

Town and Country Planning Act 1990

Approval of all reserved matters under outline planning permission VAR/2020/0159 for three industrial/warehouse units (B2/B8)

1 MAGNESIUM WAY HAPTON LANCASHIRE BB12 7BF

Applicant: Monte Blackburn Ltd

Background:

The application site forms the northern part of Burnley Bridge Business Park and is allocated for employment development under Local Plan Policy EMP1/2. Initially granted outline permission for residential development as part of a masterplan for the wider business park in 2010 (Ref: APP/2008/0805) the site has an extensive and complex planning history. The most relevant applications are summarised as follows:

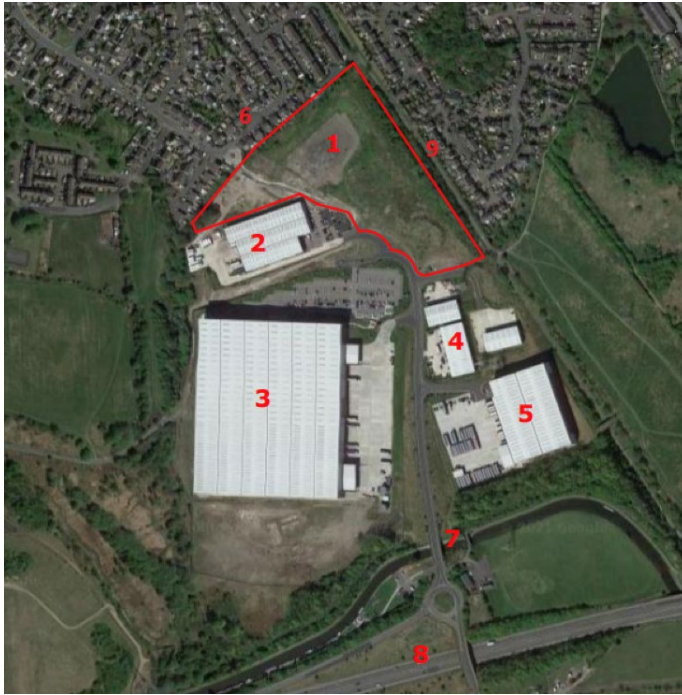
Following the success of the early phases of the business park, in 2016 a Unilateral Undertaking was signed stating that the developer was not intending to implement the residential development as approved. This was followed by the grant of outline planning for the redevelopment of this parcel of land (Ref: APP/2016/0401) for employment development (B1c/B2/B8 uses) with ancillary retail, café and office uses. In August 2020 a variation of this permission was granted (Ref: VAR/2020/0159). Access from the existing business park was approved under this permission with all other matters reserved for subsequent approval. It is against this permission that reserved matters approval is now sought.

In September 2020, a reserved matters application (Ref: REM/2020/0442) was submitted for three industrial units. The application was subject to extensive negotiation over design matters and was subsequently withdrawn in parallel with the submission of this reserved matters application which includes revisions to the layout, orientation and height of the proposed buildings.

Site and Surroundings:

As set out above, the application site forms the northern part of Burnley Bridge Business Park which was initially granted permission in 2010. Located in the west of the Borough, north of the M65 and Leeds Liverpool Canal and south of Padiham, the entire site slopes south towards Cambridge Drive. Its principal point of access is from Junction 9 of the M65 over the recently completed road bridge. With the exception of the application site, the business park is now fully developed with a mix of B1, B2 and B8 businesses with the largest occupiers on the site being Exertis, Birchalls and Fagan and Whalley with smaller units at Magnesium Court mainly comprising B2 uses.

The application site covers some 3.7 ha of former industrial land, now scrubland with some hardstanding, and is located east of the Cobalt Building (Birchalls) and north of Magnesium Court. The irregular shaped site which narrows to the south, currently contains a number of earth bunds and raised areas of varying levels. It is bound by the proposed access road to the west and sitting at a lower level to the site and separated by an embankment of dense scrub vegetation is Padiham Greenway to the north-east and the rear gardens of residential properties to Kings Drive and Harrow Close to the north-west.



Site in Context

1. Application Site
2. Birchall Foodservice
3. Exertis
4. Magnesium Court
5. Fagan and Whalley
6. Kings Drive
7. Leeds and Liverpool Canal
8. M65
9. Padiham Greenway

The wider site was historically a magnesium works although this parcel of land appears to have been used primarily as hardstanding with the remainder being rough scrub, grassland and scattered trees. Site investigations accompanying the outline application APP/2016/0401 find that the soils generally do not pose a risk to human health for a proposed industrial/commercial end use or for construction workers and accordingly no remediation was considered necessary for the proposed end use.

The application site is allocated for employment development under Local Plan Policy EMP1/2. The policy states that the site will be acceptable for B1(b), B1(c), B2 and B8 uses and that proposals will be required to be delivered in accordance with the specific requirements set out at Policy EMP1/2, together with other policies of the Local Plan.

Policy EMP1/2 sets out additional and site specific policy requirements and design principles as follows (extract from the Local Plan):

Additional and Site Specific Policy Requirements and Design Principles

- 1) The scale and massing of any development on the northern section of the site should be single-storey units with a maximum ridge height of 7 metres in order to limit the impact of development on the surrounding residential properties.
- 2) Vehicular access should be from the south of the site across the bridge over the Leeds & Liverpool Canal.
- 3) A landscaping scheme should be submitted which retains the existing bund on the northern boundary of the site and includes screen planting on the eastern boundary to restrict/reduce the impact of any development on the surrounding residential properties and wider landscape. New planting should accord with Policy NE3.
- 4) A new or updated ecological survey should accompany any planning application which addresses any impacts on Protected Species or other Lancashire Biodiversity Action Plan species and the Lancashire Ecological Networks for Woodland and Grassland in accordance with Policy NE1.

The application has been brought to Development Control Committee as objections have been received to the public consultation.

Site Constraints:

High Voltage power lines cross the site in a north-west to south-east axis. The site falls within the boundary of the Lancashire Ecological Network (Grassland Network Corridor) and Lancashire Biodiversity Action Plan species are known to be present on the site.

The Proposal:

This application seeks approval of reserved matters for the appearance, layout, scale, landscaping and the finer details of the access for 3 no industrial/warehouse units (B2/B8 use). For the avoidance of doubt, B2 comprises general industrial use for industrial processes other than those falling within Class E(g) (previously class B1); and B8 comprises storage and distribution uses.

The proposed units will comprise a total of 9,923sqm (gross external area) which includes limited ancillary office space. Vehicular access will be taken via the estate road off Junction 9 of the M65 (as approved) with new internal access proposed via Magnesium Way and Iridium Way. A bus link and shared cycle/footpath will continue north-west to connect the site with Cambridge Drive. The layout is proposed as follows:



Gross External Areas:

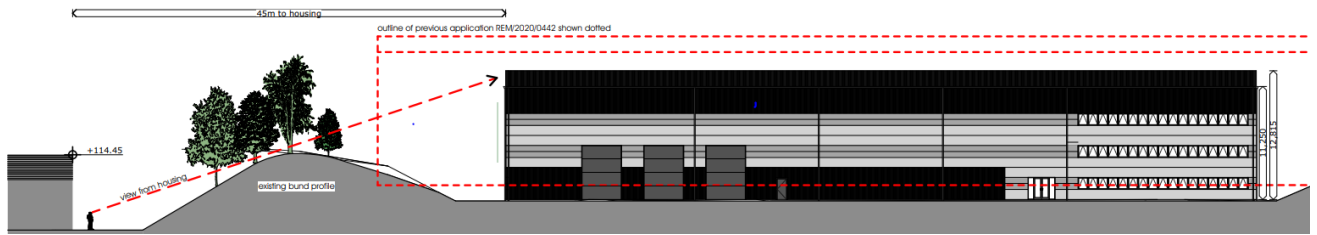
Unit A: B8 Use
4,800 sqm plus
174sqm at first floor and
174sqm at second floor

Unit B: B2/B8 Use
3,303 sqm plus
163sqm at first floor

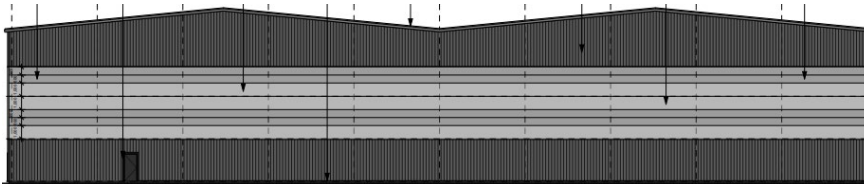
Unit C: B2/B8 Use
1,309 sqm

Unit A: This is the largest unit and will be located 31m from the north-west boundary of the site (at its closest point) and 40m to the north-east boundary with Padiham Greenway. The submitted drawings demonstrate that the building is 45m away from the nearest habitable room windows to the properties on Kings Drive and 65m to the side facing gable of the nearest property on Printers Fold. The building will measure 74.4m in length by 64.4m in width with a height of 11.25m to the eaves and a maximum ridge height of 12.81m at the apex of the twin shallow pitched gables.

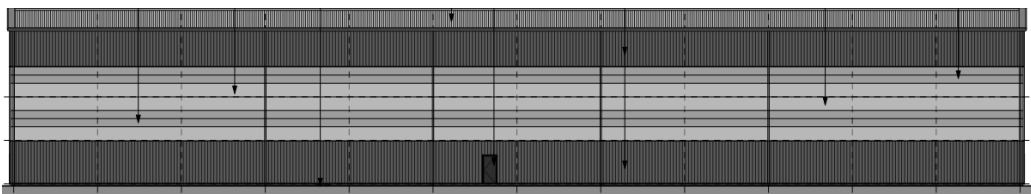
The service yard will be located to the south-west of the building and makes provision for 36 parking spaces (including 2 mobility spaces and 2 ELV charging spaces) and covered cycle parking. The unit will be accessed via an extension to Magnesium way.



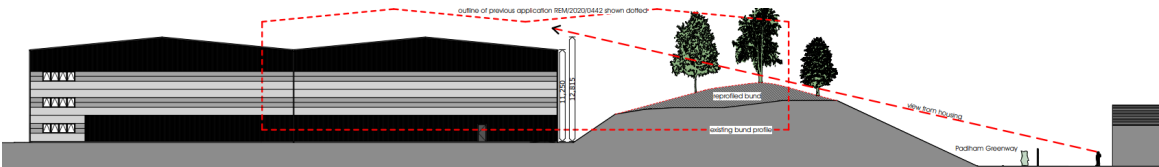
Proposed south-west (front) elevation facing service yard (shown in section with Kings Drive)
(Red line denotes outline of building in previously withdrawn application REM/2020/0442)



Proposed north-west elevation facing the rear of Kings Drive



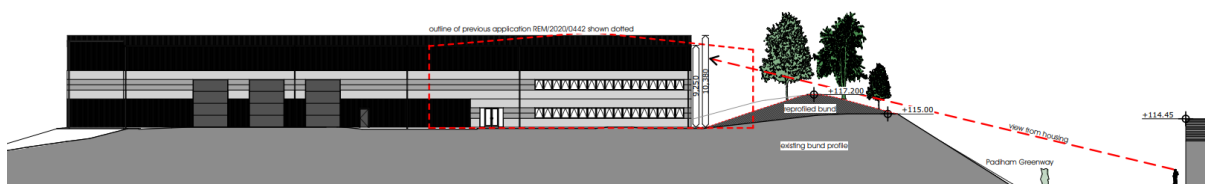
Proposed north-east elevation facing Padiham Greenway



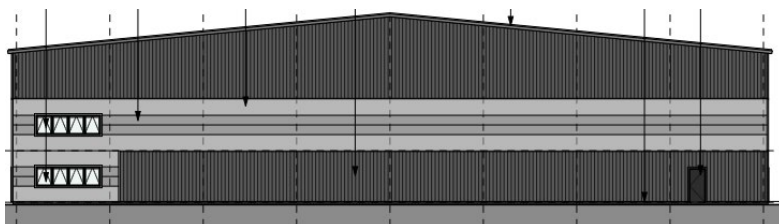
Proposed south-east elevation (shown in section with Padiham Greenway)
(Red line denotes outline of building in previously withdrawn application REM/2020/0442)

Unit B: This is proposed to the immediate south-east of Unit A. It is 22m to boundary with Padiham Greenway (north-east) and 54.5m to the nearest habitable room windows of facing properties on Printers Fold. The building will measure 70.4m in length by 46.4m in width with a height of 9.25m to the eaves and a maximum ridge height of 10.38m.

The service yard will be located to the south-east of the building and makes provision for 33 parking spaces (including 2 mobility spaces and 2 ELV charging spaces) and covered cycle parking. The unit will be accessed via a new access from Iridium Way, shared with Unit C.



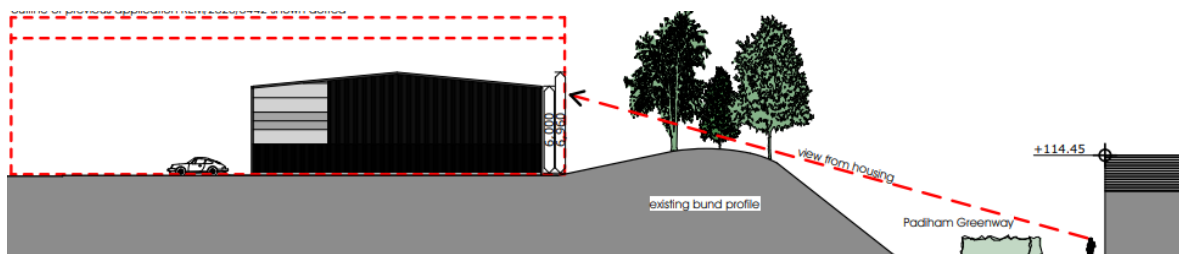
Proposed south-east (front) elevation facing service yard (shown in section with Greenway)
(Red line denotes outline of building in previously withdrawn application REM/2020/0442)



Proposed north-east elevation facing Padiham Greenway

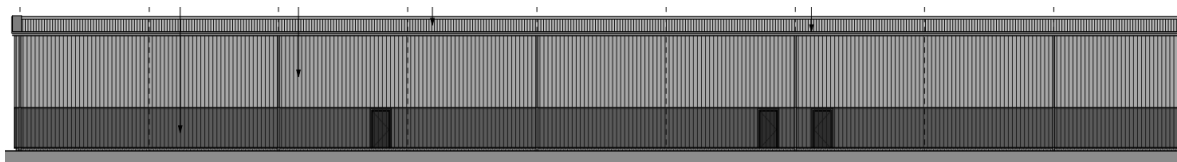
Unit C: This is the smallest and southern most unit and is more linear in shape than Units A and B. Its longest length will run parallel to the Padiham Greenway, sited 14m from the boundary and 47.5m to the nearest habitable room of facing properties on Printers Fold. The building will measure 64.8m in length by 19.4m in width with a height of 6.20m to the eaves and a maximum ridge height of 6.96m.

The service yard will be located to the south-west of the building and makes provision for 29 parking spaces (including 3 mobility spaces and 6 ELV charging spaces) and covered cycle parking. The unit will be accessed via a new access from Iridium Way, shared with Unit B.

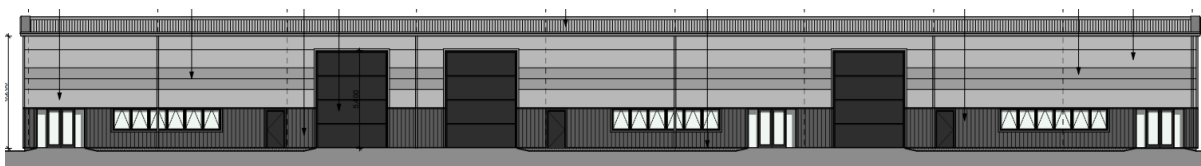


Proposed south-east elevation (shown in section with Padiham Greenway)

(Red line denotes outline of building in previously withdrawn application REM/2020/0442)



Proposed north-east elevation facing Padiham Greenway



Proposed south-west (front) elevation facing service yard

The proposed external materials comprise a range of cladding in different shades of grey, with areas of vertical and horizontal massing to break up the appearance of the buildings. The windows and doors will be aluminium.

Existing landscape bunds and wildlife corridors are to be retained and enhanced on the north-west boundary (with Kings Drive) and the established tree buffer on the north-east boundary with Padiham greenway. A planting plan, paying due attention to screening and enhancing biodiversity through additional planting of native species is submitted with the application and includes native trees, shrubs, woodland mix and wildflower meadow. Verges and amenity areas are to be planted with low growing species rich grass. Ornamental trees, hedge and shrub beds will feature along the south-west boundary with the access road.



Concept images showing enhanced landscaping and screening to Padiham Greenway
View south- east (left) and north-west (right)

Post-submission amendments have been made to the layout of the scheme and landscaping in response to the consultation comments received. It is considered that the amendments are sufficient to satisfy all the points that were raised.

The application is accompanied by a Design and Access Statement; Transport Statement; Surface Water Drainage Scheme; Phase 1 Habitat Survey; and Air Quality Assessment.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP3: Employment Land Requirement
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- SP6: Green Infrastructure
- EMP1: Employment Allocations
- NE1: Biodiversity and Ecological Networks
- NE3: Landscape Character
- 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

Air Quality Management: Protecting Health and Addressing Climate Change SPD (2020)

National Planning Policy Framework and National Design Guide (2021)

Relevant Recent Planning History:

The site has an extensive and complex planning history, as part of the wider business park. The most recent and relevant applications are summarised as follows:

CND/2022/0009: Discharge of conditions to outline permission VAR/2020/0159 – Awaiting determination

REM/2020/0442: Approval of all reserved matters including appearance, landscaping, layout and scale following outline planning permission APP/2016/0401 and VAR/2020/0159 for 3 industrial units – Withdrawn

CND/2020/0418: Discharge of conditions 10 (foul and surface waters), 12 (surface water drainage scheme), 13 (SUDs), 16 (Air Quality Assessment) of APP/2016/0401 and VAR/2020/0159 – Awaiting determination

VAR/2020/0159: Variation of condition 14 (Travel Masterplan) of APP/2016/0401 - Approved

APP/2016/0401: Outline application for proposed re-development of remaining northern section of Burnley Bridge Business Park including details of access only. Development shall include industrial (B1c/B2/B8) and possible mixed use (A1) (convenience store), A3/A5 (hot/cold food sales eaten on/off premises) development with ancillary offices - Approved

APP/2011/0362: Variation of conditions 5, 12, 15, 32, and 37 on APP/2008/0805- Approved
APP/2008/0805: (Outline) Proposal for employment and residential development - Approved

Pre-application Engagement:

As set out above there was an extensive period of negotiation over design matters (layout and scale) during the consideration of REM/2020/0442 (subsequently withdrawn) which have resulted in a number of significant revisions. The revised scheme has increased the distance between proposed buildings and existing residential properties; reduced the height of the buildings and finished floor level; re-orientated units B and C to further reduce visual impact and introduced further mitigation in the form of alterations to existing landscape bunds and enhanced planting.

Consultation:

Highways Authority: Request the following amendments to the proposal as submitted:

- **Bus Link:** Widen the highway to 11.5m to include a 3m wide cycle/footway, 4m wide carriageway with a passing place west of the site access to building A of 2.5m wide (25m approx. long including taper) and a 2m wide service verge planted with low, slow growing shrubs. Traffic regulation orders will be required and a camera system to enforce vehicle movements, rather than rising bollards which should be removed. Note that the bus link must be built to LCC specification for adoptable standards including the provision of street lighting and surface water drainage. The current camera supplier is NSL. These works will be delivered under an agreement with Lancashire County Council under S38 of the Highways Act 1980.
- **Bus Stops:** Request 2 additional bus stops are provided on Magnesium Way, approx. 100m south of the junction of Iridium Way. These will serve the LCC bus service 65 which will be diverted through the site once the bus gate is operational. These works will be delivered under S278 agreement which can be a joint agreement with the S38 agreement.
- **Car Parking:** the proposed amount of parking provision (99 spaces) is insufficient to meet a scheme of exclusively B2 uses but is sufficient for B8 uses only, based on the Local Plan maximum parking standards which yields a requirement for 100 spaces. If a B2 end user were to occupy the site, it is likely to result in vehicles overspilling onto the estate road and this will result in a highway safety issue. Accordingly, it is requested that the parking provision is increased, or the use class limited to B8 only.

In respect of servicing, the swept path drawing for a 16.5m articulated vehicle to all buildings is acceptable. Advise that any gates should be set back at least 16.5m from the edge of the carriageway to allow the longest vehicles to clear the carriageway whilst the gates are operated.

In respect of site access, Building A is to be accessed via an extension of the adopted highway (Magnesium Way) and the Buildings B and C are to be accessed via a new access on the adopted highway (Iridium Way). The extension to Magnesium Way must be built to LCC's specification for estate roads to an adoptable standard and dedicated to the Highway Authority for adoption.

[Officer Comment: Following negotiation with the applicant and the submission of amended drawings, LCC confirm that their concerns have been allayed.]

Planning Policy: Note that significant revisions have been made to the scheme that previously sought permission under REM/2020/0442 including increased distance between the units and existing residential properties; reduction in height; and strengthening the screening provided by the existing landscaping including additional planting. Nevertheless, Unit A still exceeds 7m in height and is more than single storey. Advise that whilst EMP1/2(1) requires the scale and massing of any development on the northern section of the site to be single storey units with a maximum ridge height of 7 metres, it doesn't specify above what level, and it is acknowledged that the ground levels vary considerably. Neither does EMP1/2 does specify the distance the buildings should be from the site boundary or a maximum height for the southern part of the site and these matters are clearly linked. The policy does however make clear that the main reason for the height restriction is to limit the impact on surrounding residential properties (and this satisfies other policies such as SP5) and in our view the scheme as submitted limits the impact on these properties to an acceptable level.

Environmental Health Officer (Environmental Protection): Have no further comment additional to their comments to the withdrawn application (REM/2020/0442) which reinforce the need for conditions relating to contaminated land including the reporting of unexpected contamination, verification and monitoring; noise assessment; and construction hours.
[Officer Note: The recommended conditions are attached to the outline permission VAR/2020/0159) and remain in force]

GMEU Ecology: Recommend amendments to the proposed planting plan to remove non-native species and suggest increasing the numbers of other plant species including the addition of rowan and/or native honeysuckle. The wildflower grassland specification is appropriate. All retained vegetation on the north-western and north-eastern boundaries should be suitably protected to the extent of the root zone. The external lighting scheme should be secured via condition and its design should pay particular regard to the north-western and north-eastern boundaries, where the development abuts existing and landscaped woodland/shrub edges.

Accept the findings of the submitted Extended Phase 1 Habitat Survey (Nov 2021) and do not object to the proposal subject to securing the recommendations through condition as necessary.

[Officer note: subsequent amendments have been made to the planting plan in accordance with GMEU Ecology's recommendations. An external lighting scheme is required via condition 12 attached to the outline permission VAR/2020/0159 and remains in force]

Environment Agency: Have no further comment additional to their correspondence regarding planning application APP/2016/0401.

[Officer Note: the correspondence referred to confirms that the EA are satisfied that there is no risk of pollution to controlled waters from site-derived contamination].

Lead Local Flood Authority: Raise no objection to the proposed development and recommends the submitted details are sufficient to satisfy the surface water drainage scheme required as part of any reserved matters application in accordance with Condition 12 of planning permission VAR/2020/0159.

United Utilities: Note that they have previously commented on the Outline Application to which the application relates. Following review of the proposed drainage layout drawing and notes thereon, United Utilities confirm that the drainage proposals are acceptable in principle and provide advice on technical/procedural matters to be shared with the applicant.

Lancashire Constabulary Designing Out Crime Service: Advocate that the scheme be developed in accordance with the security principles and security rated products as stated in the Secured by Design (SBD) 'Commercial 2015' design guide and recommend specific security measures including, amongst others, boundary treatments and landscaping; parking design and bin storage; internal and external security systems; and lighting.

Publicity: Nine letters of objection have been received with the following points summarised:

- Noise and disturbance - there will be excess traffic noise from workers cars as well as noise and pollution from HGVs. The car park turning circle seems to be directly behind Kings Drive
- Will add to existing noise levels which are a problem
- Light pollution
- Traffic congestion and pollution
- Over development of the site, too many buildings
- Detriment to amenity of residents on Kings Drive
- Buildings too close to houses on Kings Drive
- Will increase flood risk in areas of Padiham
- Unacceptable visual impact due to height, especially Unit A which nearest to residential property. Does not meet with Local Plan requirement for maximum ridge height of 7m
- The tree planting will unacceptably impact on the views and light of properties on Kings Drive. Concerns that the trees will not be maintained to an acceptable height and growth.
- The new building is 20m closer to our property (Kings Drive) than the withdrawn scheme.
- Need to preserve the site for wildlife
- Biodiversity – Lancashire Ecological Network – Need to protect stepping stone for grassland and woodland. This is also a protected open space under NE2 and SP6.
- Building work would affect the diverse wildlife of the area
- The previous landfill of magnesium presents a high risk of contamination that could be mobilised during construction to controlled waters. It is located on a secondary B aquifer.
- Not what was originally approved
- No need for more industrial buildings/areas – plenty of unoccupied units in the area
- Eyesore in Green Belt
- Disruption to long standing footpath
- Concern that plans may not be adhered to resulting in buildings being larger/higher

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The matters raised are considered in the report below.

Planning and Environmental Considerations:

The principle of development was established with the grant of outline planning permission APP/2016/0401 (as varied by VAR/2020/0159) as the final phase of development at Burnley Bridge Business Park, allocated as an employment site under Local Plan Policy EMP1/2.

This application seeks approval of reserved matters for the appearance, layout, scale, landscaping and the finer details of the access. The main considerations therefore relate to:

- Design and Appearance (including layout; scale, massing and height; and materials)
- Landscaping
- Neighbouring amenity
- Site access and parking

The conditions attached to the outline consent remain applicable to the reserved matters submission. The application is submitted in compliance with Conditions 1 (reserved matters), 2 (detailed drawings) of the outline consent and is submitted within the required timeframe as set out in Condition 3.

Vehicular access into the site from the existing estate road off Junction 9 of the M65 has been committed through this application, as approved by the outline consent.

Design and Appearance (including layout; scale, massing and height; and materials)

Local Plan Policies SP5, SP6, NE3 and IC1 are used in the determination of planning applications in terms of their design and layout and specifically requires development to be of a high standard of design, construction and sustainability. In respect of design and appearance developments are required to relate to their context by paying due regard to the scale, height, proportions, building lines, layout and other characteristics of the site and its setting; use a palette of high quality materials appropriate to the local context; and to provide landscaping that mitigates for loss of biodiversity and assists with the physical and visual integration of developments. Developments should also be designed to incorporate and promote cycle and walking routes and should ensure the safety of users including access and servicing arrangements.

Having regard to the submitted Design and Access Statement, the acceptability of the proposed in terms of design and appearance is assessed as follows:

Layout:

In terms of layout, the proposed units and their service yards have been positioned and laid out to respond positively to the site levels and the constraints of the site. The larger blocks (Blocks A and B) are situated within the existing hollowed level, generously set back some 22m from the boundaries (at the closest point) and partially shielded from the surrounding houses and Padiham Greenway by the existing bund/embankment which will be landscaped with screen planting.

Existing buildings on the estate, Cobalt House and Magnesium Court, are located to the south-west of the site. The relationship between the proposed units and these existing buildings is considered acceptable. Moreover, the arrangement and density is similar to the

existing pattern of development within the business park such that the layout is considered to be consistent with the character and appearance of its immediate setting.

As detailed above, the nearest residential properties are located to the north-west at Kings Drive and Harrow Court. Unit A is distanced some 45m away from the nearest habitable room windows to these properties and 65m to the side facing gable of the nearest property on Printers Fold (across Padiham Greenway). Unit B is 54.5m from the nearest facing properties on Printers Fold with Unit C being some 47.5m away. The established tree buffer on the existing embankment to the Greenway provides substantial screening to the facing properties on Printers Fold (to be strengthened with additional planting).

Each unit has its own access yard, where possible the buildings have been sited to shield the yards from surrounding houses and to provide sufficient space for a landscaping or other physical measures to mitigate any perceived noise impact.

Internally the areas between the buildings would predominantly comprise the service yards and car parking required for each unit therefore hardstanding would dominate. Landscaping within the site is proposed around these areas to soften the impact as far as possible and provide an attractive environment for the occupiers. Landscape buffers and wildlife corridors are to be retained and enhanced to the north-west and north-east boundaries, linked to the existing site wide landscaping as detailed below.

Overall, it is considered that the application site is large enough to satisfactorily accommodate these large scale units, together with the necessary car parking, service yards, landscaping and space between the buildings and the boundary with neighbouring residential properties, without appearing an over-intensive form of development. Accordingly, the development would not be out of place within the business park setting and the layout would ensure a high quality scheme that is both appropriate within its immediate context and would meet the practical requirements associated with the proposed B2/B8 uses. The appropriateness of scale, massing and height in the wider context is assessed below:

Scale, Massing and Height:

The proposed buildings are substantial in scale, massing and height, particularly Unit A, and vary in footprint and height as summarised below:

Unit	Length x Width (m)	Height to Eaves (m)	Height to Ridge (m)	Floorspace
A	74.4 x 64.4	11.25	12.81	5,148 sqm
B	70.4 x 46.4	9.25	10.38	3,466 sqm
C	64.8 x 19.4	6.20	6.96	1,309 sqm

Policy EMP1/2 requires the scale and massing of development on the northern section to be single storey units with a maximum ridge height of 7m in order to limit the impact on neighbouring residential properties. Whilst the Policy does not define the northern section of the site, in this case it would exclude Units B and C which are positioned in the middle and southern part of the site and are relatively well screened by the dense scrub to the existing embankment.

This proposal includes significant revisions to the scheme that previously sought permission under REM/2020/0442 including increasing distance between the units and residential properties; reducing the height and finished floor levels; and strengthening the screening afforded by the existing landscape bunds and planting. Nevertheless, Unit A still exceeds 7m in height and is more than single storey such that there is conflict with EMP1/2 which seeks to limit the impact on neighbouring residential properties.

It is however acknowledged that the 7m fixed height restriction cannot be fully effective whilst other matters remain variable (unrestricted) by the policy such as the ground level and/or the distance from the site boundary at which the height restriction would apply or the maximum height of buildings to the southern part of the site. These factors are not addressed in Policy EMP1/2 but are clearly linked and would cumulatively determine whether there is an unacceptable harm to amenity.

Policy EMP1/2 makes clear that the main reason for the height restriction is to limit the impact on surrounding residential properties, and this satisfies other policies such as SP5 which ensure that developments do not cause unacceptable adverse impacts on both visual and neighbouring amenity. Accordingly, the acceptability of the proposal in terms of scale, height and massing has been assessed by having regard to the following matters:

Distance from boundary: The distance from the boundary is not restricted. Unit A is positioned 31m from the north-west boundary of the site (at its closest point) and 40m from Padiham Greenway. Unit B is positioned 22m from the boundary with the Greenway and is buffered by the existing densely planted embankment. Though Units A and B exceed the height restriction they are positioned at a generous distance from the site boundary and landscape features such that their impact is lessened.

Distance to habitable room windows: The 7m height restriction does not take account separation distances. Unit A is positioned 45m from the nearest habitable room windows to the residential properties facing the north-west boundary at Kings Drive and 65m from those fronting the north-east boundary at Printers Fold beyond the intervening area of land in the form of the Padiham Greenway. Ground floor windows are unaffected due to the existing topography and boundary treatments. Though Units A and B exceed the height restriction they are positioned at a generous distance from habitable room windows such that their impact on outlook and visual dominance is lessened.

Ground level: The ground levels vary considerably across the site. The 7m height restriction does not specify the level at which it applies. Units A and B are positioned such that are situated within the existing hollowed (lower) ground level such that their impact is lessened.

Existing Intervening features including landscaping: The 7m height restriction does not take into account any existing intervening features. This is relevant in respect of the impact on surrounding residential properties. In the case of Printers Fold, Padiham Greenway and the densely planted embankment provide a high level of visual separation from the site. The rear of the properties on Kings Drive are enclosed by the existing steep embankment/bund which in combination with the proposed set back of Unit A helps to lessen the impact.

Mitigation: This is proposed in the form of adjustments to the shape of existing bunds and through significant tree planting. The orientation of the buildings, roof form and choice of colour palette are further mitigating factors in terms of lessening the visual impact arising from scale and height.

Having regard to the above assessment, and the supporting sectional drawings, it is considered that the combination of siting/orientation and design of the units, separation and interface distances, ground levels, intervening bunds and existing and proposed landscaping (including screen planting) are such that the scale, massing and height of the proposed units would relate appropriately to their context and would not result in unacceptable visual harm to the immediate or wider setting. Units A and B would be prominent but would not appear overly dominant or out of scale with their surroundings. Accordingly, the proposal is considered to be acceptable and in accordance with the requirements of Policy SP5.

Although the height of Unit A exceeds the 7m height restriction in Policy EMP1/2, it has been demonstrated that it would not cause unacceptable adverse impacts on amenity and as such satisfies the policy intention “to limit the impact on neighbouring residential properties” *[to an acceptable degree]*. Accordingly, it is advised that a refusal on the grounds of visual impact would not in this case be warranted.

Appearance (Materials and Details):

The site is located within an established business park with a mixture of large single units and some smaller units within the immediate vicinity of the site. The proposed units are typical in appearance for this form of development and will reflect the overall style and materials of existing buildings within the wider business park. The proposed buildings are all dual-pitched roofed and will be co-ordinated in terms of materials, to include the same cladding finishes and colours, such that the units read together as one cohesive development. The proposed external facing materials is metal sheet cladding both flat and profiled and in three shades of grey (dark - anthracite, mid – goosewing and light -pure grey) applied both vertically and horizontally to break up the scale and massing and provide visual interest. The windows and doors will be aluminium in a black finish. Ancillary office areas are positioned on front elevations and corners to add a degree of visual interest and variation to the otherwise simple and uniform treatment to the elevations.

The proposed material palette and its application is considered suitable for buildings of this type and would be functional whilst ensuring that they do not harm the character and appearance of the surrounding area.

It is considered that the proposal is acceptable in terms of design and appearance and will complement the established character of the business park such that it complies with the relevant design requirements of Policy SP5.

Having regard to the above assessment, the proposal is considered to be of an overall high standard of design in accordance with Local Plan Policies SP5, SP6 and NE3.

Landscaping

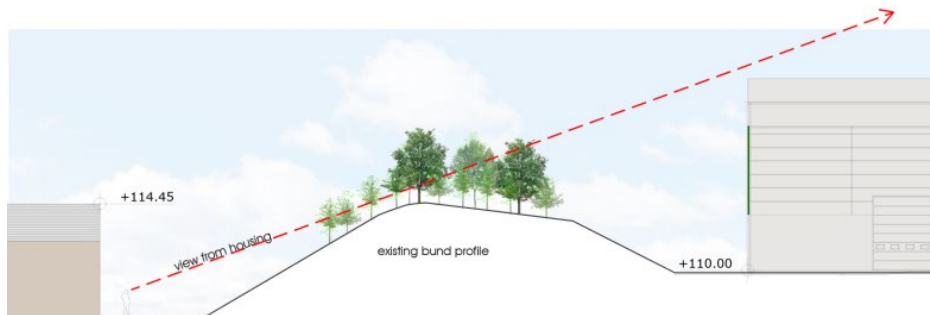
Local Plan Policies SP5, SP6, EMP1/2 and NE3 are particularly relevant in the consideration of landscaping.

A comprehensive landscaping scheme has been submitted in accordance with Condition 22 of the outline permission, EMP1/2 and Policy NE3. The proposed landscaping scheme is substantially in accordance with these requirements, particularly in that it proposes the retention and enhancement of the existing bund on the north-west boundary of the site (with Kings Drive) and includes strengthening the screen planting on the north-east boundary with Padiham Greenway (currently dense scrub) to restrict/reduce the impact of any development on the surrounding residential properties and wider landscape.

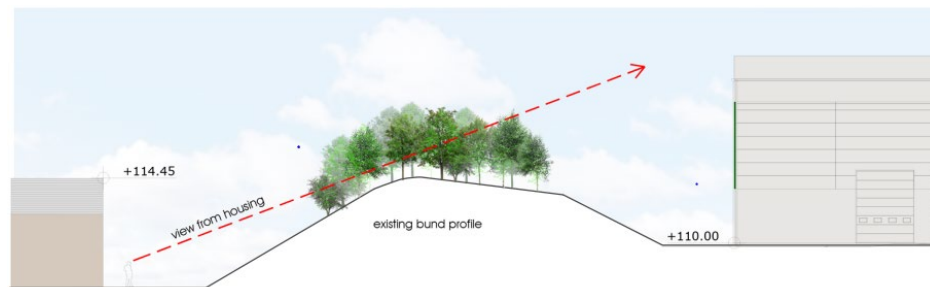
A significant amount of new planting is proposed across the site, particularly along the boundaries, which will act as a landscape buffer area and ecological enhancement. The proposed planting plans pays due regard to enhancing biodiversity and supporting green infrastructure through additional planting of native species of trees, shrubs, woodland mix and wildflower meadow. Verges and amenity areas are to be planted with low growing species rich grass. Ornamental trees, hedge and shrub beds will feature along the south-west boundary with the access road.

Particular regard has also been paid to the planting on north-west bund to ensure that the landscaping is suitably specified and positioned so as to achieve the right balance in terms

of providing sufficient screening (softening of visual impact) of the buildings without being an overly dominant feature that would be detrimental to the outlook from neighbouring properties. The bund, currently scrubland, is proposed to be planted with a combination of flowering species rich wild meadow, young native woodland mix and large native specimen trees.



Section of landscaped bund from Kings Drive at 5 Years growth



Section of landscaped bund from Kings Drive at 15 Years growth

Hard landscaping includes tarmac for the access roads and car parks and concrete for the service yards. Although these materials cover significant areas within the site, landscaping around the perimeter will soften their impact such that they are not unduly prominent.

Overall, it is considered that the proposed landscaping scheme responds positively to the challenges of the site and to its surroundings. It would complement existing landscape features; provide high visual and ecological value; assist in softening the impact of these large buildings at the edges of the site and help integrate the development into its surrounding context. It is in accordance with the landscape strategy approved in the outline permission and is similarly considered to be acceptable in accordance with the site specific requirements in Local Plan Policy EMP1/2 and the relevant criteria in Policies SP5, SP6 and NE3.

A condition is recommended to ensure that the landscaping scheme is implemented in a suitable timescale and there is a schedule for its on-going maintenance including replacement planting as necessary.

Impact on Neighbouring Amenity

Local Plan Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy NE5 seeks, amongst other things, to resist development that generates noise which is likely to create significant adverse impacts on health and quality of life when it cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes.

Outlook, light and privacy:

With regards to the impact on neighbouring amenity associated with the built form, this matter is assessed under the consideration of scale, massing and height as set out above.

In summary, the assessment finds that due to the combination of siting/orientation and design of the units, separation and interface distances, ground levels, intervening bunds and existing and proposed landscaping (including screen planting) the buildings have been designed and can be accommodated within the site without having an adverse impact upon the current level of residential amenity by virtue of a loss of light, privacy and/or overbearing impact.

Although the height of Unit A exceeds the 7m height restriction in Policy EMP1/2, it has been demonstrated that it would not cause unacceptable adverse impacts on amenity and as such satisfies the policy intention “to limit the impact on neighbouring residential properties” *[to an acceptable degree]*.

Noise and Disturbance:

Noise arising from the B2/B8 uses may affect some residential properties close to the site. Conditions 18 and 19 attached to the outline permission require the submission, approval and implementation of a scheme detailing the insulation of the units against the transmission of noise and vibration; and a scheme of measures for protecting residential occupiers from noise associated with the proposed industrial/commercial premises as appropriate.

Conditions 17 attached to the outline permission seeks to protect amenity of neighbouring occupiers and residents during the construction phase and remains relevant.

Overall, having regard to the above it is considered that, with the relevant conditions in place, the proposal would not result in an unacceptable detrimental impact on the amenities of neighbouring residential occupiers and would therefore comply with Policies SP5 and NE5. Although the proposal is in breach of the 7m height restriction in Policy EMP1/2, it has been demonstrated that the breach would not give rise to any unacceptable adverse impacts on neighbouring amenity such that a refusal would be warranted.

Site Access and Parking

Local Plan Policy IC1 requires development schemes to, amongst others, provide for safe access to, from and within the development; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute to the provision or improvement of off-site infrastructure to mitigate any unacceptable impacts on highway safety or efficiency. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9

The impact of the proposed development on the Local Road Network and Strategic Road Network was considered in the outline application and found to be acceptable. As such the traffic generated by the proposed development does not need to be reconsidered.

Vehicular access into the site from the existing estate road off Junction 9 of the M65 has been committed through this application, as approved by the outline consent. New internal access is proposed through an extension of Magnesium Way and a new access from Iridium Way. A bus link and shared cycle/footpath will continue north-west to connect the site with Cambridge Drive. The internal layout will accommodate servicing and refuse vehicles.

The application is supported by a Transport Statement which concludes that acceptable vehicular access can be provided in terms of highway safety and capacity. The proposal has

been assessed at a technical level and as part of the discussions during the assessment of the application. The Highways Authority accept the findings of the submitted Transport Assessment. They do not raise any objection to the proposal and do not draw attention to any resulting unacceptable impact on local highway safety.

The Highways Authority advise that the bus link must be built to LCC specification for adoptable standards including the provision of street lighting and surface water drainage. These works will be delivered under an agreement with Lancashire County Council under S38 of the Highways Act 1980. They also advise that the new bus stops and associated works will be delivered under S278 agreement which can be a joint agreement with the S38 agreement. The extension to Magnesium Way must be built to LCC's specification for estate roads to an adoptable standard and dedicated to the Highway Authority for adoption. Details of the relevant works have not been finalised or agreed and conditions are recommended to achieve this.

In terms of parking, the proposed site plan identifies numbers and locations of car parking (including accessible spaces and ELV charging spaces), and secure covered cycle parking. Provision is made for 99 spaces which is sufficient to meet the proposed uses across the site, subject to Unit A being restricted through condition to B8 use. The applicant has confirmed acceptance to this recommended condition. The scheme provides 10 ELV charging points which exceeds the minimum requirement under Appendix 9 and satisfies Condition 15 attached to the outline permission. Cycle parking is found to be acceptable.

Overall, it is considered that, subject to the imposition of relevant conditions and legal agreements, the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Considerations

Flood risk and Drainage: The submitted drainage layout drawings demonstrate that there is a suitable surface water drainage scheme for the development. United Utilities and the Lead Local Flood Authority raise no objection to the proposed development and recommends the submitted details are sufficient to satisfy the surface water drainage scheme required in accordance with Condition 12 of planning permission VAR/2020/0159, subject to implementation in full accordance with the agreed details as submitted.

Ecology: The application is supported with an Extended Phase 1 Habitat Survey (dated Nov 2021) as required by EMP1/2 and condition 24 attached to the outline permission. The report concludes that there has been no material change in ecology conditions since the 2016 survey. The report has been fully considered by the Council's ecology advisors (GMEU Ecology) who accept the findings and do not object to the proposal subject to securing the recommendations through condition as necessary in order to protect wildlife and to ensure opportunities are created for biodiversity gains. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species and would therefore meet with the aims of Policy NE3

Air Quality: The submitted Air Quality Assessment (AQA) concludes that the air quality effects of the development have been assessed and found to be insignificant. There should be no constraints to the development to the site, with regard to air quality. The development is consistent with the relevant parts of the NPPF; and Policies NE5 and IC2. This satisfies the requirement of condition 16 attached to the outline permission.

Planning Balance:

The proposal seeks approval of reserved matters to develop a site that is allocated for employment use in the Local Plan. The proposed development would deliver 9,923 sqm of new employment space within a range of modern buildings suitable for B2 and B8 uses as part of a wider and successful business park. This will contribute significantly towards the Council's identified employment land supply, support the local economy and provide new employment opportunities within the borough. The applicant states that the proposed development has significant occupier interest and could potentially generate in excess of 100 jobs.

A suitable scheme has come forward that complies with the site specific requirements of the local plan and plan policies. Issues relating to design and appearance, landscaping, neighbouring amenity, site access and parking have been assessed and are considered to result in a high quality scheme. However, as set out under considerations relating to scale and neighbouring amenity, an element of conflict has been found with Policy EMP1/2 in that Unit A does not comply with the requirement of buildings being restricted to 7m in height. It has been demonstrated that the imposition of a 7m height limit in isolation fails to consider the multitude of other factors that would contribute to whether a proposed building is acceptable in terms of impact on amenity.

This conflict is considered to hold minimal weight in the overall planning balance in that having comprehensively assessed all relevant matters it is evident that having regard for siting, scale, massing, height, topography, intervening bunds/greenways, existing and proposed landscaping, the exceedance of the height parameter has been found to cause no unacceptable adverse impacts on amenity and as such satisfies the policy intention "to limit the impact on neighbouring residential properties". Accordingly, the technical breach of EMP1/2 is considered to be justified and vastly outweighed by the benefits of the scheme as stated above.

Recommendation:

The reserved matters application is recommended for approval with conditions.

In granting permission, the application will comply with conditions 1, 2 and 3 of the outline permission VAR/2020/0159 requiring approval of the details of the layout, scale and appearance of the building(s), the final details of the access thereto and the landscaping of the site (the reserved matters).

Conditions and Reasons:

1. The development to which this approval of reserved matters relates shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Sections 91 -94 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are:

19.141.001 T (Proposed Site Layout at 1:500 Scale) Received 06.05.22
 19.141.01 001 B (Unit A Key Plan at 1:200 Scale) Received 07.12.21
 19.141.02 001 B (Unit B Key Plan at 1:200 Scale) Received 07.12.21
 19.141.03 001 B (Unit C Key Plan at 1:200 Scale) Received 07.12.21
 19.141.01 002 A (Unit A Key Elevations at 1:150 Scale) Received 07.12.21
 19.141.02 002 A (Unit B Key Elevations at 1:150 Scale) Received 07.12.21
 19.141.03 002 A (Unit C Key Elevations at 1:50 Scale) Received 07.12.21
 4768 01 Rev B (Planting Plan at 1:500 Scale) Received 17.05.22
 4768 02 Rev A (Site Sections 5 Year Tree Growth at 1:250 Scale) Received 06.05.22
 4768 03 Rev A (Site Sections 15 Year Tree Growth at 1:250 Scale) Received 06.05.22
 4768 04 Rev A (Landscape Mitigation Plan at 1:500 Scale) Received 06.05.22
 00.21299-ACE-00-XX-DR-C-01000 P2 (Drainage Layout) Received 02.02.22

Reason: To ensure that the development hereby approved is carried out in accordance with the submitted plans

3. **Materials**

Prior to the commencement of any development above slab level, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. **Landscaping**

The approved landscape mitigation plan (Drawing Number: 4768.01 Rev A) and planting plan (Drawing Number: 4768.04 Rev B) 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. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: In order that the landscaping works are carried out at the appropriate stage of the development; and 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).

5. **Habitat/Biodiversity Enhancement**

Prior to the occupation of the development, details of bird boxes and bat boxes to be provided (including location and specification) shall be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason: To provide opportunities to actively enhance biodiversity in accordance with the recommendations of the Extended Phase I Habitats Survey (Prepared by Rachel Hacking Ecology and Dated Nov 2021) and Policy NE1 of Burnley's Local Plan (July 2018).

6. Nesting Birds

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.

7. Use

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, Unit A shall not be used for any other purpose other than B8 use without the express grant of planning permission from the Local Planning Authority.

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 highway safety amongst other material considerations, in accordance with Policies SP5, IC1 and IC3 of Burnley's Local Plan

8. Car Parking and Service Areas

No building or use hereby permitted shall be occupied or the use commenced until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in concrete, 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).

9. Cycle Parking

The development hereby approved shall not be first occupied until the cycle parking facilities as indicated on the approved plans have been fully implemented and made available for use and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy IC1 of Burnley's Local Plan (July 2018).

10. Site Specific Construction Environment Management Plan

No part of the development hereby approved shall commence, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impacts on the environment with particular regard to Lowerhouse Lodges LNR and BHS arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the

CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of minimising potential adverse impact on the environment with particular regards to protecting the the nearby Lowerhouse Lodges LNR and BHS from any potential harm in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. Construction Management Plan

No part of the development hereby approved shall commence, 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 Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. The Plan/Statement shall provide: i) 24 Hour emergency contact number; ii) details of the parking of vehicles of site operatives and visitors; iii) details of loading and unloading of plant and materials; iv) arrangements for turning of vehicles within the site; v) 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; vi) measures to protect vulnerable road users (pedestrians and cyclists); • vii) the erection and maintenance of security hoarding where appropriate; viii) wheel washing facilities; ix) measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction; x) measures to control the emission of dust and dirt during construction; xi) details of a scheme for recycling/disposing of waste resulting from demolition and construction works; xii) construction vehicle routing; and xiii) delivery, demolition and construction working hours.

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

12. Wheel Washing

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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

13. Site Access

No part of the development hereby approved shall commence until a scheme for the construction of the site access and works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt this shall include the construction of the bus lane and cycle / pedestrian links between Cambridge Drive and the estate

Reason: To ensure that the final details of the highway scheme/works are acceptable before work commences on site in the interest of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. Site Access

The access between the site and Magnesium Way shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

15. Completion of Highway Works

No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in the interest of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Notes:

This consent should be read in conjunction with the associated outline permission VAR/2020/0159.