

Application Recommended for Delegation to the Head of Housing and Development Control to approve subject to a S106 obligation

FUL/2022/0431

Gawthorpe

Town and Country Planning Act 1990

Proposed 34 bedroom Residential Care Home with associated landscaping and car park

Land at Wytham Street Padiham

Background:

This application is brought to Development Control Committee due to the number of objections received.

Pre application advice was sought prior to the submission of this planning application.

Site Location:

The application relates to an area of undeveloped land located within the development boundary as set out in Policy SP4 of Burnley's Local Plan, the site is also an Ecological Network (grassland) in which Policy NE1 applies. The site area is approximately 0.43 ha, forming an L shape parcel of land located to the western side of Wytham Street Padiham.

To the north is Green Brook River, to the east are terraced properties along Wytham St and The Shakespeare public house, to the south are the rear gardens of properties along Abingdon Rd and to the west is an area of grass land which meets Thompson Street.

The site currently has two clear sections of hard standing which are linked by a narrow pathway. There are several trees within the site and on the frontage of Wytham Street.

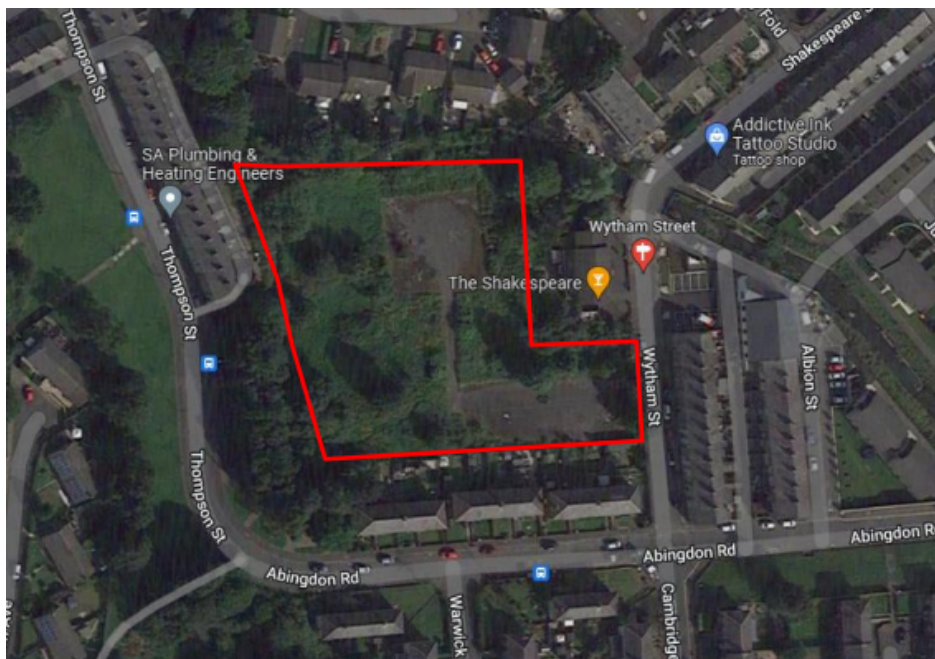


Fig 1: Google Maps image (taken from submitted Planning Statement)

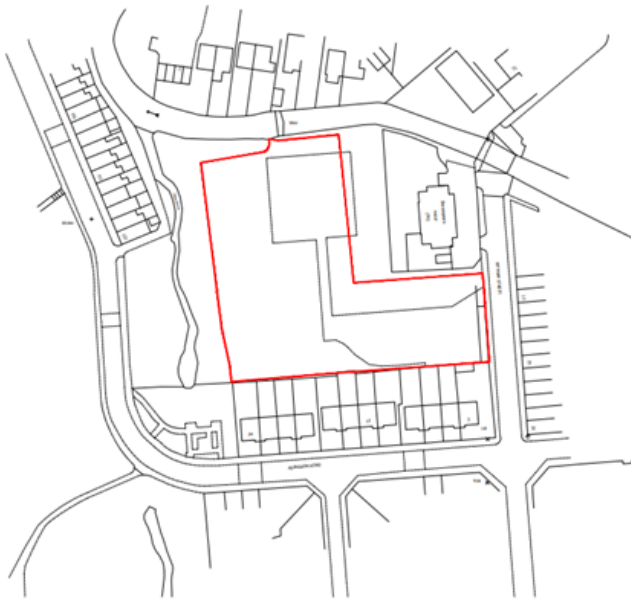


Fig 2: Site Location Plan

The northern part of the site is located within Flood Zones 2 and 3 on the Environment Agency's Flood Mapping system (Zone 3 is immediately adjacent to Green Brook). The remainder of the site is in Flood Zone 1.

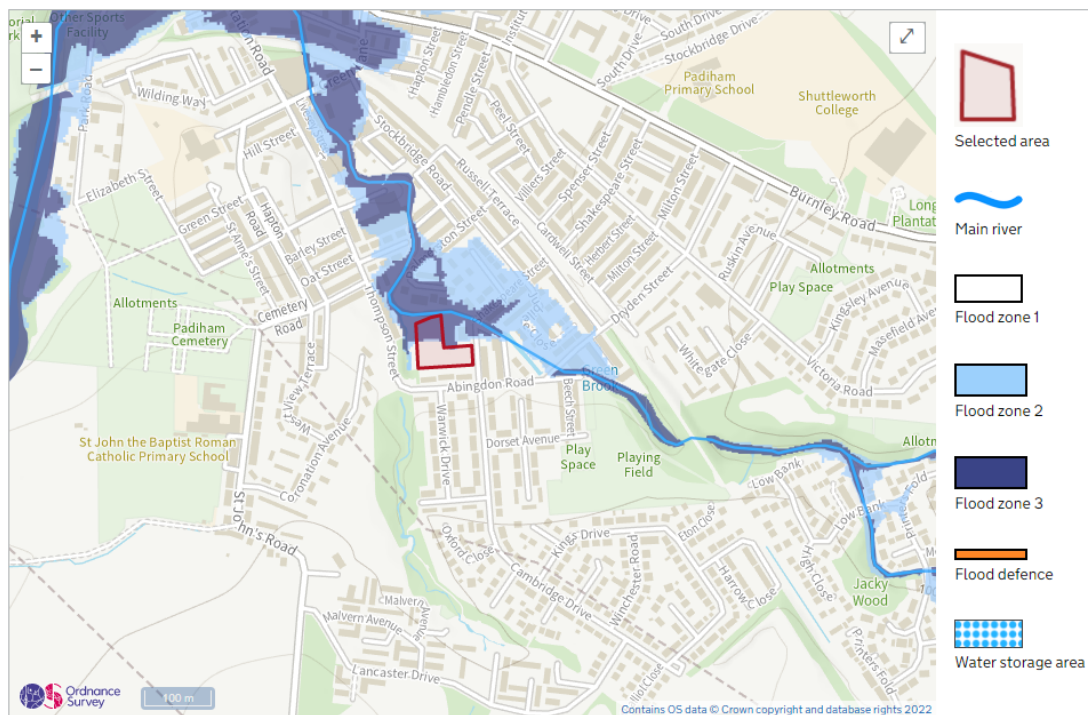


Fig 3: Flood Risk Map



Fig 4: Photo facing properties on Abingdon Road



Fig 5: Photo facing towards the Shakespeare public house

Proposal:

The application seeks full planning permission for the construction of 34no bed specialist care home facility with associated access, landscaping and parking.

The building would be 2no storey and located in the central part of the site and provide 34no bedrooms for residents, and an additional room for visitors. Assisted bathrooms will be provided on each floor with 2no hoist bedrooms to be located on the ground floor for residents requiring mobility assistance. All bedrooms would be sufficient size to accommodate wheelchair users. Amenity areas and spaces for therapy are also accommodated by the development.

Pedestrian and vehicular access to the site will be from Wytham Street. The development provides for 16 no parking spaces which include 10no staff spaces, 5no visitor spaces (2no of which are disabled spaces), 3no Electric vehicle charging points and one service bay. A motorcycle space is also provided in the staff parking area. Cycle provision is also made.

Some of the parking will be provided under the northern end of the building under the first floor constructed on stilts; accommodated due to the change in land levels. Staff parking is located to the north of the site with some of the spaces provided under the building, whilst visitor spaces will be to the east.

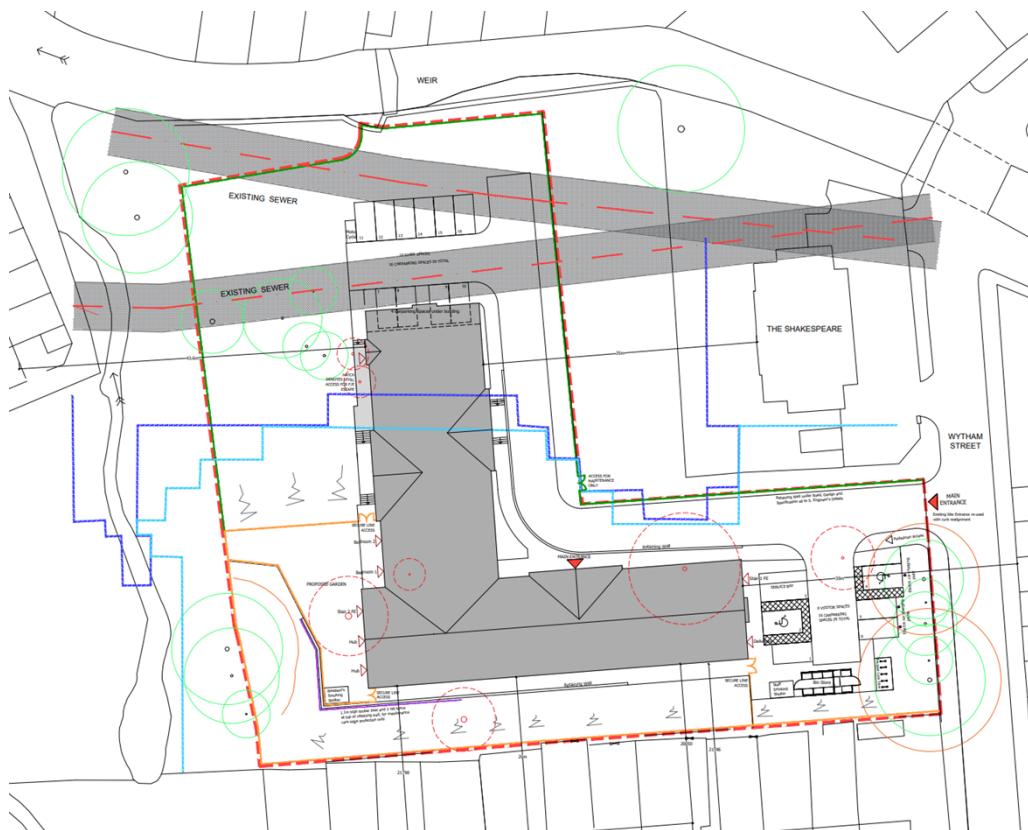


Fig 6: Proposed Site Plan (as amended)



Fig 7: Proposed Elevations



Fig 8: Proposed Landscaping Plans

Relevant Policies:

Burnley Local Plan

SP1 – Achieving Sustainable Development
SP4- Development Strategy
SP5 – Development Quality and Sustainability
HS4- Housing Developments
IC3 – Parking Standards
IC1 – Sustainable Travel
CC4 – Development and Flood Risk
CC5 – Surface Water management and sustainable drainage systems (SUDS)
NE1 – Biodiversity and Ecological Network
NE3- Landscape Character
NE4- Trees, Hedgerows and Woodland
NE5 – Environmental Protection
CC4- Development and Flood Risk
CC5- surface Water Management and Sustainable Drainage Systems (SuDs)
IC1- Sustainable Travel
IC20 Managing Transport and Travel Impacts
IC3- Managing Transport and Travel Impacts
IC4 – Infrastructure and Planning Contributions

Material considerations

National Planning Policy Framework (NPPF)
Developer Contributions Supplementary Planning Document
Air quality Management: Protecting Health and Addressing Climate Change
Supplementary Planning Document
Planning for Health Supplementary Planning Document

Site History:

None specific to this proposal.

Consultation Responses:

Publicity: One letter of objection has been received and the following points are raised:

- The building comes right to the boundary of the objectors garden
- Height of the building on the boundary with the adjacent premises will be 10.51m. this will result in significant loss of natural light and overshadowing
- No vehicular access is provided to the rear of Abingdon Road, this will prevent access to emergency vehicles.
- Loss of privacy due to windows overlooking from the first floor directly to neighbouring houses
- Inadequate surface water drainage
- Increased flood risk as raised by the Lead Local Flood Authority.
- Loss of well-established trees in the area
- Removal of trees which may contain bat roosts.

- The Phase One Survey says no hedgehogs, however, disagree as hedgehogs are regularly found in residents gardens.

One petition has also been received which has 34 signatures. The objections relate to the following grounds:

- Loss of sunlight/ overshadowing
- No rear access (Abingdon Road) for emergency vehicles
- Loss of privacy due to overlooking windows
- Inadequate surface drainage increasing flood risk
- Removal of trees containing bat roosts
- Loss of foraging habitat for wildlife (Hedgehogs)

Lancashire County Council Highway Authority (LCC HA): No objection to the proposal but initial comments received which are summarised below:

- The access should either be widened to 6m, or the kerb edge moved forward by 0.5m so as the boundary treatment does not appear to be as close to any exiting driver.
- Covered and secure cycle provision is required.
- No allocated parking space for an ambulance; would also need a space to the rear of the ambulance of at least 4m to allow access or egress with a stretcher.
- Charging point for electric vehicles should be included in line with the Department of Transport guidance.

Following the submission of a further technical note from the applicant, the HA are satisfied with the further information provided and have no objection subject to the requested conditions.

Lancashire County Council Lead Local Flood Authority (LLFA): Initial comments received were in relation to an objection from them due to an inadequate drainage strategy being submitted. Following the submission of additional information, the objection has been removed subject to conditions being attached relating to:

- Final Surface Water Sustainable Drainage Strategy
- Construction Surface Water Management Plan
- Sustainable Drainage System Operation and Maintenance Manual Verification Report of Constructed Sustainable Drainage System

The LLFA confirmed at this stage that once the extra information that the Environment Agency have asked the applicant for is submitted for consideration, that they are reconsulted.

At this final stage the LLFA have confirmed that they have no further comments to make and that the conditions noted above still apply.

Environment Agency (EA): An initial objection was received requesting the submission of a Flood Risk Assessment for further consideration. On the submission of all final information (Flood Compensation Analysis prepared by Dudleys Structural and Civil Consultants (ref: REP 02 (P1); dated 02/12/2022), the EA has confirmed that they remove their objection to the scheme.

In principle the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Advice was provided to the LPA in that:

The development proposes the use of stilts or voids for the portion of the development located in the flood risk area. We would advise the LPA that we do not explicitly support this approach as this is not floodplain compensation, but rather mitigation of risk by design. The use of stilts reduces the impact on the development but does not guarantee that the floodplain will be retained in the same way as a compensation scheme (which is a form of risk substitution). The approach suggested may potentially provide some flood risk benefit, however, in order to continue to provide this function a plan, which is outside the remit of the Environment Agency controls needs to be agreed between the applicant and the local planning authority to ensure that the voids are managed and maintained for the lifetime of the development.

Environmental permit - advice to applicant:

Green Brook is a designated statutory main river. In addition to any planning approval, the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) and the applicant does not already have planning permission

United Utilities: Comments received highlight the following:

Two critical sewers cross the site, and these cannot be built over except in exceptional circumstances. They require an access strip for maintenance or replacement and this access must not be compromised in any way. The applicant should determine the precise location, depth and condition of the pipeline as this can influence the required stand-off distance from any structure.

If the Council wishes to approve the application, then a condition should be included relating to the means of ensuring the two critical sewers are protected and any impact mitigated.

They have also highlighted that there is a lack of sufficient detail provided by the developer in relation to the detail of the drainage design. They have requested a condition is included to ensure that this information is submitted prior to the commencement of development.

Following the submission of further information highlighting the exact location of the drain, the following comments have been received.

'Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21420 100, Rev P3- Dated 14.07.22 which was prepared by Dideus . For the avoidance of doubt surface water must drain at the restricted rate of 4.1 l/s. The layout shall be carried out in accordance with 21420-DCE-XX-XX-D-S-231 P02, and WBA-SI-00-DR-A-PL-021, Rev P7, dated 14.02.23. 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'.

Environmental Health: No objection in principle to the proposed development of the site regarding noise, light, dust or odour nuisance, but ask for a condition in relation to the standard of double glazing to be fit at the property. This is to ensure that the elevations facing the public house will have a minimum of 15dB reduction to any bedrooms / living rooms, together with trickle vents, to regulate noise levels within these rooms whilst still allowing ventilation.

Contamination Officer: No objection, condition relating to ground gases affecting the site and the programme of monitoring. A request has been made to the contamination officer to specify the wording of the condition; this will be reported in the update sheet.

Padiham Town Council: No objections

Lancashire Fire and Rescue: No objections, advice is given which can be attached through an informative.

Greenspaces: No objections

Greater Manchester Ecology Unit (GMEU): No objections to this application on Ecology grounds. The following points are noted:

- The Preliminary Ecological Appraisal references the 2013 CIEEM Guidelines for Preliminary Ecological Appraisal, an updated version of these Guidelines were prepared in 2017. However, the surveys appear to have been carried out by a suitably qualified person and were to appropriate standards.
- None of the trees to be removed are considered to have the potential to support bat roosts, and tree losses to the scheme will be compensated by new landscaping, so any losses to bat and bird foraging habitat are unlikely to be significant, given the extent of suitable bat feeding habitat in the area. Support proposals to install bat roosting boxes on retained trees on the site.

- Advise the applicant that no tree or other vegetation removals should be undertaken during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are legally protected.
- Retained trees should be suitably protected by a Tree Protection Plan

Planning and Environmental Considerations:

Principle of the 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 National Planning Policy Framework.

Policy SP4 states that development will be focused in Burnley and Padiham. The site is not allocated for a specific use in Burnley Local Plan and constitutes a windfall housing site on brownfield land. This development will secure the efficient use of brownfield land within a well-connected location in the service centre of Padiham. The scheme is of an appropriate scale and type for its location and is not anticipated to have a detrimental impact on surrounding amenity. As such the proposed development is supported by Policy SP4.

NPPF paragraph 60 states it is important that the needs of groups with specific housing requirements are addressed, with paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. The proposals would contribute towards housing residents with a wide range of health needs. The proposal therefore represents a positive contribution to the specialist needs of the region and accords with Section 4 of the NPPF.

The site lies within an Ecological Network and as such Policy NE1 applies. This requires that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to gain net gains where possible.

As this site is located within the development boundary on a brownfield site, development on the site is considered acceptable in principle, subject to all other relevant local and national planning policies.

Traffic and Highway Safety:

Policies IC1, IC2 and IC3 of the Burnley Local Plan are relevant, along with the provisions of the National Planning Policy Framework. In line with Policy IC2, a Transport Statement (TS) has been received which has been considered by the HA.

The TS notes that the development is considered to be within a sustainable location, easily accessible by sustainable transport modes (for, bike and public transport). It is also considered the development will not have a material traffic impact on the surrounding highway network.

The provisions of Policies IC1 and IC2 require that developments maximise the opportunities for pedestrians, cyclists, public transport and finally private vehicles. The site is well designed for pedestrians and cyclists and is located close to bus services. Provision is made in accordance with the Local Plan in relation to cycle provision, electric vehicles charging points (EVCP) and car parking provision. The level of parking proposed including standard, disabled and cycle, and EVCP provision exceeds the Council's parking standards and as such is in accordance with Policy IC3.

The HA have considered the proposal and make no objection to the development. However, they have asked that some amendments to the scheme are made; these are noted in the consultation section of the report. With these amendments and the inclusion of the conditions (also listed in the consultation section of the report), the HA have confirmed that the proposal is acceptable and in accordance with the relevant local and national planning policy in this regard.

There have been objections raised to the development in relation to there being no vehicular access provided to the rear of Abingdon Road, it is argued that this will prevent access to emergency vehicles to these houses. However, there is currently no access to the rear of Abingdon Road as this is private, and the access used for those houses during an emergency has always been from the front of the houses. As such this is not considered a suitable reason to refuse this planning application.

With the inclusion of the amended plans and required conditions from the HA and with no objection from the statutory consultee, it is considered that the development meets with the relevant local and national planning policy.

Biodiversity/Consideration of Ecological Network

Policy NE1 of Burnley's adopted Local Plans seeks 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. Policy NE1 specifically states that where development may adversely affect the effective functioning or connectivity of Ecological Networks, in addition to the other requirements of the policy state that where practicable natural features should be retained and if necessary, an alternative corridor should be provided.

The site is located within an Ecological Network as shown on the Burnley Local Plan Proposals Map. Objections have been received to the development in relation to the removal of trees and the impact of the development on wildlife, with the presence of hedgehogs being highlighted.

The NPPF seeks to incorporate measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 175 of the NPPF requires that in determining planning applications significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and opportunities to incorporate biodiversity in and around developments should be encouraged.

In accordance with the advice provided at the pre application advice stage, the agent has provided the following for consideration:

- A Preliminary Ecological Appraisal (PEA);
- A Bat Roost Assessment (BRA);
- A Biodiversity Assessment;
- A Biodiversity Enhancement Measures (BEM) Report.

The PEA identifies no habitats protected under Section 41 of the NERC Act 2006, however, some protected species were identified as being present / potentially present on the site. The PEA therefore makes recommendations for further assessments for bats and birds, and site surveys to rule out any other protected species potentially residing on the site.

The BRA identifies no evidence of bat activity and confirms that the existing trees at the site are not suitable for bats and have negligible potential to hold roosting bats. As such, no mitigation measures relating to bats is considered necessary.

The BEM Report sets out the site-specific habitat and species measures proposed to secure biodiversity enhancement on the site. The specific measures include the retention of mature trees, eradication of invasive species, provisions for bats, birds and hedgehogs, the introduction of wildflower grassland, and native tree and shrub planting through the landscaping plan. The location of these measures is shown in an Ecological Enhancements Plan at Appendix 1 of the Report.

The BA details the further habitat surveys that have been undertaken following on from the PEA. The BA assesses the current condition of the site and how this will improve as a result of the landscaping works associated with the proposed development. The BA concludes that the redevelopment of the site will result in a predicted on-site net increase in habitat units of 12.91%

Although this development is located within an Ecological Network as identified by the Burnley Local Plan, officers consider the extensive landscaping and tree planting allows the Ecological network to still function. As such, with the inclusion of the relevant conditions and the measures noted in the ecological reports provided under condition 2 of this permission, the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

Trees: Policy NE4 is relevant to trees specifically. The application is supported by a Tree Survey and Constraints Report (TSCR) and an Arboricultural Impact Assessment (AIA). The TSCR confirms that the existing trees are of little arboricultural significance. The AIA identifies 7 Category 'C2' trees for removal, while the remaining trees will be retained and protected. A Tree Protection Plan (TPP) showing the specific tree protection measures for retained trees including Root Protection Plan (TPP) showing the specific tree protection measures for retained trees including Root Protection Areas (RPA) and Construction Exclusion Zones (CEZ) is also provided.

The landscaping proposal show planting of over 30 trees, which are considered native to the area, as well as native hedges, shrubs, amenity turf and wildflower planting. The Council's Green Spaces team have considered the proposal and have raised no objections.

Overall, officers agree with the applicant in that despite the loss of existing trees, the proposed landscaping scheme will result in a significant improvement in the area in the longer-term both visually and ecologically. With the absence of an objection from GMEU and with the requested conditions listed at the end of this report, it is considered that the proposal is acceptable and in accordance with her relevant local and national planning policy in this regard.

Design /Scale and layout:

Paragraph 126 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, Policy SP5 of Burnley's adopted Local Plan states amongst other things that, the Council will seek high standards of design, construction and sustainability in all types of development. Loss of privacy and overshadowing/loss of sunlight are raised in objections received to the proposals.

In terms of massing and scale of the surrounding area, this is predominantly 2 storey, there is the exception of Jubilee Mill which is located to the north of the site along Shakespeare Street. The proposed development is 2 storey which will work with the changes in levels. The scale of the building would therefore be similar to the neighbouring buildings, to sit well within the surrounding context and respect the character of the area. The northern end of the building would be constructed on stilts with some car parking beneath.

The surrounding area is predominantly residential with stone and some red brick along

adjacent Abingdon Road. The development is proposed in a mix of red brick and render, a condition will be included which ensures that details are agreed for materials prior to their use in the development. Materials are therefore considered to be acceptable.

There would be an area of accessible landscaped outside space to the west of the building which can be used by residents to sit out as and when they chose. A landscaping plan is included which shows new trees to be planted and landscaping to be of a good quality. Further conditions are included to ensure that the landscaping is management and maintained and any dead or dying plants/ trees are replaced to ensure the quality of the outside space is sustained going forward.

Amendments have been made to the scheme which ensure there is a 20m minimum distance to all the surrounding properties, this is to ensure that there is no significantly detrimental impact caused to neighbouring houses by reason of overlooking as required by Policy HS4 in the Local Plan. Due to the orientation and scale of the building it is not considered that there would be a significantly detrimental on neighbouring properties due to loss of sunlight or overshadowing.

One letter of objection also highlighted that the building would be built right up to the neighbours' gardens. As the building has been moved further away from the boundary with the houses to the south and trees are also to be planted along the boundary, it is considered that this elevation is broken up and suitably distanced away from the neighbouring houses/garden areas, reducing its impact on those properties, so as not to have a significantly detrimental impact on the amenity of these neighbours.

Overall, the layout of the site and design of the building allows easy access and movement for disabled residents, accommodating wheelchair users, and ensures that there are multiple amenity areas for residents to enjoy, and to encourage a sense of community within the home. The site is located in a residential area and it is not considered that the proposed care home will generate significant noise, nor would its occupants be impacted by adjacent uses. There will be no issues with overlooking or overshadowing, nor noise impact. The proposals will therefore ensure a good level of amenity for future users and neighbours in accordance with Policy SP4 and SP5.

Residential Amenity:

Policies HS4 and SP5 of the Burnley Local Plan give guidance in relation to the living conditions for current and future occupiers of the site and adjacent area, and residential amenity is an important factor when considering planning application. Matters of overlooking, overshadowing and sunlight are considered earlier in the report. Matters of pollution and open space are considered below:

Pollution: There has been evidence of ground gases found in the contamination report, a suitably worded condition is proposed in order to ensure that these would not have a significantly detrimental impact on current or future residents in the area/occupiers of the site. In terms of noise, the Council's EHO has suggested that conditions are included which will protect residents for any noise generated from the adjacent public house- this condition is listed in the consultation section of this report. Officers do not consider that issues with Air Quality pose a significantly detrimental impact on the amenity of the surrounding area.

Open Space: The applicant has demonstrated that there would be adequate outside space for residents and staff to use throughout the site, but specifically to the west of the building; this is shown on the landscaping plan submitted. A suitably worded condition is included to ensure the ongoing maintenance of these areas. The residents are likely to use the outside space intermittently and it is considered that there is suitable space provided in this development for this. There have been no objections from the Council's Green Spaces team in this regard. As such with the inclusion of the relevant conditions, it is considered that the development would

not have a significant detrimental impact on residential amenity, and it would accord with the relevant local and national planning policies in this regard.

Carbon Reduction measures:

Policy SP5 requires that development should incorporate measures to minimise energy and water consumption and opportunities should be sought on site for energy supply to be from renewable and low carbon initiatives.

The applicant has confirmed in the Energy Statement (ES) submitted with the application that the building will be constructed using a fabric first strategy for energy efficiency including well insulated cavity walls, solid concrete floors and a highly insulated roof with good thermal storage capacity to reduce energy and gas consumption. Other energy efficiency measures to be utilised in the building include LED internal light fittings and low energy external lighting, a central low temperature hot water heating system providing underfloor heating to the majority of areas, heat pump air conditioning units, high efficiency low NOx condensing gas boilers, and 'Lo Carbon' extract ventilation the ES concludes that the emission rates from the development will be lower than that required by the building regulations.

As such, with these measures in place, officers consider that the development accords with the relevant local and national planning policy in this regard.

Flooding / drainage

Policy CC4 of the Burnley Local Plan aims to ensure that new development does not result in increased flood risk from any source or any other drainage problem, whether on the development site or elsewhere and sets out requirements for development such as this. The NPPF also sets out guidance in relation to sequential and exception tests for developments in Flood Zone 2 and 3 such as this site. Objections have been received to the application in relation to the risk of flooding on the site.

The site lies within Flood Zones 2 and 3a. Therefore, in accordance with Policy CC4 this application is supported by a Flood Risk Assessment (FRA) prepared by Dudley's Structural and Civil Consultants.

The Planning Statement submitted with the application notes that the Flood Risk Assessment provided confirms that the layout of the site has been designed so that the proposed building does not encroach into Flood Zone 3. It is identified that the site is at medium risk of fluvial flooding, and low risk of flooding from surface water.

It also notes the scheme has been designed to ensure that overland water flows are directed away from the building and that surface water is managed within the site boundary to avoid impacts on surrounding land and buildings.

The specific mitigation measures to control flood risk on the site set out within the FRA include:

- Sequencing construction works to ensure that existing surface water run-off rates are not exceeded until sufficient drainage infrastructure has been constructed;
- Use of a nominal freeboard of 150mm between the finished floor level and surrounding ground to manage damp and water ingress;
- Provision of positive drainage or drainage away from the building at points of level access; and
- Encouraging users to subscribe to EA flood warning service to avoid damage to vehicles.

The Drainage Strategy confirms that surface water will be discharged to Green Brook, utilising

a cascade attenuation system and flow control manhole to control the rate of runoff to 4.05l/s (i.e. the assumed greenfield runoff rate for the site in accordance with the SuDS Manual and National and Local Policy). This approach is the second order of priority of the drainage hierarchy. However, given that soakaways (first order of priority) are unlikely to be feasible on the site, the proposals are in accordance with Policy CC5. Meanwhile foul water will be drained into the existing combined sewer to the north of the site.

The development has been considered in full by the Environment Agency, who after the submission of the amended FRA have removed their initial objection, they do consider that the use of stilts is not ideal, and that it is mitigation rather than good quality flood design. However they have raised no objections.

The Lead Local Flood Authority have also raised no objections to the proposal and have requested conditions which are listed.

Finally ongoing negotiations with United Utilities have resulted in the development being repositioned slightly and an agreed 3m easement to the sewers to the north of the site being agreed with them. They have stated therefore that they no longer have objections to the proposal.

Although officers recognised that this site is partly in Flood Zones 2 and 3a, the risk of flooding has been adequately mitigated to ensure that the development is acceptable and in accordance with the relevant local and national planning policy in this regard.

Conclusion:

The proposed development would provide care facilities for 34no people in a sustainable location. Although it is noted that the site is located within Flood Zones 2 and 3a, mitigation has been utilised by the applicant to reduce the risk of flooding and its potential impacts through suitable mitigation measures.

Other matters such as traffic and highway safety, biodiversity and consideration of ecological networks, trees, design/scale and layout, residential amenity and carbon reduction measures have been considered within the report and officers consider the relevant local and national planning policies are met in this regard. The development is in accordance with the relevant local and national planning policy and there are no material considerations which indicate otherwise. As such, it is recommended that the application is delegated to the Head of Housing and Development Control to approved subject to a S106 obligation and the conditions listed below.

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:

To be completed

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

Materials

3. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and maintained as such for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Landscaping/levels

4. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, but not be limited to, proposed levels or contours (internal and external throughout the site); means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (eg garden furniture), soft landscape works shall include planting plans, written specifications, schedules of plants/trees/shrubs noting species, sizes and proposed numbers/densities where appropriate. The landscaping scheme shall be carried out in full within the first planting season following the first occupation of the development hereby approved. Any plant/tree/shrub which is removed, dies or is diseased shall be replaced within the first following planting season.

Reason: In the interest of visual amenity and the securing a high-quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

5. Prior to the occupation of the development hereby approved a detailed landscape management and maintenance plan shall be submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in accordance with the approved details for the duration of the development.

Reason: In the interest of visual amenity and the securing a high-quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Highways

6. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:
 - Details of the parking of vehicles of site operatives and visitors.
 - Details of loading and unloading of plant and materials.
 - Arrangements for turning of vehicles within the site.
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
 - Measures to protect vulnerable road users (pedestrians and cyclists).
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to deal with dirt, debris, mud, or loose material deposited on the

highway because of construction.

- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

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

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

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

8. Prior to the first occupation of the development hereby approved covered cycle parking and an electric vehicle charging point/s shall be provided prior in accordance with the approved details. They shall be retained and available for use for the duration of the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

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

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Noise

10. Windows in the elevation facing the adjacent public house on Wytham Street shall be fitted with double glazing to achieve a minimum of 15dB reduction to any bedrooms/living rooms, together with trickle vents to regulate noise levels for the duration of the development. The windows shall be retained as such for the duration of the development.

Reason: In the interest of the amenity of the occupiers and future occupiers of the development in accordance with Policy SP5 of Burnley's Local Plan and the provisions of the National Planning Policy Framework.

11. Prior to their installation of any external plant or flues details shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interest of the amenity of the occupiers and future occupiers of the development in accordance with Policy SP5 of Burnley's Local Plan and the provisions of the National Planning Policy Framework.

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12. 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 site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (approved under condition 2) 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 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: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

14. Prior to the occupation of the development hereby approved, 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, shall be 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 the penstock and non-return valves, 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: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

15. Prior to the occupation of the development hereby approved, a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be 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 as such for the duration of the development.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

United Utilities

16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21420 100, Rev P3- Dated 14.07.22 which was prepared by Dideus . For the avoidance of doubt surface water must drain at the restricted rate of 4.1 l/s. The layout shall be carried out in accordance with 21420-DCE-XX-XX-D-S-231 P02, and WBA-SI-00-DR-A-PL-021, Rev P7, dated 14.02.23.

17. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

18. Prior to the first occupation of the development hereby approved, a scheme and programme shall be submitted to and approved in writing by the Local Planning Authority to ensure adequate management and maintenance of the voids in the building in relation to flood risk. The development shall be built and maintained in strict accordance with the approved details.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted, written confirmation shall be submitted to, and approved in writing by the Local Planning Authority that confirms the agreed energy and efficiency measures under condition 2 of this permission have been integrated into the development. Relevant certificates to demonstrate this shall be provided at this time.

Reason: To ensure that energy efficiency measures have been incorporated into the development in accordance with the provisions of Policy SP5 of the Burnley Local Plan.

Informative: the developer is directed to consider the comments on the Council's website from the Lead Local Flood Authority, Environment Agency and Lancashire Fire and Rescue Service.

Elizabeth Hindle
23.02.2023