or for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in the interests of safeguarding residential amenity and highway safety amongst other material considerations, in accordance with Policies SP5, IC1 and IC3 of Burnley's Local Plan (July 2018).

24. The approved development shall not be first occupied unless a pedestrian path to link to the adjoining site to the west has been constructed, surfaced and made available for use as indicated on the approved plans and in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The path shall thereafter be retained and remain available for use in perpetuity.

Reason: To provide for accessibility and connectivity to the remaining part of the housing allocation at Policy HS1/23 of Burnley's Local Plan (July 2018).

Janet Filbin  
1<sup>st</sup> July 2021