

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

FUL/2021/0659

Town and Country Planning Act 1990

Demolition of existing buildings and erection of 3/4 storey extra care accommodation comprising 93 no. apartments (Class C3) with ancillary commercial facilities (Class E), landscaped gardens, and car parking with access from Briercliffe Road.
Land To The West of Briercliffe Road, Burnley General Hospital, Burnley BB10 2PQ

Applicant : Calico Homes

Background:

The application is being considered by this Committee due to objections that have been received.

The application site is part of the grounds of Burnley General Hospital. The site which is approximately 1.27ha is located on the southern side of the grounds and served by access at the signalised junction with Briercliffe Road. The current site contains six stone cottage buildings built in 1890 and a number of flat roofed brick buildings built in the 1960`s/70`s and some later additions.



Publisher: Google Maps



Stone Cottages (photo from submitted Historic Building Survey report)

This part of the hospital site has a frontage with Briercliffe Road and to its south western side bounds the rear of a terrace of houses on Boundary Street. Within this portion of the site, the existing buildings which are now unused are connected by internal roads and car parks used by hospital staff.

The proposal involves the demolition of the existing buildings and the re-development of the site with a `T` shaped 3/4 storey building to accommodate 93 extra care apartments (Class C3).

Proposed Site Layout



Vehicular access to the site would be from the existing signalised junction on Briercliffe Road, with a new in and out arrangement from the hospital access road. The site frontage would be set back from Briercliffe Road behind a retained stone wall and a deep landscaped verge.

Site frontage – Briercliffe Road

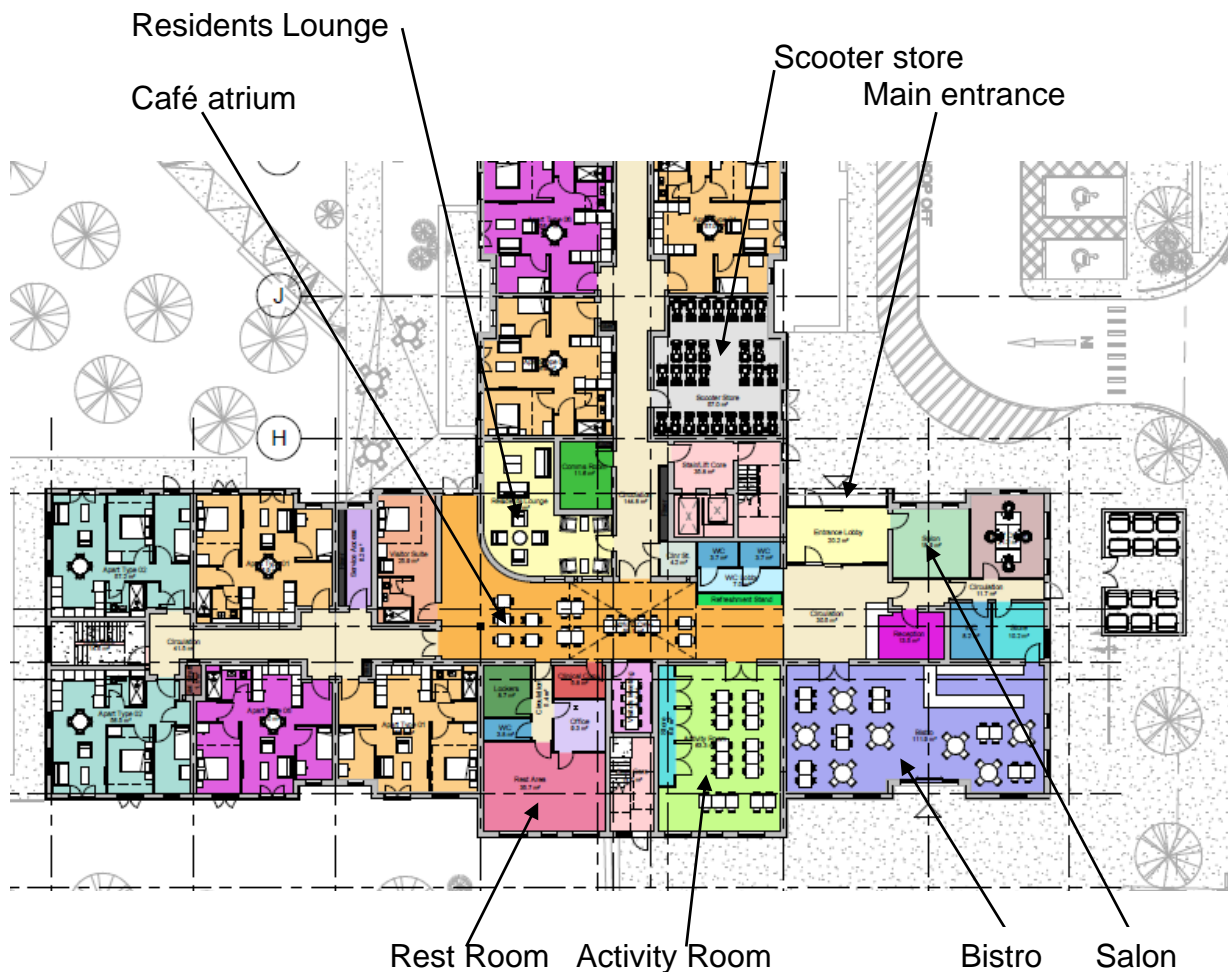


Proposed Hospital Access Road elevation



The majority of the proposed scheme is four storey high with some three storey parts on higher ground . As the site slopes towards the west, the building steps down towards Boundary Street. The front elevation is also partly stepped back and forwards to create relief for the scale and mass of the building. The proposed external materials are natural coursed stone and brick.

Part Ground Floor Plan



The proposal would provide 16no. one bedroom and 77no. two bedroom apartments which are to be provided as Extra Care apartments, generally targeted at people aged 55 and over which would allow residents to live independently for longer, but with an appropriate level of support where necessary. The applicant who is a Registered Provider intends to provide 100% affordable housing by way of Affordable Rent, working with other organisations, including Lancashire County Council who would appoint a future care provider to work at the facility. The extra care scheme would provide 15-20 jobs.

The proposed ground floor would provide a community hub and communal living and dining areas for residents of the extra care apartment. A central atrium would bring light into the core area of the building. Residents communal areas would be sited around the atrium on each floor.

The ground floor plan indicates a bistro (112sqm) and salon (19sqm) close to the main entrance on the ground floor. These facilities (Class E) would be independently run but provide facilities that be sited here for the benefit of residents and visitors. These facilities would also be open to the public.

The rear elevations of the proposed scheme would overlook a landscaped garden for residents, to be laid out with paths and landscaping and suitable for outdoor

gatherings, walking, gentle exercise and amenity. A dedicated horticultural area would be available for residents to work.

The proposed car park would be constructed on the north and east edges of the site, providing a total of 50 car parking spaces, inclusive of six disabled parking bays and two electric vehicle charging points. Fifteen of the spaces on the east side of the site would be accessible to the public and visitors with the remainder only accessible through a barrier.

In respect of the energy efficiency of the scheme, it would be electricity-led and include the use of a photovoltaic cell array at roof level, heat recovery ventilation and exchange and an air source heat pump to deliver the majority of the hot water heating requirements.

The applicant carried out some community involvement prior to making the application; this involved a public consultation event in October 2021 and the distribution of leaflets in the local area.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

HS1/10 – Housing allocations – Land at Burnley General Hospital

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

HE2 – Designated heritage assets

HE3 – Non-designated heritage assets

HE4 – Scheduled monuments and archaeological assets

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

IC4 – Infrastructure and planning contributions

IC5 – Protection and provision of social and community infrastructure

Material Considerations

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

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

The National Planning Policy Framework (2021)

National Design Guide (2021)

Site History:

APP/2003/0059 - Proposed prefabricated building to provide children's nursery. Approved April 2003.

APP/2003/0488 – Proposed new access link road onto Briercliffe Road; relocation of bus stop and formation of pedestrian access through boundary wall. Approved August 2003.

APP/2003/0858 - Proposed single storey workplace nursery (56 places) with external play space, parking and drop-off point. Approved March 2004.

APP/2005/0793 - Creation of staff car park (78 spaces) located at Briercliffe Rd side of site, and erection of 8m high lighting columns. Refused October 2005.

Consultation Responses:LCC Highways

No objection. The proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed development will be directly accessed from Burnley General Hospitals internal roads. The adjacent internal road connects to the local highway network via a signalised junction with Briercliffe Road. This arrangement is acceptable for the proposals. It was observed onsite that approximately 90 vehicles are currently parked within the red edge of the proposed development site. The Transport Assessment indicates that the hospital has secured alternative parking arrangements to accommodate the displaced vehicles. This has also been shown in the submitted 'Hospital Car Parking Plan'. This plan indicates that 80 parking spaces are currently available to replace the lost 90. The hospital has also submitted a planning application for a temporary car park (200 spaces) adjacent to the Rakehead Rehab centre. It should be noted that this would be a temporary arrangement and has not yet been approved. If the planning application for the temporary car park is not successful there will be a shortfall in accommodating the displaced vehicles. I am however of the opinion that this short fall would not cause a severe impact on parking or the adjacent highway network.

A Construction Method Statement has been submitted in support of the application. The approach to the demolition and construction phases of the development as detailed within the document are acceptable to Lancashire County Council highways.

To support sustainable travel to and from the proposed development it is requested that the two adjacent bus stops on Briercliffe road are upgraded (under a section 278 agreement). However due to the width of the footway a shelter is not required for the bus stop on the opposite side of Briercliffe Road.

The Framework Travel Plan is acceptable for its most part. However the action plan does not indicate that a Full Travel Plan will be developed post initial travel survey. It is requested that a Full Travel Plan is produced within 3 months of the initial travel survey. A condition should also require an updated Framework Travel Plan. A contribution of £6000 is also requested to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.

Local Lead Flood Authority (LLFA)

No objection subject to the development being carried out in accordance with the principles set out within the flood risk assessment and to conditions to require a detailed surface water sustainable drainage strategy; a demolition/construction phase surface water management plan; and an operation and maintenance plan and verification report.

Greater Manchester Ecology Unit (GMEU)

A Preliminary Ecological Appraisal and Dusk and Dawn Survey Results have been submitted to support the application. The survey work appears to have been undertaken by qualified and competent surveyors, following best practice methodology. There are therefore no reasons to doubt the findings of the survey.

Based on the submitted information, I have the following comments to make:

The preliminary ecological report identifies three main ecological factors required further survey work/mitigation. These being potential presence of bats, nesting birds and invasive species. No negative impacts on any sites with conservation designations were considered likely, given the nature of the proposed development and the lack of habitats linked to designed sites. Requirements for the provision of net gain, and measures to safeguard priority species, are also made within the report.

Bats

The predominant 'habitat' on the site is buildings, which are proposed to be demolished to accommodate the development. These were assessed for their potential to support roosting bats. 5 buildings were identified as having low roost potential, 1 had moderate potential and 3 had high potential. As such appropriate levels of activity survey were undertaken in May and June 2021, and no evidence of bats roosting (emerging or re-entering) was found. Sufficient survey work has been provided to be confident in this result. Some individual trees were assessed as having low potential for roosting bats. No further survey work in relation to potential roosts in trees is required.

Nesting birds

The trees, vegetation and buildings on the site, on the site could potentially support nesting birds, and the active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Swifts were confirmed nesting on Buildings 8-10 (observed incidentally in the findings of the dusk/dawn surveys) and also by starlings and pigeons. Specific compensation measures in relation to swifts and starlings will therefore be required.

Other Considerations

No evidence of any other protected species was found on the site, however given the location and habitats on the site, there is potential for priority species such as hedgehogs and toads to be encountered.

Invasive Species

Wall cotoneaster was identified with the site, which is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, making it an offence to plant or cause this species to spread in the wild.

Landscaping and Enhancement

The proposed scheme has the potential to deliver biodiversity benefits, given that the existing site is predominantly built development (hardstanding/buildings) and areas of amenity grassland with a low value for biodiversity, and the fact that the proposed masterplan has a larger area of open/green space within it. In this instance I would not consider it necessary to request the use of the DEFRA metric, however would encourage opportunities for enhancements to be delivered in line with planning policy.

Recommendations

Conditions are recommended in respect of controlling external lighting that may affect nocturnal species; to ensure that trees with low potential to support roosting bats are felled under a method statement; to require new roosting opportunities for bats; to avoid demolition and vegetation/site clearance within the bird nesting season; to require details of compensation for the loss of nesting sites for birds (such as starling and swift); to require a CEMP to ensure that reasonable avoidance measures for species such as hedgehogs and toads are followed during site clearance and development; to require the removal/control of wall cotoneaster from the site; and, to require an ecological enhancement plan (to include for example, measures for the planting of locally native/wildlife friendly species through the landscaping scheme and provision of bird and bat boxes).

Burnley Wildlife Conservation Forum (BWCF)

Some concerns are raised in respect of the old stone built buildings which have been a longstanding nesting site for a colony of swifts. Also, all the existing buildings on the site are potential roosting sites for bats. Swifts are a significantly declining bird species classed as a conservation cause for concern and can be present between mid April and mid August. Demolition must be outside of the bird nesting season and swift boxes should be installed on the new buildings. A bat survey should be undertaken before the buildings are demolished and bat boxes should be installed on the new buildings.

The Coal Authority

No objections. The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's information indicates that the Water coal seam is conjectured to outcrop at or close to the surface within the application site, close to the south western site boundary, dipping in a south westerly direction. This coal seam may have been subject unrecorded coal mining activity in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The applicant's Supplementary Coal Mining Risk Assessment report includes the results of two phases of intrusive (borehole) investigations on the site. Based on the results of the investigations, the report author is able to conclude that the site is not anticipated to be at risk from any instability in the subsurface materials. As such, no remedial or mitigatory measures are proposed in respect of coal mining legacy matters. Further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

LCC Historic Environment Team (Archaeology)

No objection. The buildings proposed for demolition are, as described in the Heritage Statement provided as part of the application, part of the former Burnley Union Workhouse and were built originally as housing for children resident in the workhouse to provide them with accommodation that was more like a home than the wards used to house adult inmates. The workhouses were institutions to provide housing for people who had become destitute or were unable to support themselves for a variety of reasons including disability and old age. They were an extremely prominent feature of 19th century society and even after the institutions had long closed down and the welfare state had been created the shadows cast remained in the minds of many older people well into the latter half of the 20th century. The construction of the "cottages" for children were a late 19th century attempt to humanise the conditions for juveniles who ended up being accommodated in the institution and as such are significant pieces of social history and are therefore of historical interest, as is their re-use and repurposing as parts of the hospital.

The buildings have, however, been substantially altered, including by the construction of extensions to link pairs of the original buildings together and create more accommodation for the hospital. The Heritage Statement acknowledges their significance and accurately reflects it, given the alterations that have taken place. Following the further submission of a Level 2 Historic Building Survey (December 2021), the Historic Environment Team confirm that this provides an appropriate record of the buildings and as such it will be added to the Historic Environment Record (HER) and that no further action is required.

Environmental Health

Recommends conditions to ensure that the development is safely protected from landfill gas; to require a noise assessment and soundproofing; to restrict the use of machinery on the site and hours of construction work; to require a scheme for dealing with cooking odours; to require details of refuse storage enclosures; and, to require the use of electric vehicle charging points.

Contaminated Land Officer

The submitted Phase I and Phase II investigations, along with the remediation and enabling works reports, have been reviewed. Affirms that the remediation method statement is satisfactory and recommends a condition to require a Validation/completion report.

LCC Schools Planning Team

An education contribution is not required [this is assuming that the development would be occupied by elderly persons].

Publicity

Two letters have been received from residents on Boundary Street, making the following comments:-

- Concern regarding car parking on Boundary Street which is short and narrow and unlike other nearby streets off Briercliffe Road does not have residents only parking.
- Visitors to the hospital already park on the street rather than pay the cost of parking on hospital grounds which leaves nowhere for residents to park. Request resident only parking on Boundary Street to deal with this problem.
- Question whether trees that have been cut down on the boundary with Boundary Street will be replaced.

County Councillor Usman Arif

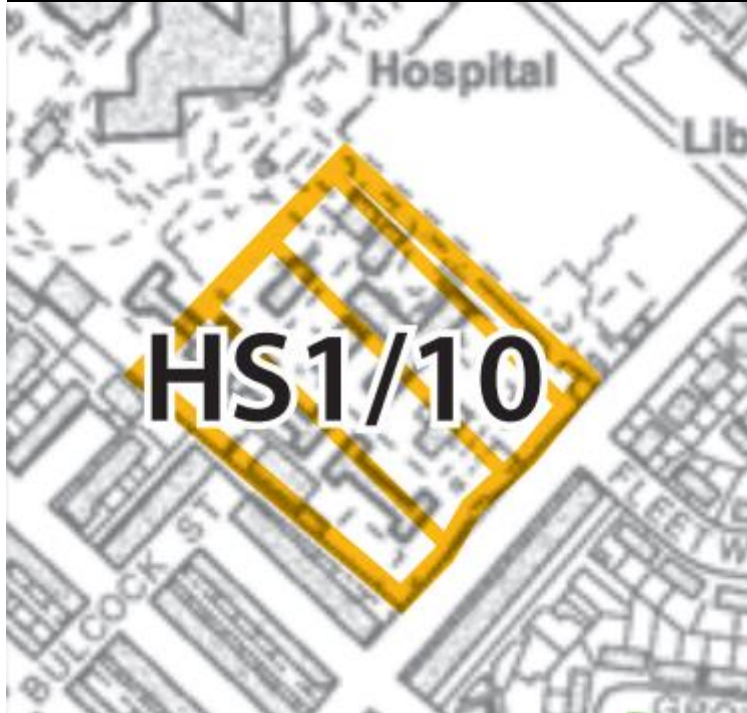
Consideration should be given to ensuring that minimum disturbance in terms of noise is caused to the neighbouring residents. In addition, parking on the hospital site is already a problem and it is important that sufficient parking spaces are created for this development.

Planning and Environmental Considerations:

Principle of proposal

The site is a brownfield site, located within the main urban area of Burnley where development and investment will be focussed in accordance with the development strategy (Policy SP4) of Burnley`s Local Plan. In addition, the site is allocated for housing development under Policy HS1/10 and as such contributes to the meeting the housing requirement for the borough between 2012 and 2032, as identified at Policy SP2 of Burnley`s Local Plan.

Extract from Policies Map (East) of Burnley`s Local Plan



Policy HS1/10 states that the site is acceptable for around 64 dwellings, including C3 extra care or sheltered housing. Policy HS1/10 highlights site specific policy requirements and design principles relating to the need to consider protected species on the site, a potential requirement for off-site highway improvements, the need for a parking strategy for the hospital site, and consideration to the archaeological significance of the site of the former Burnley Union Workhouse. These issues should be considered along with other material considerations, including the visual impact of the proposal and its impact on residential amenities. The proposal is therefore acceptable in principle subject to detailed consideration of the site specific considerations listed in Policy HS1/10 and other material considerations, including any benefits that would arise from the development.

Amount of development

Policy HS1/10 states that the allocated site is suitable for around 64 dwellings. The proposed development for 93 apartments (16 no. one bedroom and 77no. two bedroom) and additional Class E facilities (bistro and hair salon) would exceed this

expectation, in which case it is necessary to consider whether the scale and size of the development is suitable on this site. The submitted scheme would deliver 73 dwellings per hectare. Policy HS3 states that higher densities of at least 40dph will be expected within or close to the town or district centres and the density should be informed by the size, characteristics, context and marketability of the dwellings. In this case the site is located within a built-up urban area in the context of large institutional buildings on the hospital site and close to the Briercliffe Road district centre. The Planning Statement submitted with the application explains that an appropriate number of units would be provided to ensure a viable scheme to achieve an appropriate ratio of living accommodation to supporting communal floorspace (65%/35% proportions). The use of the apartments for `extra care` adds a further dimension to the viability of the operational running of the scheme. It is accepted that providing a facility in Burnley that would provide support for older people to live more independently for longer is a significant benefit. Subject to adequate open space, car parking, effect on residential amenities and visual impact, there is no objection in principle to the proposed amount of development.

Policy HS2 requires a proportion of Affordable Housing in developments of ten units or more. In this case, the full development would be delivered as Affordable Housing through Affordable rent. The proposal would therefore comply with Policy HS2. A condition is recommended to secure the details of this.

Visual impact and design

Policy SP5 requires a high quality of design and for developments to, amongst other things, respect existing or locally characteristic street layouts, scale and massing.

Site wide view on Briercliffe Road



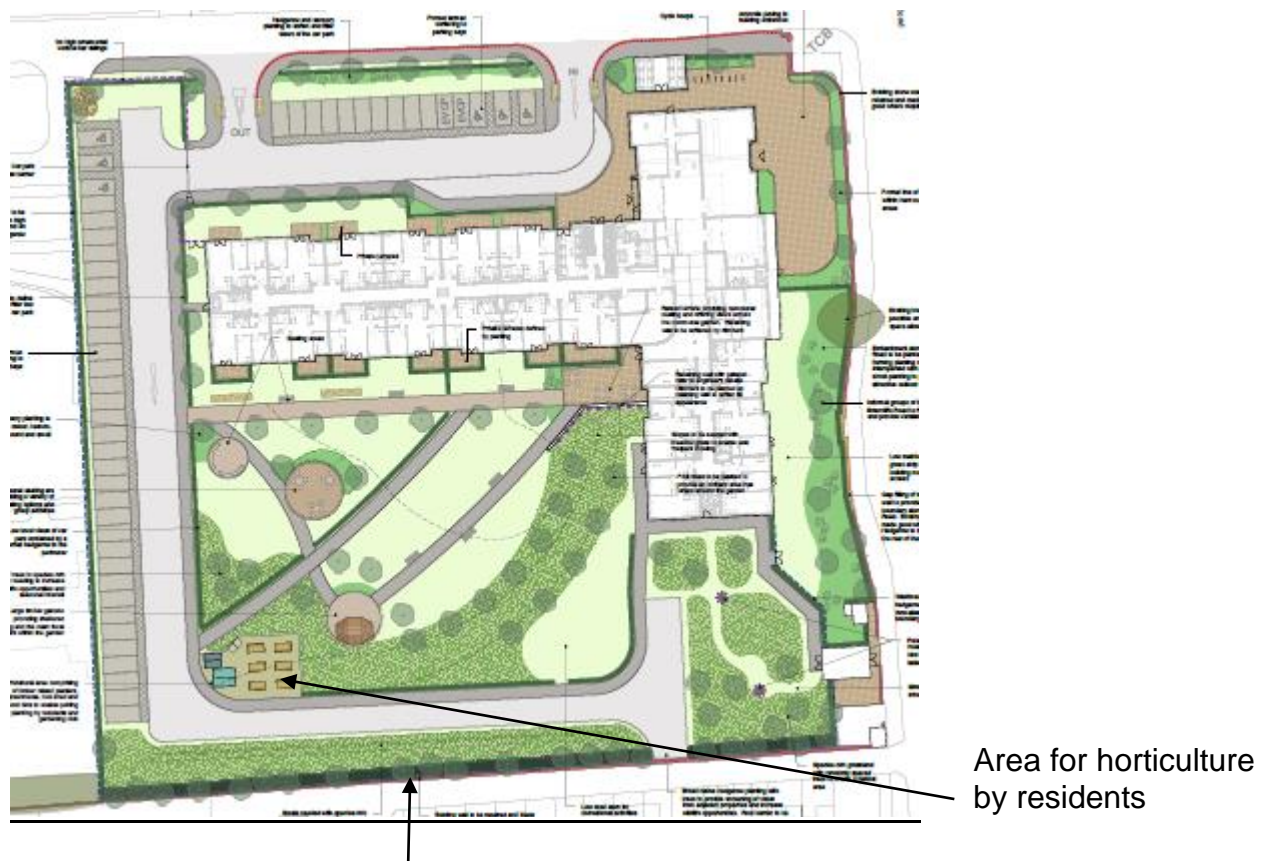
The predominant four storey appearance of the development as indicated above would appear higher than the two storey houses on Briercliffe Road and Boundary Street to the south and the modern ambulance station to the north. Given, however,



the space and distance between the buildings as well as the background of the larger hospital buildings, and the use of the slope to create stepping in the roofline, the scale of the proposed development would not appear overly dominating. The staggering of the building frontage with the use of contrasting materials would also create relief from the mass of the building. This design principle is used on all the proposed elevations. The use of natural stone on a significant proportion of the development would reflect the traditional materials on the terraced houses on Briercliffe Road. The setting back of the building frontage on Briercliffe Road also allows for the retention of a single tree to the front and further tree planting to enhance the street view. The initial scheme also included an element of coloured glass to the apartment windows but this has been removed at the request of Officers. The siting of a refuse store towards the entrance to the site has been improved with stone detailing to provide an appropriate appearance to the hospital access road.

Policy HS4 requires residential development to provide adequate open space. In this case, shared space is appropriate. The proposal would provide a regular shaped area of open space that would be landscaped to provide walkways, seating areas and also provides a place for residents to grow plants.

Landscape Masterplan



Planting to boundary with Boundary Street

Given that the residents of the scheme are most likely to utilise the garden and open space on-site, no contribution is being sought for improvements to off-site open space provision. This would not however be the case for regular apartment development, in which case a condition would be necessary to ensure the scheme is occupied by older residents as proposed by the scheme.

The proposed scheme has been well designed to integrate into its surroundings and provide a distinctive prominent new building and adequate open space for new residents. The proposal would in this respect comply with Policies SP5 and HS4.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable impact on the amenity of neighbouring occupants and would not result in unacceptable conditions for future occupiers of the development.

The applicant has shown consideration to the privacy and outlook of neighbouring properties that would face the development on the opposite side of Briercliffe Road by stepping the building back from the road. Taking into account the difference in storey heights, the minimum separation distance required by Policy HS4 would be 26m. The proposed development would exceed this with a minimum separation distance between frontages of 29m that would increase at various sections due to the staggering of the building line. The separation and difference in heights between the facing buildings is illustrated below:

Illustrative section between development and houses opposite site on Briercliffe Road



The distance between the buildings would protect the privacy, outlook and daylight/sunlight of residents on Briercliffe Road. The separation from the development and the rear of dwellings on Boundary Street would range between 43m and 69m which would also be sufficient to protect residential amenities.

The occupiers of the development would be afforded large windows for daylight/sunlight, Juliette balconies to some upper floor apartments and accessible patio areas to some of the ground floor apartments. A noise assessment has been submitted which demonstrates that noise from traffic on Briercliffe Road can be mitigated through the type of glazing that is used.

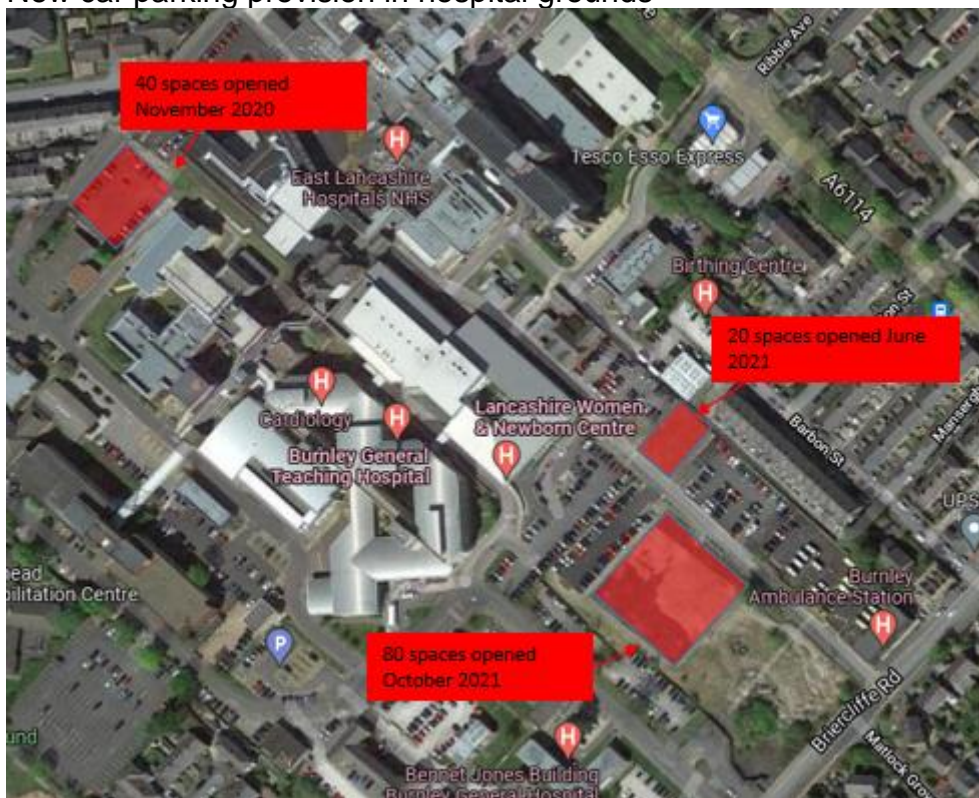
The proposed development would therefore safeguard existing residential amenities and provide a good level of amenity for future occupiers.

Impact on 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 accessible within the urban area by public transport (bus stops immediately to the site frontage on Briercliffe Road) and within walking distance of the district centre at Briercliffe Road. The main traffic to the site would be generated by staff and visitors, although it is expected that some residents would have a car. A scooter storage room would be provided on the ground floor of the development. LCC Highways has assessed the Transport Statement submitted with the application and is satisfied that the traffic that would be generated can be accommodated by the existing junctions and highway network. Off-site highway improvements are sought to upgrade the bus stops either side of Briercliffe Road adjacent to the site.

The proposed car park would be sufficient in size to accommodate the needs of the development. Policy HS1/10 refers to the need to take account of the hospital's car parking needs to ensure that the development of this site would not lead to pressure on on-street parking in neighbouring streets. Neighbour representations refer to concerns that the proposal may lead to more parking on Boundary Street to the south of the site. The applicant affirms that the hospital has been preparing for the release of this allocated site by providing three sites indicated below which total 140 spaces. New car parking provision in hospital grounds



This has therefore adequately compensated for the loss of approximately 90 spaces from the application site. Burnley General Hospital is also preparing longer term plans for improvements to hospital car parking. At the current time, however, adequate mitigation has been demonstrated which would limit any disruption to car parking and the reduce the risk of further on-street parking. LCC Highways has recommended a condition to require a Full Travel Plan which would also aim to reduce the number of car borne trips to the site. The applicant has agreed to a request for a contribution of £6,000 that will be used by LCC to support travel plan preparation and monitoring.

Subject to the conditions recommended by LCC Highways and a contribution towards travel plan preparation and monitoring, the proposed scheme would not significantly impact on the highway network and would provide sufficient parking. The proposal would not therefore conflict with Policies IC1 and IC3.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. Where development would affect protected species, Policy NE1 states that the first preference is to avoid disturbance, the second to provide suitable inter-connecting new habitats within the development site and if this is not feasible, suitable alternative habitats should be provided. Policy HS1/10 also makes reference to protected species on this site. The survey reports that have been submitted have indicated that the vacant stone cottage buildings are not being used as bat roosts but have been used by swifts. GMEU recommend conditions to require the use of reasonable avoidance measures, to avoid any demolition in the bird nesting season, to control external lighting and to provide compensation measures to provide new bat and bird boxes. Further biodiversity enhancement can be achieved through planting. With these provisions, the proposed development would provide adequate protection to protected species and to enhance biodiversity. As such, the proposal would comply with Policy NE1.

Impact on heritage assets

Policy HE3 states that development proposals affecting the setting of non-designated heritage assets will be required to give consideration to its significance and ensure it is protected or enhanced where possible. A Heritage Statement has been submitted with this application. This acknowledges the social history of the site and its association with the Burnley Union Workhouse that was previously located adjacent to this site. Given the demolition of the former workhouse and the amount of alteration to the cottage buildings, the historic interest of these non-designated heritage assets can be adequately safeguarded by a formal historic recording. The applicant has submitted an appropriate Level 2 record which has been accepted by the LCC Historic Environment Team. The proposal therefore complies with Policy HE3 and would not significantly affect historic assets.

Impact on drainage and ground conditions

The site is within Flood Zone 1 where there is the lowest risk of flooding. Subject to conditions recommended by the Lead Local Flood Authority, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

The submitted coal mining report has demonstrated that there is no significant risk of ground conditions being affected by mining legacies. The submitted land contamination and gas surveys demonstrate that the site can be safely developed for residential use. A condition is recommended to require verification of the completion of remediation works.

An Air Quality Assessment has been submitted that demonstrates that the proposal would not significantly affect air quality in the local area.

Conclusion

The proposed development would be beneficial in developing an allocated brownfield site which would contribute to the delivery of the Council's housing requirement and would, in this case, provide an additional benefit through the provision of extra care apartments (Class C3), all of which would provide Affordable Housing. The impact of a loss of hospital car parking has been adequately mitigated through alternative provision made by Burnley General Hospital. The proposed scheme would provide a high quality development that would have a distinctive appearance and integrate into its surroundings. The proposal represents sustainable development; it complies with the development plan and there are no material considerations which would outweigh this finding.

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

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 Report (dated October 2021). All measures contained within the report shall be adhered to all times and 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 (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 t=in the interests of viusal amenities and biodiversity, in accordance with Policies 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 improvements to tow bus stops adjacent to the site on Briercliffe 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. The approved access and egress and access road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place.

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

9. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, which shall include measures for the planting of locally native/wildlife friendly species and details of the amount, type and positions of bat boxes and nesting boxes (suitable for swifts and starlings) 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 or in the case of planting proposals, shall be carried out as part of the approved landscaping scheme.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and to compensate for lost habitat for bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the approved measures can be incorporated into the building design.

10. Prior to the removal of any vegetation on the site or commencement of development, a method statement for the removal of Wall cotoneaster and to prevent its spread from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

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

11. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details of reasonable avoidance measures for species such as hedgehogs and toads. The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect the wildlife along the canal bank and woodland during the construction period, 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 wildlife.

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

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

13. No trees on the site shall be felled unless a method statement for their removal, in accordance with the recommendation of the Preliminary Ecological Appraisal (reference 80-250-R1-1, dated February 2021) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the approved method statement.

Reason: To protect protected species (birds and bats), in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This is required prior to the commencement of development in order to prevent any potential harm to birds or bats.

14. Prior to the commencement of built development, a scheme for external lighting to be sensitive to wildlife, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To ensure sensitive external lighting to avoid harm to birds, bats and other wildlife, in accordance with Policy SP5 of Burnley's Local Plan (2018). A scheme is required prior to the commencement of development in order it can be satisfactorily integrated into the design of the development.

15. 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).

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

The roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

17. 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.

18. 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).

19. 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.

20. 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).

21. 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.

22. 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).

23. 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).

24. The development shall be constructed and completed in accordance with the recommendations contained within the submitted Phase I and Phase II Geo-environmental Site Assessment (report references 12-779-R1-RevA and 12-779-R2-RevB, both dated October 2021) and the Ground Gas Addendum report (reference 12-779-R3-RevA, dated October 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).

25. The development shall not be carried out otherwise than in accordance with the measures for energy and water efficiency contained within the submitted with this application 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).

26. 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).

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

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

28. 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 an extra care apartment scheme (Class C3) for residents generally aged over 55 where care supports independent living only and shall not be used for any other purpose within Class C3 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 respect of potential needs for open space, education and car parking amongst other material considerations, in accordance with Policies HS4, IC4 and IC3 of Burnley's Local Plan (July 2018).

29. 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 commercial facilities (indicated as bistro and salon on the approved plans) shall not exceed a combined floor area of 131sqm and shall be used as a café/restaurant/coffee shop and retail shop or hair salon use only and not for any other use falling within Class E and shall not be used for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the proposed use only, to ensure that these facilities are relevant to the principal development of the site for extra care apartments, in accordance with Policies HS1/10 and TC1 of Burnley's Local Plan (July 2018).

30. The development shall be constructed to incorporate the recommendations contained within the submitted Noise Impact Assessment (reference 50-093-R1-2, dated October 2021), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above ground level.

Reason: To ensure satisfactory mitigation against traffic noise, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are 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.

31. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

32. Prior to the commencement of development, details of the boundary treatment on all site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to any apartment being first occupied.

Reason: To ensure a suitable edge to the development and neighbouring occupiers, in the interests of visual amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are 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.

Janet Filbin
1st February 2022