

Application Recommended for Delegation to the Head of Housing and Development Control to Approve subject to a Unilateral Undertaking under S106 of the Town and Country Planning Act

FUL/2022/0259

Coal Clough with Deer Play Ward

Town and Country Planning Act 1990

Full Application for Proposed Class E(g) and B2 units (20), including access, service yard and parking

Land off Rossendale Road, Burnley

Applicant: Barnfield Contractors (UK) Limited

The application has been brought to Development Control Committee for consideration due to the number of objections received (3no).

Background:

The site comprises an undeveloped parcel of land, located within the settlement boundary of Burnley. The land is allocated in the Local Plan for future employment use (EMP 1/1).

Outline planning permission was granted in November 2020 (ref – OUT/2019/0625), securing matters of access and layout (with all other matters reserved) for the erection of new units falling within Use Classes B1 (b and c) & B2.

This application seeks full planning permission.

Site Location:

The site is measures 3.6ha, located in the southwest of the borough, approximately 3km from Burnley Town Centre. It is accessed from Rossendale Road which is a two way dual carriageway forming the ring road around the town linking Accrington Road to Todmorden Road.

The site is located to the west of Rossendale Road and south of Farrington Road industrial estate in an area which is characterised by a mix of residential and commercial properties. It lies within the development boundary as defined in the Local Plan with open countryside surrounding it on all but its eastern edge. The site slopes gently to the northeast and there is a shallow stream/ditch which runs south to north across the site (See Fig 3). Trees, shrubs and hedgerows are located along parts of the north and eastern boundaries and northwest corner with marshy grassland throughout.

The site forms part of a larger area of land (4.65ha) allocated for employment development under Policy EMP1/1 Rossendale Road (North). The policy states that development for B1 (b and c) and B2 uses will be acceptable.

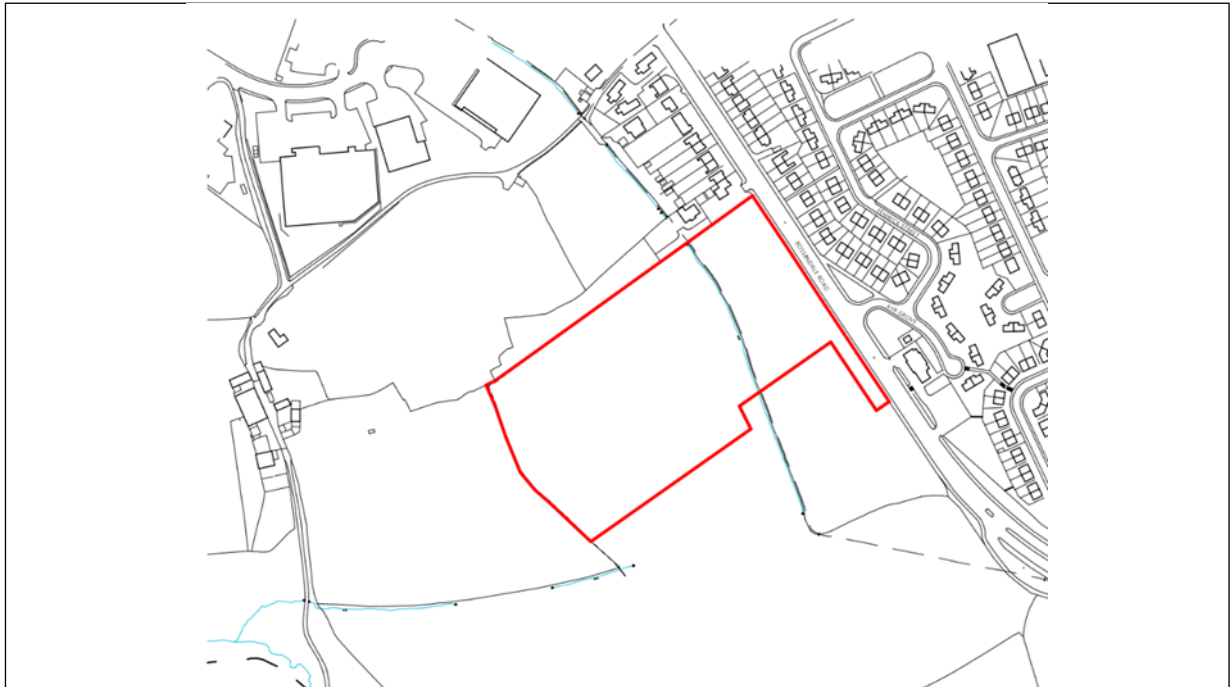


Fig 1: Site Location



Fig 2: Image taken from google street view approaching the site form the south.



Fig 3: Image taken from google street view approaching the site from the north



Fig 4: Image taken from google street view showing the view west across the site from Rossendale

Proposed Development

Consent is sought for the erection of 20no employment units as part of a new industrial estate. The applicant has specified the use as Class E and B2 use. There will be some office use on the site, however the applicant has confirmed they will be ancillary to the industrial uses of the units.



Fig 5: Proposed Site Layout

The development would take the form of three separate blocks, served by a single point of access from Rossendale Road, delivering a total of 9,640 sqm of new employment floorspace.

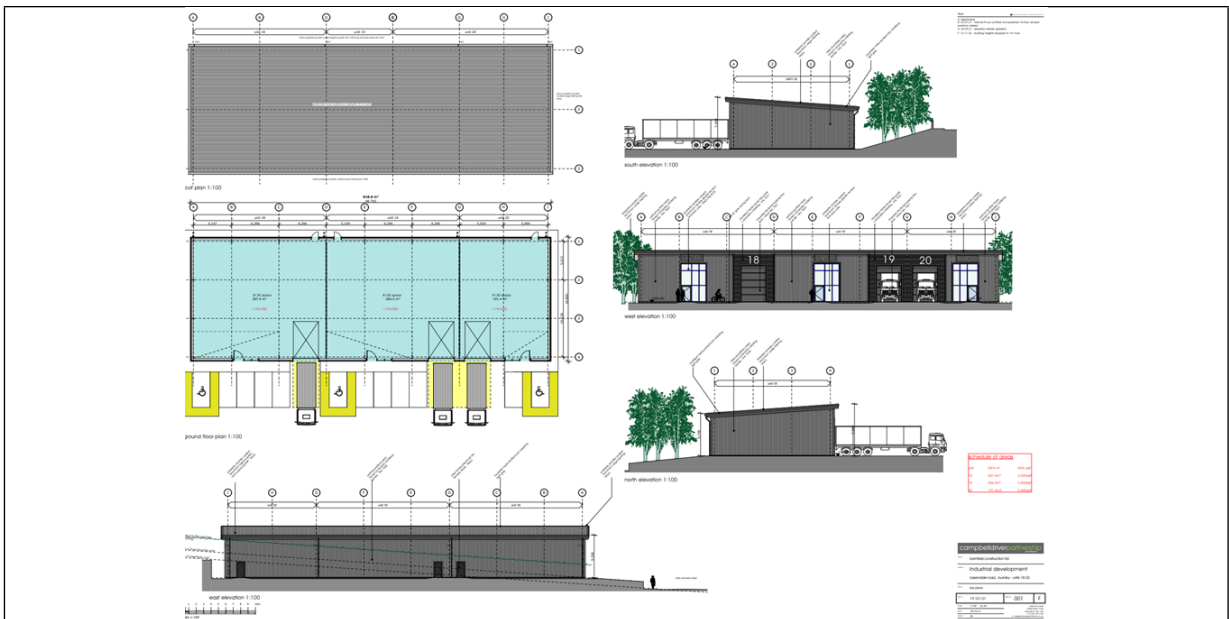


Fig 6: Proposed Elevations and Floor Plans (Rev 4)

Block 'A' is located towards the northern boundary of the site and would provide for 3,400 sqm. Block 'B' lies immediately adjacent (separated by the service yard) and delivers 5,430 sqm. Block 'C', which is positioned at the frontage of the site, measures 810sqm. A full schedule of accommodation is included below:

Schedule of accommodation										
Unit no.	1	2	3	4	5	6	7	8	9	10
Size (sqft)	3,000	2,000	2,490	2,500	3,750	3,750	3,750	3,750	2,490	2,490
Unit no.	11	12	13	14	15	16	17	18	19	20
Size (sqft)	2,490	2,500	15,000	10,450	10,450	10,450	10,500	3,000	3,000	2,000

Fig 7: Schedule of Accommodation

The scheme has been designed to achieve a 'Very Good' Breeam rating.

The units will accommodate future uses falling within the following use classes:

- E(g)(i) – offices to carry out any operational or administrative functions;
- E(g)(ii) - research and development of products or processes;
- E(g)(iii) – industrial processes; and
- B2 - industrial process other than one falling within Class E(g)

In addition to the built form of the development, the scheme also delivers a significant amount of green infrastructure to the perimeter of the site, including tree and wildflower planting.

A total of 117no car parking spaces are proposed, with service yards, pedestrian and cycle links and cycle storage.



Fig 8: Access arrangements agreed under S278 works from outline approval OUT/2019/0625 with the Highways Authority (no changes are proposed to this arrangement)

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP3- Employment Land Requirement 2012-2032
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- SP6 – Green Infrastructure
- NE1- Biodiversity and Ecological Networks
- NE3- Landscape Character
- NE4- Trees, Hedgerows and Woodland
- NE5 – Environmental Protection
- EMP1 – Employment Allocations
- EMP1/1 Rossendale Road (North)
- EMP3- Supporting Employment Development
- EMP4 – Office Development
- IC1- Sustainable Travel
- IC2- Managing Transport and Travel Impacts
- IC3 – Car Parking Standards
- IC4- Infrastructure and Planning Contributions
- CC4- Development and Flood Risk
- CC5 -Surface Water Management and Sustainable Drainage Systems (SuDs)

National Planning Policy Framework (NPPF)

Site History:

OUT/2019/0625 Outline planning permission for erection of new industrial estate (Uses B1 and B2) (Access and Layout). Approved

APP/2006/0718 Application seeking confirmation of potential alternative uses for the land. Certificate issued

NOT/2005/1117 Outline planning permission for erection of new school. Approved by County Council

Pre application engagement: No pre application advice has been sought from Development Management Officers.

Consultation Responses:

Lancashire County Council Highways (The 'Highways Authority' HA): No objections. The parcel of land is listed in Burnley's Local Plan as EMP1/1. It has been subject to an outline planning permission 2019/0625 for which the requirement for a Section 278 Agreement has been substantially completed, including a safety audit, and is awaiting legal completion prior to any construction works commencing on site.

This agreement includes the provision of 2 traffic islands, the alteration of the road layout, the repositioning of the 30/40mph limit, some street lighting alterations, and other associated works. In addition to these works a contribution of £40,000 is required to install MOVA at the traffic signalised junction of Rossendale Road, Manchester Road and Glen View Road.

It is required that this agreement will be repeated with this application, works to be secured through S278 Agreement with Lancashire County Council and a Unilateral Undertaking under s106 of the 1990 Town and Country Planning Act.

There are some issues with the parking layout as shown on the plans provided, it is noted that the Mobility parking bays have not been shown in line with the details of the Department of Transport's document 'Inclusive Mobility'. This needs to be addressed prior to approval.

Conditions also requested in relation to:

- a) New road built to base course level.
- b) Highway works constructed prior to occupation.
- c) Scheme for site access/off-site highway mitigation works.

The mobility spaces were adjusted in the new site layout submitted and the HA confirmed they are now acceptable.

Environment Agency (EA): The stream through the site is designated as an ordinary watercourse so is subject to LLFA regulation, not EA regulation.

Contaminated land: No objections, conditions requested contamination/mitigation of the site.

Lead Local Flood Authority (LLFA): No objections, subject to conditions relating to surface water flooding.

Burnley Borough Council's Environmental Health: No objection in principle to the proposed development of the site regarding noise, light, dust or odour nuisance, but recommend the inclusion of conditions relating to

- Construction and Environmental Management Plan; ensuring this is adhered to,
- Noise levels
- Noise assessment
- External illumination

Burnley Borough Council's Green Spaces and Amenities: No objections, comments have been received which are summarised below:

- The landscaping design and proposals are reasonable and provide a mixture of retaining existing trees/hedgerows and planting new to provide a natural buffer around the periphery of the site. There is also wildflower grassland/meadow planting and habitat planting as part of the new landscaped area to the right of the entrance as you enter from Rossendale Road.
- There are no PROW's that run through the development site.
- In terms of active travel, it is good to see that shared user paths (3m and 2m) will be created at either side of the entrance to encourage safe walking and cycling to the site as well as measures on the highway:
- The development site includes shared footway/ cycle way at the access junction which connects with the footway provision and pedestrian crossing on Rossendale Road. The proposed access junction includes a crossing with tactile paving on the access road and two crossings with tactile paving and refuge islands on Rossendale Road.
- There will also be 20 covered secure cycle racks dotted around the site providing 40 spaces.

Lancashire Wildlife Trust: No comments have been received.

Greater Manchester Ecology Unit: No objection. It is agreed that the site will provide no net loss. Any final comments will be reported in the update sheet, along with any requested conditions.

United Utilities: No objection, development in acceptable in principle. Condition required in relation to drainage.

Lancashire Fire and Rescue Service: No objections, informative added

The Coal Authority: Initial objection received; extra information has been received and as a result the objection is withdrawn, with the inclusion of a condition relating to the information which was submitted being adhered to in full.

Burnley Borough Council's Conservation Officer: Having considered the relevant supplemental assessments, the proposed development would not change the ability to understand and appreciate the asset, its historical context or setting such that the magnitude of impact on setting is considered to have no effect on the significance of the heritage asset.

Publicity: 3no letters of objections have been received following public consultation, the matters raised are summarised below:

- Doesn't want to see industrial units which will stay half empty across from their house.
- House price decrease as a result of development.
- Units are an eye sore.
- Access and site is on an already dangerous part of the road and the development will further exacerbate the problem.
- No need for further industrial units.
- The land is deemed unsuitable for building.
- It is futile writing as residents do not count.
- Previous permission is granted for 100 plus houses on Rossendale Road and now the Council is considering an application for 20 industrial units adjacent.
- The author has previously opposed other developments.
- If this is approved will working times be limited.
- Other sites are refused due to resident's concerns.
- Build this on the Cog Lane/ Accrington Road School site.
- It is reported land is for sale cheaper than other sites.
- This is one of the nicest routes in Burnley and Council should protect it.
- Build these on Network 65 Burnley Bridge.
- Rossendale Road is very busy without any more traffic.

Planning and Environmental Considerations:

This is a full planning application for the development of a new industrial estate, comprising a mix of employment uses (Use Class E(g) and B2).

Assessment:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. Policy SP3 states that over the 20 year period from 2012 to 2032, provision will be made to deliver at least 66 ha of employment land.

The Council has allocated sites in their Local Plan for employment use, and this has been through the adoption of the Local Plan process and considered by an Inspector. This site is one of those and is known as site EMP1/1 'Rossendale Road North'. The allocation for the site includes the stipulation that the site is to be used for B1 (b and c) uses, and B2 uses. A B1 (b) use is research and development of products or processes and a B1 (c) use is a use which can be carried out in a residential area without detriment to the amenity of that area. B2 use is a specific business use for General Industrial which do not fall into Class B1 i.e. for uses that would not generally be allowed within a residential area.

The Use class order has been recently updated and the applicant is applying for what is currently known as Use Class E (G) and B2 units. Use Class E (g) now also

includes office use as well as the uses discussed above. The applicant has confirmed that the office use within the development will be ancillary to the other uses.

Officers are satisfied that the development proposed is acceptable in principle, subject to the considerations of the detail of Policy EMP1/1 (which will be discussed throughout the remainder of the report) and the other relevant local and national planning policy.

For information, Policy EMP1/1 is provided in fig 9 below.

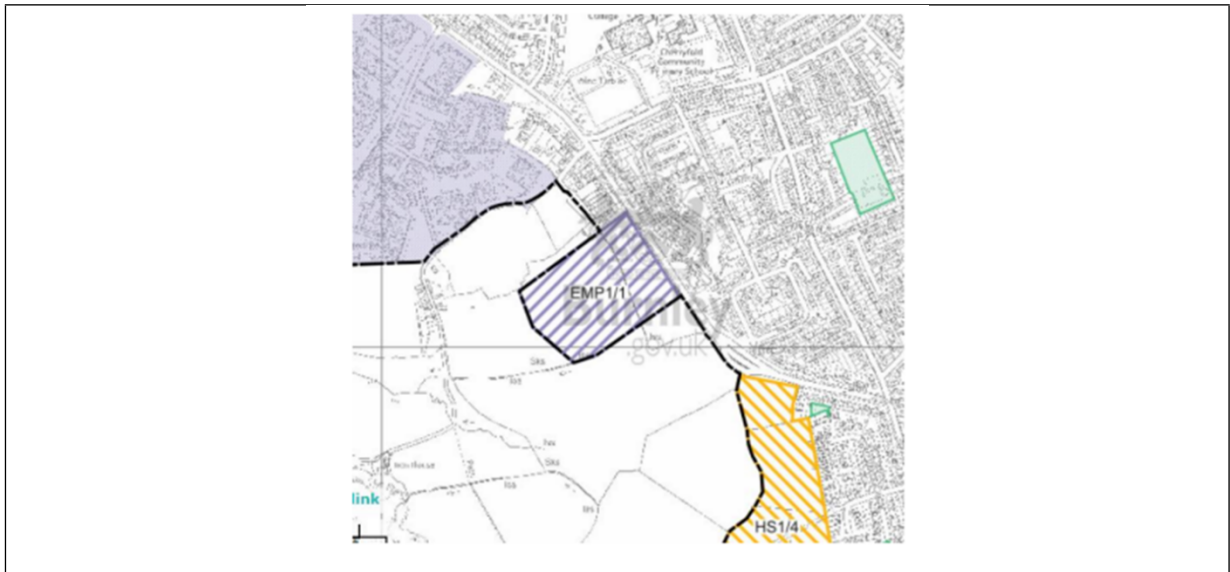


Fig 9: Employment site EMP1/1 Rossendale Road (North)

Additional and Site Specific Policy Requirements and Design Principles

- 1) The majority of development should be located to the west of the stream, leaving an 8 metre easement around the stream itself (indicated in blue on the above site plan). No built form should be located within the area indicated in green on the above site plan; this should be landscaped as open space forming part of a network of green infrastructure utilising the stream that runs across the eastern section of the site. Facilities to encourage employee usage of the site during breaks should be incorporated into any design.
- 2) Development on this site will be expected to consist of low rise units with a maximum ridge height of 7 metres which takes into account and integrates with the contours of the natural landscape. The development will be expected to incorporate natural materials such as local stone to ensure a quality design which will lessen the development's impact on the surrounding landscape and streetscape.
- 3) Appropriate landscaping and boundary treatment should include screening to the western boundary along with roadside trees and shrubs adjacent to Rossendale Road. New planting on the site should accord with Policy NE3.
- 4) Vehicular access should be from a single point on the northern part of the site onto Rossendale Road. Appropriate traffic management systems may be required to both ingress and egress the site.
- 5) Pedestrian and cycle routes should be provided on site and contributions may be sought for off-site provision or improved cycle links.
- 6) An ecological survey should accompany any planning application which addresses any impacts on Protected Species and/or Priority Habitats in accordance with Policy NE1.

Fig:9: Policy Emp1/1 Rossendale Road (North)

- **Design, Scale and Layout**

Policy SP5 of the Burnley Local Plan states that:

‘The Council will seek high standards of design, construction and sustainability in all types of development’.

It lists criteria which should be met in relation to design, layout and materials. Policies 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. This requires developments to relate to and respect local characteristics and their setting; provide for new open spaces and landscaping that mitigates for loss of biodiversity and assists with their physical and visual integration; and ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers. Development should also be designed to incorporate and promote cycle and walking routes and should ensure the safety of users including access and servicing arrangements. Objections have been received to the development in relation to visual amenity/design.

Paragraph 126 of the NPPF states;

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

Design is therefore a key consideration for applications for development.

Policy EMP1/1 adds some specific detailed design principles for the site. In brief it requires the following:

- 1) 8 metre easement around the stream which runs across the site and no built form in an area to the north of the site. Instead this should be landscaped as open space forming part of a network of green infrastructure utilising the stream that runs across the eastern section of the site. The development should include facilities to encourage employee usage of this area.

The applicant has shown an 8m easement alongside the stream as required by the policy which only has a footpath along it in a small section while the road turns into the site. This is unavoidable and is required for traffic and highway safety. Good quality landscaping is also shown along this area and throughout the site, which is conditioned for implementation and retention. The SUDs area provides an attractive setting for staff to use. A condition is included which requires a seating area to be provided within that area.

Officers are satisfied that this element of EMP1/1 is met.

- 2) The site should show low rise units with a maximum ridge height of 7m, taking into account the natural landscape. Natural materials should be used such as local stone to ensure a quality design to lessen the development impact on the surrounding landscape and streetscape.

- 3) Appropriate landscaping and boundary treatment should be used to screen to the western boundary long with roadside trees and shrubs adjacent to Rossendale Road. New planting should accord with Policy NE3.

Following a request from officers, the buildings have been reduced in height to 7 m to provide low rise small scale commercial units set into the existing topography of the site to reduce their impact on the surrounding countryside when viewed from Rossendale Road and the surrounding footpaths. The existing footpath 12-6-FP 5 runs beyond the northwest boundary of the site. Mono pitched roofs have been used on the units which face this boundary and Rossendale Road, which helps to reduce their perceived height.

Footpath 12 6 FP 3 runs beyond the western boundary to the site connecting to footpath 12 6 FP 6 which runs along the Southern boundary of the site. When development is viewed along these routes, officers are satisfied that the perceived heights of the buildings will seem less due to the elevated levels of the footpaths. The proposed landscaping submitted with the proposal helps to buffer the views of the site with native boundary planting and the existing boundary hawthorn scrub being retained. A good quality planting scheme is proposed along the boundary with Rossendale Road which will create a landscaped buffer to the site.

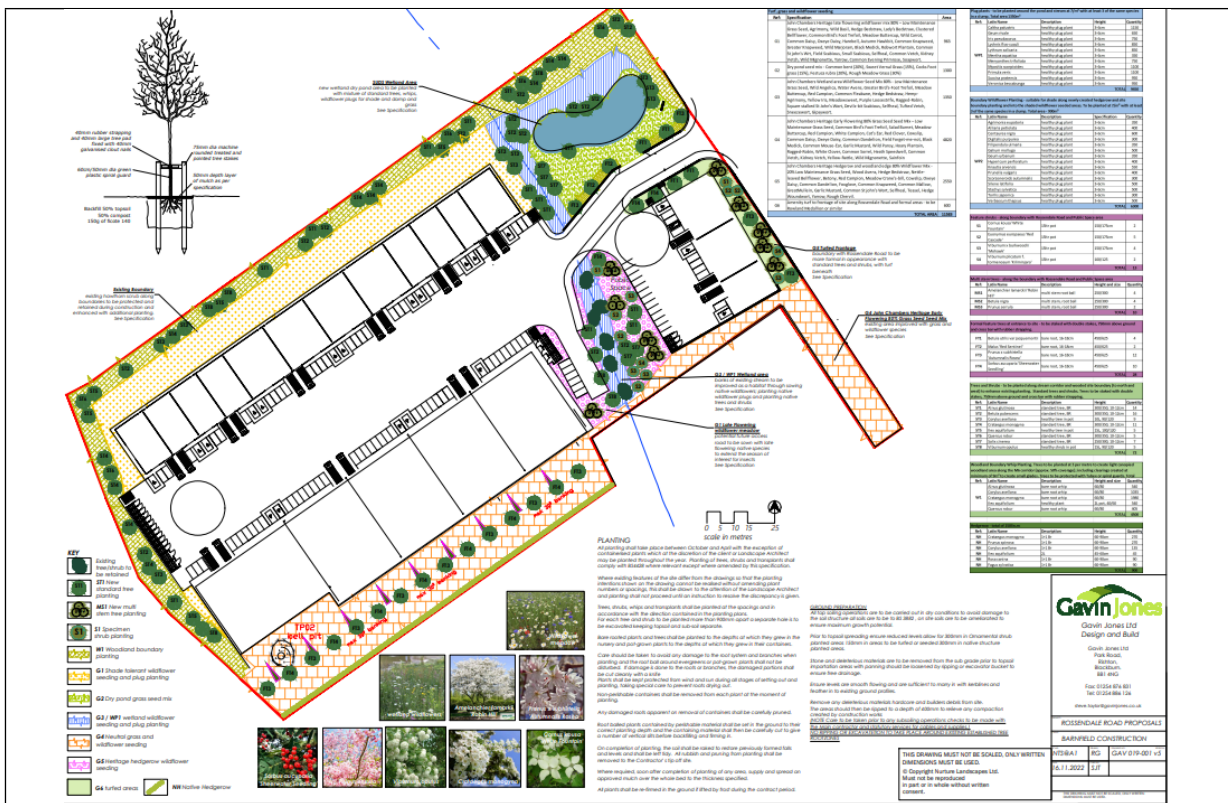


Fig 10: Proposed Landscaping Scheme

The revised layout plan confirms that the stone walls along Rossendale Road and into the site will be built from natural stone. The buildings are to be constructed from black insulated metal vertical profiled composite cladding and similar cladding on the roof in light grey. Black coated window and door units will be used. Following discussions

with the applicant, officers have agreed that to use stone or wooden cladding on the building would be too expensive and would lead to questions in relation to viability of the development. In any case officers are satisfied that with the finish as proposed, the agreed reduced height of the buildings and the quality landscaping of the site.

Officers consider the development will integrate well into the landscape; this was the reason for the height restriction contained within the local plan policy; so that the units would be unobtrusive. This coupled with the significant landscaping scheme and the proposed natural materials to boundaries, make this an acceptable scheme for an industrial use in an urban fringe location which will be read against the backdrop of adjacent urban uses. The topography of the site and the design of the proposed buildings and scheme in general, including the proposed natural stone wall, screens views well from Rossendale Road, in particular.

Officers have considered the proposal and are satisfied that these elements of Policy EMP1/1 are met in relation to the impact the development will have on the surrounding landscape. The quality finish of the development is welcomed.

- 4) Vehicle access is from a single point on the northern part of the site to Rossendale Road and appropriate traffic management is required for access and egress. This is considered in the traffic and highway section of the report below.
- 5) A pedestrian link and cycle route is provided on site and contributions maybe sought for offsite provision or improved cycle links.

At the time of the outline permission being granted in 2019 (OUT/2019/0625) a cycle link was expected along Rossendale Road and as such this was detailed in that permission. However, after consultation with the Highways Authority it has been confirmed that the current position is they don't see any requirement to take parts of these allocations to form an off-road cycle lane. They consider there is enough carriageway and highway verge to work with if a scheme comes to pass in the future. They do confirm that Rossendale Road is likely to be a priority for this link when the decisions are made. Currently, at this stage however it is not considered reasonable to ask for monies from this development when there is no project arranged.

Officers are therefore satisfied that these elements of Policy EMP1/1 are met.

- 6) An ecological survey should accompany any planning application which addresses any impacts on Protected Species and/or Priority habitats in accordance with Policy NE1.

This is considered below in the ecology/biodiversity section of the report.

In conclusion therefore, Officers consider that the proposal adequately addresses the point raised in Policy EMP1/1 and as such the principle of the development is acceptable.

The report will go on to consider other matters relevant to this proposal.

- **Residential Amenity/Overlooking.**

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, and future users and occupiers of the development, including by reason of overlooking. Policy HS4 gives more detail in relation to specific separation distances to protect occupants in terms of levels of privacy and outlook for occupants and for existing adjacent residents to the north, and residents across the road to the east.

The site is laid out in such a way that the SUDs and landscaping is in the northwestern corner of the site, adjacent to the existing residential properties. This will provide a suitable area of buffer in terms of the impact of the development on these residential units. The houses opposite the development are also suitably distanced in relation to any risk of overlooking from the three units which front the road. Landscaping between the units and the roadside is also of a quality standard and as such it is not considered that there would be an undue impact on these neighbours properties in this regard. Noise matters are discussed in the next section of this report.

In conclusion therefore, Officers consider that potential residential amenity issues have been considered and with the inclusion of the relevant conditions, the proposal is acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Environmental risks:**

Policy NE5 aims to ensure that development, as appropriate to their nature and scale, should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation.

The policy requires air quality, light pollution, noise pollution, contaminated and unstable land to be considered.

Air quality: the site is not located within an Air Quality Management Area, and it is not considered that the development would result in a significant risk to air pollution, or lead to a significant deterioration in air quality. This has not been raised as an issue by the Councils Environmental Health team.

Light pollution: The applicant has not included any proposals for external lighting on the buildings. As a precautionary measure, officers have included a condition which relates to external lighting. If the occupiers feel they need external lighting for their businesses, then they will need to submit details to the local planning authority for consideration and approval, prior to their installation.

Noise pollution: the end users of the units are not yet known, however they will be restricted by the planning approval to those within the use class E(g) (I, ii, iii) and B2.

- E(g)(i) – offices to carry out any operational or administrative functions;
- E(g)(ii) - research and development of products or processes;
- E(g)(iii) – industrial processes; and
- B2 - industrial process other than one falling within Class E(g)

There has been a comment raised in one of the neighbour objection letters, that if this were to be approved could the hours of work be restricted. The applicant has not

specified working hours in the application. The Council's EHO has considered the proposal and has provided a condition which restricts noise levels to a reasonable level. With the inclusion of this condition, it is not considered necessary to restrict operation hours, they have also not objected to the proposal on these grounds. As such, officers consider the proposal is acceptable in this regard.

Contaminated land: The Council's Contamination Officer has considered the proposal and has no objection to the development. They have confirmed that they are satisfied that the evident ground gas has been characterised and that the measures detailed in the contaminated land report submitted must be adhered to in the development to prevent a risk to future users. This has been conditioned in the list at the end of the report. They also recommend that a full contaminated land condition is attached to the permission, if approved, which includes contaminated soils, as well as ground gas. The condition has been agreed with the applicant and is included in the list of the conditions at the end of the report. The use of this condition will retain the control in relation to any mitigation required with the local planning authority.

Unstable land: The site is located 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 the planning application. The planning application has been accompanied by a Phase 2 Coal Mining Risk Assessment. Recommendations have been made that stabilization works will be required in order to mitigate the risk of surface instability for the proposed development.

The opinion of the Coal Authority has been sought and they have originally objected to the proposal due to the layout implications as a result of the on-site mine entry ref: 382431-009; it was unclear if the building of Block B would be over an existing mine shaft.

A further report has been submitted which provided further commentary on this mine entry and was informed by a further ground investigation into the mining feature. Based on the findings of the ground investigations, the report author confirms that mine entry ref: 382431-009 is an attempted bell pit, which is considered to have been abandoned due to coal not being found. This is supported by evidence from the rotary boreholes previously drilled within this area and these did not encounter any coal seams within this specific part of the site. As part of the Report, details have been provided on how the safety and stability of the site will be remediated (probe drilling and grouting of the bell pit and beneath the buildings) including foundations to be constructed entirely on bedrock. There has also been a welcomed submission of an amended site plan Drawing No 003 AN which illustrates how Block B has been adjusted to avoid being built over or within influencing distance of this mining feature. The previous objection has therefore been withdrawn by the Coal Authority.

Permission is required separately from the Coal Authority Permit and Licencing Team before any works are undertaken and as such a suitably worded conditions relating to this has been included.

With the inclusion of this condition and with no objection from the Coal Authority, officers are satisfied that the development is acceptable.

In conclusion therefore, Officers consider that potential environmental risks have been considered and with the inclusion of the relevant conditions, the proposal is acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Traffic and Highway Safety**

Policy IC1 of the Burnley Local Plan notes that development schemes should, as appropriate to their nature and scale, promote sustainable travel and have safe and convenient access. It also provides detail in terms of the user hierarchy which should be followed. Policy IC3 of the same document requires that there is adequate parking provided at development in line with the requirements set out in the Local Plan. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Objections have been received from residents in relation to traffic and highway safety.

The existing consent on the site included changes to the proposed site layout and boundary of the development. The access junction on Rossendale Road and works on the local highway proposed remain unchanged from this consented outline permission. The s278 Agreement is agreed with the HA and the applicant has agreed to provide the requested £40,000 towards the upgraded MOVA through a Unilateral Undertaking under s106 of the 1990 Town and Country Planning Act.

The applicant has submitted a Transport Assessment in support of this full planning application, which has been prepared to assess the latest development proposals with consideration given to the expected trip generation and local highway capacity impact, accessibility by sustainable modes of travel, servicing/delivery arrangements and on site car parking provision.

Vehicular Access: Access to the site is proposed from Rossendale Road via a priority junction with a right turn ghost island as shown in Fig 8. This access junction has already been approved by the HA as part of the S278 agreement associated with the outline planning consent (OUT/2019/0625). Swept path analysis has also been undertaken as part of the S278 agreement which demonstrates that articulated HGVs can access and egress the site in a forward gear from Rossendale Road, and that an articulated HGV can safely access Units 1 to 17 and a rigid vehicle can access Units 18 to 20.

Parking: 117no parking spaces will be provided, with 20 for disabled spaces and an additional 40no cycle spaces. The applicant has demonstrated the mobility spaces will be built to standard as required by the HA. The level of parking provided falls between the Local Plan's parking standards for a B8 and A B2 used, comprising 125% of the B8 use and 57% of the B2 standard. This is an overall equivalent provision of 1 space per 79 sq m. the previous outline scheme provided 1 space per 62 sq m.

Given that the number of units has reduced, and the total floor area is similar to the consented outline application, it is reasonable to expect that there will be a higher proportion of B8 use, and therefore LCC's B8 standards are more applicable at the development site. On this basis, the proposed car parking provision is considered acceptable to adequately accommodate the expected parking demand at the

development site. There have been no objections raised to this provision by the HA and it is accepted by officers as being suitable for this development.

Accessibility of the site:

Pedestrians: The Chartered Institution of Highways and Transportation (CIHT) guidelines suggest that for commuting purposes up to 500m is a desirable walking distance, up to 1,000m is considered an acceptable walking distance and 2,000m is the preferred maximum walking distance. There are local conveniences and bus stops within these recommended distances.

Cycle: In respect of acceptable cycle distances, 'Local Transport Note 1/20: Cycle Infrastructure Design', published by Department of Transport, states that 'two out of every three personal trips are less than five miles in length -which is an achievable distance to cycle for most people'. The applicant has demonstrated that the catchment areas with regards to cycling are also acceptable.

Bus Services; there are bus services which stop on Rossendale Road (150m away) and Coal Clough Lane (350m).

Rail: Closest rail service is approx. 1.5km from the site.

The HA's Commercial Development Accessibility calculator has been used to assess the accessibility of the site and has been scored as a 'medium accessibility' site.

Officers consider that the applicant has demonstrated that the site location benefits from access to a range of sustainable modes of travel, including by public transport, cycling and on foot, and as such offers a usable and realistic alternative to single occupancy car journeys.

Trip generation: The applicant has demonstrated that the proposed development is expected to generate 59 two-way trips during the AM peak hour, 57 two-way trips during the PM peak hour. This is slightly below the trips that were expected to be generated by the consented outline planning application, based on a slightly larger floor area (10,200sqm).

Traffic Impact Assessment: The applicant has also demonstrated that the previously consented outline planning application at the site was a larger development which generated slightly more trips. As such, the findings of the previous TA and TA Addendum remain valid and provide a robust assessment of the traffic impact of the latest development proposals.

The following junctions were assessed as part of the consented outline planning application:

- Proposed Access junction on Rossendale Road (priority junction);
- Rossendale Road/ Coal Clough Lane (priority junction); and
- Rossendale Road/ Manchester Road/ Glen View Road (signal-controlled)

The modelling results demonstrated that the proposed access junction and Rossendale Road/ Coal Clough Lane priority junctions will operate comfortably within the capacity during AM and PM peaks.

The assessment also shows that development traffic will have a low residual cumulative impact at Rossendale Road/ Manchester Road. The HA have raised no objections to these findings.

Required mitigation works: Following discussions with the HA, as part of the consented outline planning application, it was agreed that the installation of a Microprocessor Optimised Vehicle Actuation (MOVA) system was necessary at Rossendale Road/ Manchester Road/ Glen View Road junction to mitigate the impact of additional development traffic (£40,000 secured through a Unilateral Undertaking).

Considering the latest development proposals are expected to have a comparable impact on the local highway network, the applicant agrees that this mitigation will continue to be provided.

In the absence of an objection from the Highways Authority and with the conditions listed in the consultation section of the report and the S278 works/S106 agreement as detailed in the report, officers are satisfied that the development is in accordance with the relevant local and national planning policy in this regard.

- **Drainage**

Policy CC4 seeks to ensure that new development does not result in increased flood risk either on the development site or elsewhere. Policy CC5 requires surface water discharge to be appropriately managed and discharge to be restricted through measures including SuDS. The provisions of the NPPF support these policies.

The application is supported by a detailed Flood Risk Assessment prepared by Betts Hydro which is to be read in conjunction with the calculations and preliminary drainage designs undertaken by Topping Engineers.

The site sits in flood Zone 1 and is therefore at low risk of flooding. An existing watercourse runs through the site from south to north and is accounted for within the proposed layout, by way of an 8m wide easement free from any development as required by the Environment Agency.

Surface water drainage by way of infiltration is unfeasible due to the underlying strata of the area. It is therefore proposed to discharge to the ordinary watercourse, with attenuated flows to reflect greenfield run off rates. The scheme also includes a detention basin to the north east corner of the site, with underground storage proposed to serve the western section of the development.

Foul drainage is to be connected to an existing combined sewer within Rossendale Road.

The supporting information has been considered by the Lead Local Flood Authority and United Utilities and they have raised no objection to the proposal. They have requested conditions which are listed in the consultation section of the report. With the inclusion of the required conditions and in the absence of an objection from the statutory consultee, officers consider that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Biodiversity/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. HS1/2 highlights that protected species have been recorded on the site which also include priority habitat (lowland fen). In all cases measures should be taken to safeguard protected and priority species and habitats before any development commences. The provisions of the NPPF support these policies.

The application is supported by a detailed Ecological Appraisal which confirms that the dominant habitat within the boundary of the site is species-poor semi-improved marshy grassland. This considered the land to be relatively poor and of low ecological value.

The Ecological Appraisal states that whilst the site does not accommodate priority habitat, it may support foraging and commuting habitat for birds, bats, invertebrates and small mammals. Although the data search did return several records for bats in the search area, the species poor semi-improved and marshy grasslands are considered to be very low value foraging and commuting habitats for bats. The hedgerows, scattered trees and shrub provide better quality foraging for bats which have a preference for edge habitats, but due to limited features and connectivity to other areas of good foraging and commuting the surrounding areas is pretty poor.

The desk study also returned records for house sparrow (*Passer domesticus*), lesser redpoll (*Carduelis cabaret*), curlew (*Numenius arquata*) and lapwing (*Vanellus vanellus*) in the search area. There was also one record of barn owl (*Tyto alba*), a Schedule 1 species (Wildlife & Countryside Act, 1981 as amended). No evidence of the aforementioned species was recorded on site during the survey, however, the species-poor semi-improved and marshy grassland provides foraging and nesting habitat for a variety of ground nesting birds including curlew and lapwing. However, the presence of cattle in the field potentially reduces the favourability of the site for ground nesting birds. The coarser, less trampled areas of the grassland particularly at TN2 provide suitable foraging habitat for raptors and owls.

The scattered trees and scrub on site provide foraging and nesting habitat for a variety of small passerines. Species noted on site (within the hedgerow at TN8) during the survey include blackbird (*Turdus merula*), wren (*Troglodytes troglodytes*), great tit (*Parus major*) and chaffinch (*Fringilla coelebs*). Other species noted include goldfinch (*Carduelis carduelis*) and blue tit (*Cyanistes caeruleus*)

The lack of impact on bats and nesting birds is noted in the Appraisal (with preferable sites for those species located off-site) and reasonable avoidance measures ('RAMS') are recommended for the construction phase of works to avoid any adverse impact on species who may access the site during that period.

Recommendations are made within the report in regard to lighting and nesting birds and relevant suitably worded conditions are included. There is also a list of enhancement measures noted which will help to aid biodiversity net gain on the site. These are listed below:

- A Habitat Management plan for the site will be created which will take into account the following:

- The creation of wildflower grasslands in landscaping areas throughout the site.
Green spaces will be managed less intensively, mowing of grasslands will only be undertaken once grasses and herbs have flowered and set seed, this will improve the diversity of the floral species present;
- Installation of a pond and/or Sustainable Urban Drainage System (SUDS) within the Site.
Stumperies will be located on the north facing sides of new buildings on Site. Within the 'stumpery' shade tolerant plants including grasses, ferns and sparges will be planted to provide additional foraging and refuge habitat for invertebrates; and
- Enhance the existing hedgerows with infill planting and plant further species rich hedgerows around the whole site with a diverse species mix (hazel (*Corylus avellana*), willow (*Salix* sp.), dog rose (*Rosa canina*), blackthorn (*Prunus spinosa*), hawthorn and holly.
- Planting of a woodland belt along the entire southern edge of the site, on the steeper slope. Suggested species to plant include rowan (*Sorbus aucuparia*), oak (*Quercus* sp.), alder (*Alnus glutinosa*), willow, hazel, hawthorn and holly.

In light of all of these factors, officers consider the development presents no significant ecological issues or constraints and is likely to be able to deliver a betterment through the introduction of new structural and informal planting, alongside the retention and enhancement of existing wildlife corridors.

- **Biodiversity Net Gain**

Policy NE1 of the Burnley Local Plan requires that '*all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible*'.

The applicant has been in ongoing discussions with the Greater Manchester Ecology Unit who advises the Council on these matters. A net gain metric is used to assess the loss or net gain on the site as a result of development. This metric is not a mandatory requirement by the government but currently seen as a guide, and there are other factors which need to be taken into consideration when considering the impact of development on the resultant biodiversity of the site.

Overall it is agreed between GMEU and the applicant that there would be 2 Biodiversity Unit net loss across the site as a result of the development (with an increase in hedgerow units to be taken into account). However, the consultants have confirmed that in their professional opinion, this will be acceptable in terms of the local and national planning policy as additional enhancement will be achieved through increased hedgerow planting and provision for birds. GMEU accept this stance as at the current time, the government has not made the consideration for the biodiversity net loss/gain metric mandatory in planning decisions.

Although officers accept that the metric does show a Biodiversity net loss as a result of the development, the other measures provided by the applicant do, in officer's opinion, mean that on balance the extra improvements which the applicant has confirmed noted above will mean that it is reasonable to accept there would not be a net loss across as a result of the development. A condition requiring a habitat

management plan can be used which will help to ensure this is the case and retained this control with the Council in relation to the condition discharge. Final wording of conditions will be reported in the update sheet.

On balance therefore although there would not be a net gain achieved on the site, it is reasonable to agree that there will not be a net loss as a result of the development. The condition in relation to a habitat management plan will help to ensure there is some active enhancement on the site and will enable this control to be maintained by the local planning authority. In balance therefore, officers accept that the scheme is in accordance with the provisions of local and national planning policy in this regard.

- **Landscape character**

Policy NE3 of the adopted Burnley Local Plan states that the Council expects development to respect and where possible, enhance and restore landscape character as appropriate to their nature and scale and sets out a list of criteria which should be met. The policy also requires that a landscaping scheme is submitted which supports the criteria set out in the policy and includes new landscaping measures which will positively integrate the development into the landscape character of the area.

The site-specific Policy HS1/2 in the adopted Burnley Local Plan specifically states:

‘Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact of the wider landscape. New planting on the site will need to accord with Policy NE3’.

Paragraph 174 of the NPPF states that

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological values and soils (in a manner commensurate with their statutory status or identified quality in the development plan)’

The application is supported by an Ecological Appraisal prepared by Bowland Consultancy. The report confirms that no significant ecological constraints are present within the site and also makes recommendations with regard to mitigation and enhancement measures.

The scheme incorporates significant areas of new soft landscaping, including a wildflower and grassland meadow to the northeast corner of the site, which will also accommodate SuDs drainage infrastructure.

Local policy requires new development to consider landscape character; relate well to existing built form; consider layout and density and a means to reduce impact; retain important landscape features and include provision for new planting which responds positively to the area.

The applicant highlights in the Planning Statement that the proposed development works with the topography of the land to ensure that the visual impact of the scheme is minimised. The site is located on the lower slopes of the wider landscape and has a

clear, tangible relationship with the surrounding settlement. The low-lying buildings and the introduction of high quality landscaping around the site means that the development will comfortably assimilate into its setting with minimal visual impact.

Overall, officers consider that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Other matters**

Trees: Policies NE3 and NE4 of the Burnley Local plan, along with the provisions of the NPPF.

There are no tree preservation orders affected by the proposed development. Where possible (and as shown within the proposed landscaping schedule) existing trees and foliage will be retained and supplemented with new planting.

Local policy seeks to ensure that existing trees and hedgerows are integrated into new development proposals where possible and supplemented by improved provision. Where removal is necessary, compensatory planting will be required.

Tree coverage at the site is minimal, however the proposed planting schedule demonstrates that key trees within the developable area will be retained and bolstered by high quality new landscaping throughout. Relevant conditions will be included to protect retained trees during the development phase. As a result, the development presents no conflict with the aims of Policies NE3 and NE3

Heritage: Policy HE2 of the Burnley Local Plan and relevant sections of the NPPF are considered in relation to this development. In this instance a single asset, Habergham Hall Farmhouse, relevant to consideration of the scheme. It is located some 180m to the west of the site and is Grade II Listed. The official listing entry confirms that the property dates from the late C18, is finished in coursed sandstone rubble and is “almost symmetrical, in very plain style with undecorated square stone surrounds to all openings”. The entry concludes that the property is “listed as good example of very plain local type of the period”.

The applicant states: ‘Planning Practice Guidance (paragraph ref 18a-013-20190723) confirms the contribution that setting makes to the significance of an asset is not necessarily limited to the visual relationship and may change over time. The proposed development is located a significant distance from the asset and sits within clearly defined field boundaries between the respective sites. This level of separation is such that the introduction of new built form within the allocated land would not unduly impinge on the features of significance which make the farmhouse worthy of protection. The introduction of new screen planting to the site boundary further reduces any visual relationship and would not unacceptably alter views or the perception of the heritage asset. Accordingly, the setting of the listed buildings is maintained and no harm arises from the proposed development.’

The Council’s Conservation Officer has raised no objections to the proposals.

With this in mind, officers consider the development is acceptable and in accordance with the relevant local and national planning policies in this regard.

BREEAM: Policy SP5 requires a BREEAM Assessment to at least 'Very good'. The application details that this will be achieved, a suitably worded condition is included to ensure this is the case. As such the provisions of this policy in this regard, is met.

Neighbour comments: Matters raised by neighbours are included in full in the consultation section of the report. Planning matters have been addressed in the relevant sections of the report. The following points made are not considered to be planning matters and as such can not be considered as part of the planning application process.

- House price decrease as a result of development
- No need for further industrial units
- The land is deemed unsuitable for building
- It is futile writing as residents do not count
- Previous permission is granted for 100 plus houses on Rossendale Road and now the Council is considering an application for 20 industrial units adjacent
- The author has previously opposed other developments
- Other sites are refused due to resident's concerns
- Build this on the Cog Lane/ Accrington Road School site
- It is reported land is for sale cheaper than other sites
- This is one of the nicest routes in Burnley and Council should protect it
- Build these on Network 65 Burnley Bridge.

Conclusion

The proposal seeks to develop a site that is allocated for employment use in the Local Plan. Officers consider that a suitable scheme has come forward which complies with the site-specific requirements of Policy EMP1/1 of the Burnley Local Plan. Issues relating to design, scale and layout, residential amenity, environmental risks, traffic and highway safety, drainage, biodiversity / ecology, landscape character, trees, heritage and bream rating have all been addressed within the report, with any necessary matters addressed through the use of conditions. The applicant has already started the process of securing the s278 agreement with Lancashire County Council in relation to the access and has instructed the £40,000 towards MOVA works at the junction of Rossendale Road, Manchester Road and Glen View Road will be secured through the Unilateral Undertaking under s106 of the 1990 Town and Country Planning Act.

The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding. As such the application is recommended for approved.

Recommendation: Application Recommended for Delegation to the Head of Housing and Development Control to Approve subject to a Unilateral Undertaking under S106 of the Town and Country Planning Act.

Conditions:-

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

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

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

Application forms received 10/5/22
Site Plan 19.101.003AN
Location Plan 19.101.004E
Site Sections 191.101.005 C
Key Plans 19.101.01.001 F, 19.101.02 001 G, 19.101.04.001D
Planting Plan 019.001 V5
Bin details 19.101.008A
Drainage details 210SS DR C 0102)4
BREEAM and HQM Ecology Assessment Issues June 202 (and additional content)
Construction and Environmental Management Plan
BREEAM Plan 03.05.2022
BREEAM Open Assessment Report Rev 1.2
Cycle shelter and stand specification sheets 10/5
Drainage calculations 10/5
Breeding Bird Assessment Report BOW 17.1085
Ecological Appraisal V1
Coal Mining Risk Assessment
Flood Risk Assessment and Drainage Management Scheme (16th May 2022, Ref. HYD457_ROSENDALE.ROAD_FRA&DMS, Betts Hydro)
Planning Statement
Travel Plan and Transport Assessment
Ground Risk Assessment

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

Use of the development

3. The office use incorporated within the scheme shall remain ancillary to the main Class E (g) and B2 uses of the development hereby approved.

Reason: To ensure adequate parking is provided in accordance with Policy IC3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Contamination

4. At a stage in development to be agreed in writing with the Local Planning Authority prior to commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Highways

5. The mobility parking detailed on the approved Site Plan, shall be available for use for the duration of the development.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

6. The access between the site and Rossendale Road 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. The access shall then be constructed in full in accordance with the S278 Agreement with the Highway Authority prior to the first use of the development hereby approved.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. 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 prior submitted to and approved by the Local Planning Authority.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Drainage

8. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy CC5 of the adopted Burnley Local Plan.

9. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley Local Plan.

10. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley Local Plan.

11. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley Local Plan.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy CC4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Noise

13. All external plant and machinery at the development hereby permitted shall be designed so that the rating levels for cumulative noise shall not exceed the existing background noise level (LA90) when measured as an LAeq,15min in any one third octave band at the external façade of the nearest noise-sensitive premises, as assessed in accordance with British Standard 4142 (2014), or any subsequent replacement national standards. Alternative levels may be used subject to the prior written approval of the Local Planning Authority.

Reason: To ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

14. Prior to first use of the development hereby approved, a noise assessment should be submitted to and approved in writing by the Local Planning Authority which details the levels of internal noise likely to be generated from the proposed use of the site (or a singular unit if not all are to be occupied immediately) and any necessary noise mitigation measures required to protect the amenity of adjacent noise sensitive properties. The Noise Impact Assessment shall demonstrate that the following standards are met at near-by noise sensitive premises (with the assessment to be representative of the most noise-sensitive hours):

- 50-55 dB LAeq 16 hours for gardens/outdoor living areas (eg. Balconies) daytime
- 35 dB LAeq, 16hour for living rooms (07.00 hours - 23.00 hours);
- 35 dB LAeq, 16hour for bedrooms (07.00 hours – 23.00 hours)
- 30 dB LAeq, 8hour for bedrooms (23.00 hours – 07.00 hours);
- 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours).

Reason: To ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

Illumination

15. Prior to its installation, full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall only be implemented wholly in accordance with the approved details.

Reason: To ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

16. Bin stores detailed on 19.010.008A and the approved Site Layout shall be installed prior to the first use of the development hereby approved and retained for the duration of the development.

Reason: In the interest of securing a good quality finish to the development in accordance with the provisions of Policy SP5 of the Burnley Local Plan.

Coal – land stability

17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and mitigation measures necessary (identified within the Phase 2 Coal Mining Risk Assessment, February 2022; and Report (18192-PWAG-00-XX-LTR-G-2000-P02, 21 October 2022) prepared by PWA Geo-Environmental Ltd (Consulting Geo-Environmental Engineers) to address the risks posed by past coal mining activity. The remedial and mitigation works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risk of instability on the site have been adequately mitigated against, in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Tree protection

18. Prior to the commencement of development tree protection measures during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interest of tree protection in accordance with Policy NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Biodiversity

19. landscape and environmental management plan to be added and any further GMEU conditions

BREEAM

20. The development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the build has achieved a minimum rating of at least 'Very Good' has been submitted to and approved in writing by the Local planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy SP5 of the Burnley Local Plan.

Landscaping

21. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme (GAV 019 001 V5) prior to the first occupation of the development hereby approved. All planting, seeding or turfing comprised in the

approved scheme of landscaping shall be carried out in the first planting and seeding season following the first occupation of the development, or the completion of the development, whichever is sooner. A seating area shall be provided adjacent to the SUDS (in accordance with detail prior submitted to and approved in writing by the Local Planning Authority) prior to first occupation of the development hereby approved and shall be retained for the duration of the development.

Should any planting become diseased, uprooted, or die, a replacement of similar type and species shall be planted in the following available planting season.

Reason: In the interest of enhancement of biodiversity and to provide an overall quality development in accordance with the provisions of Policies NE1, NE3 and NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

22. Prior to the first occupation of the development hereby approved, a scheme and programmer shall be submitted to and approved in writing by the Local Planning Authority for the ongoing maintenance of the external areas of the site. The scheme shall then be adhered to for the duration of the development.

Reason: In the interest of enhancement of biodiversity and to provide an overall quality development in accordance with the provisions of Policies NE1, NE3 and NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

23. No works shall be carried out in the main bird nesting season between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests area present, which has been agreed in writing by the Local Planning Authority.

Reason: In the interest of the protection of birds during the development process, in accordance with the provisions of Policy NE1 of the Burnley Local Plan.

Informative:

1. The applicant is advised that the new site access and off-site highway works, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".

2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

3. The applicant/ developer is directed to comments received from Lancashire Fire and Rescue, The Coal Authority and United Utilities which are provided on the planning file available to view on the Council's website.

E Hindle 06.01.2022