

**Application Recommended for Approval**

**APP/2018/0080**

Trinity Ward

Full Planning Application

Demolish church buildings and public house and erect petrol filling station with shop and separate cafe with drive through and improved access from Barracks Road

LAND AT BARRACKS ROAD BURNLEY

**Background:**

The proposal is to re-develop two adjoining sites amounting to a total of approximately 0.4ha of land; partly occupied by a vacant church and presbytery and partly occupied by the General Havelock, also vacant. The proposal seeks to develop the land as a single site to provide a petrol filling station (sui generis) with shop (Class A1) and a drive-through coffee shop (Class A3). The site fronts Barracks Road between Accrington Road on its east side and the roundabout approach to Cavalry Way and Junction 10 of the M65 on its west side. The south side of the site bounds a railway line and to the north of the site is the Gym and Travelodge hotel.

Church buildings (St Teresa's) seen from the roundabout, Cavalry Way



View of church from within car park

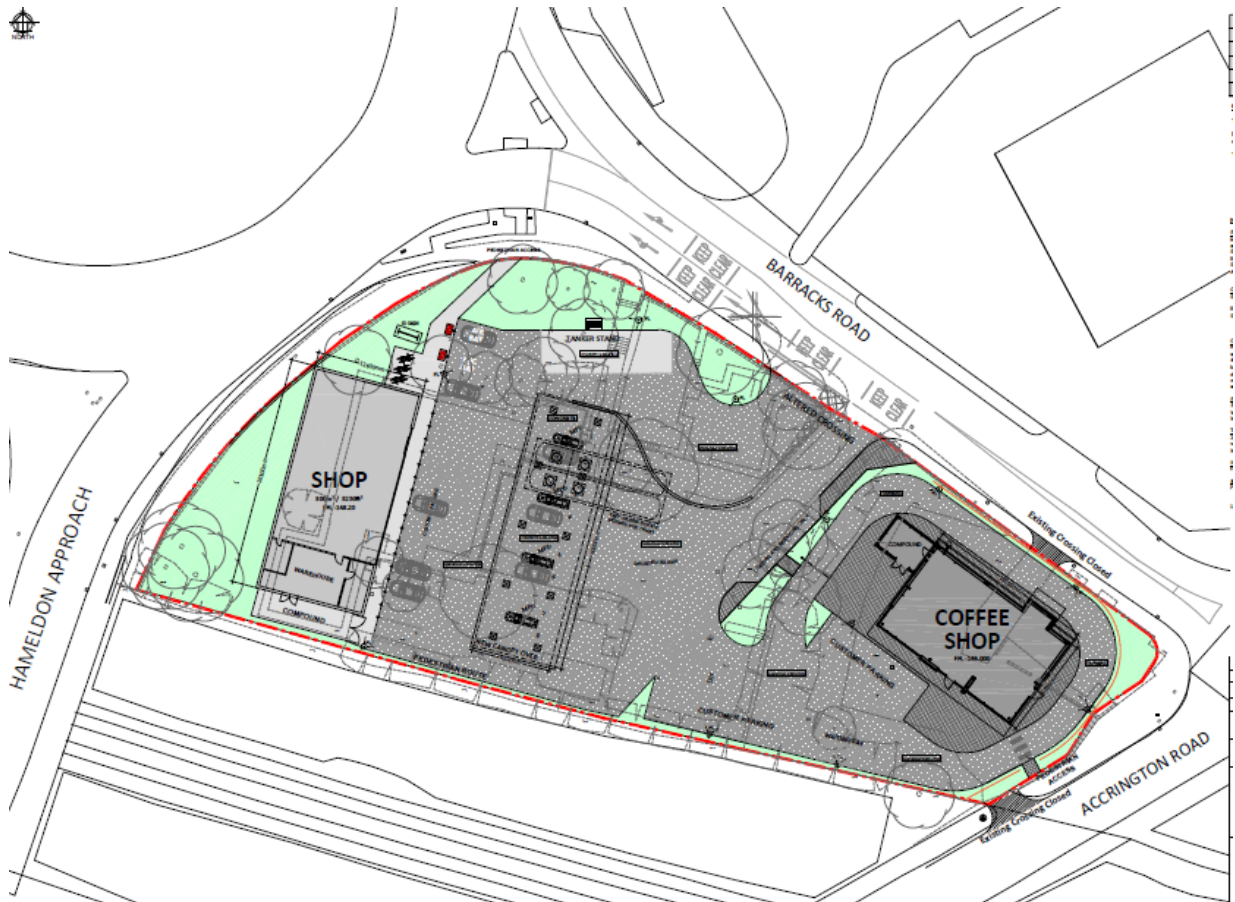


The General Havelock

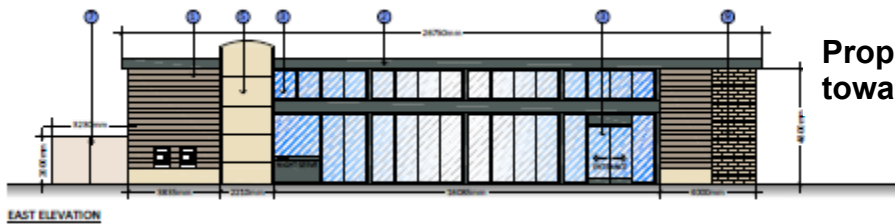


The proposed layout involves improving an existing entrance on Barracks Road and closing other access points, with a pedestrian only access from Accrington Road.

Proposed Site Layout



A petrol filling station (PFS) with a curved canopy over four pumps (to cater for up to eight cars) would be central within the site and would be accompanied by a shop (300sqm) on its west side and a drive-through coffee shop to its east side. The proposed shop would be ancillary to the PFS and be a single storey building with

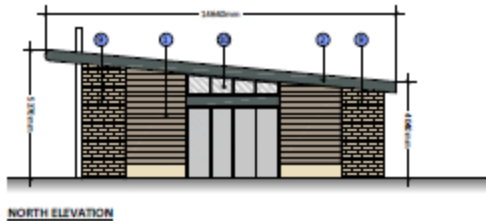


**Proposed shop facing towards PFS pumps**



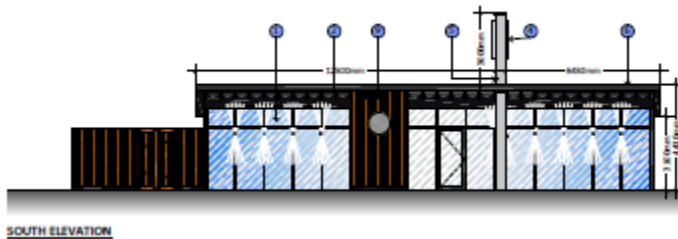
**Proposed rear elevation of shop facing the roundabout at Cavalry way**

sloping roof, facing principally into the site. The elevations are faced with cladding and glazing to the front; the rear elevation has been improved by the introduction of coated glass screens and stone to the corners. The side elevation facing Barracks Road has also been improved by the addition of full height glazing.

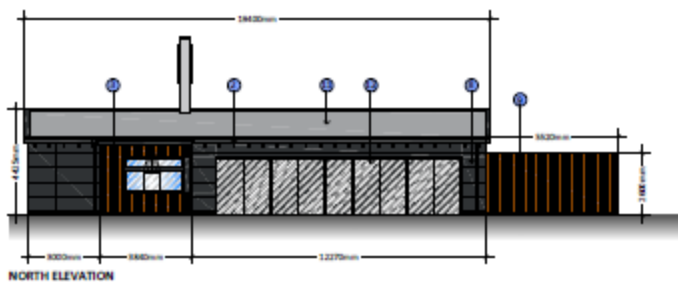


**Proposed shop side elevation facing Barracks Road**

The proposed shop would have forecourt parking for up to 12 cars and also provide an additional two bays with electric charging points. Cycle parking would also be provided to the side of the proposed shop. A curved canopy over a rectangular base (30m x 9m) would occupy the central part of the site and the proposed drive-through coffee shop with 14 parking spaces and one waiting bay would be sited at the eastern side. The front elevation of the proposed coffee shop would face into the site's car park and a drive-through lane and rear elevation would face towards Barracks Road.



**Proposed coffee shop – front elevation facing southwards into car park**



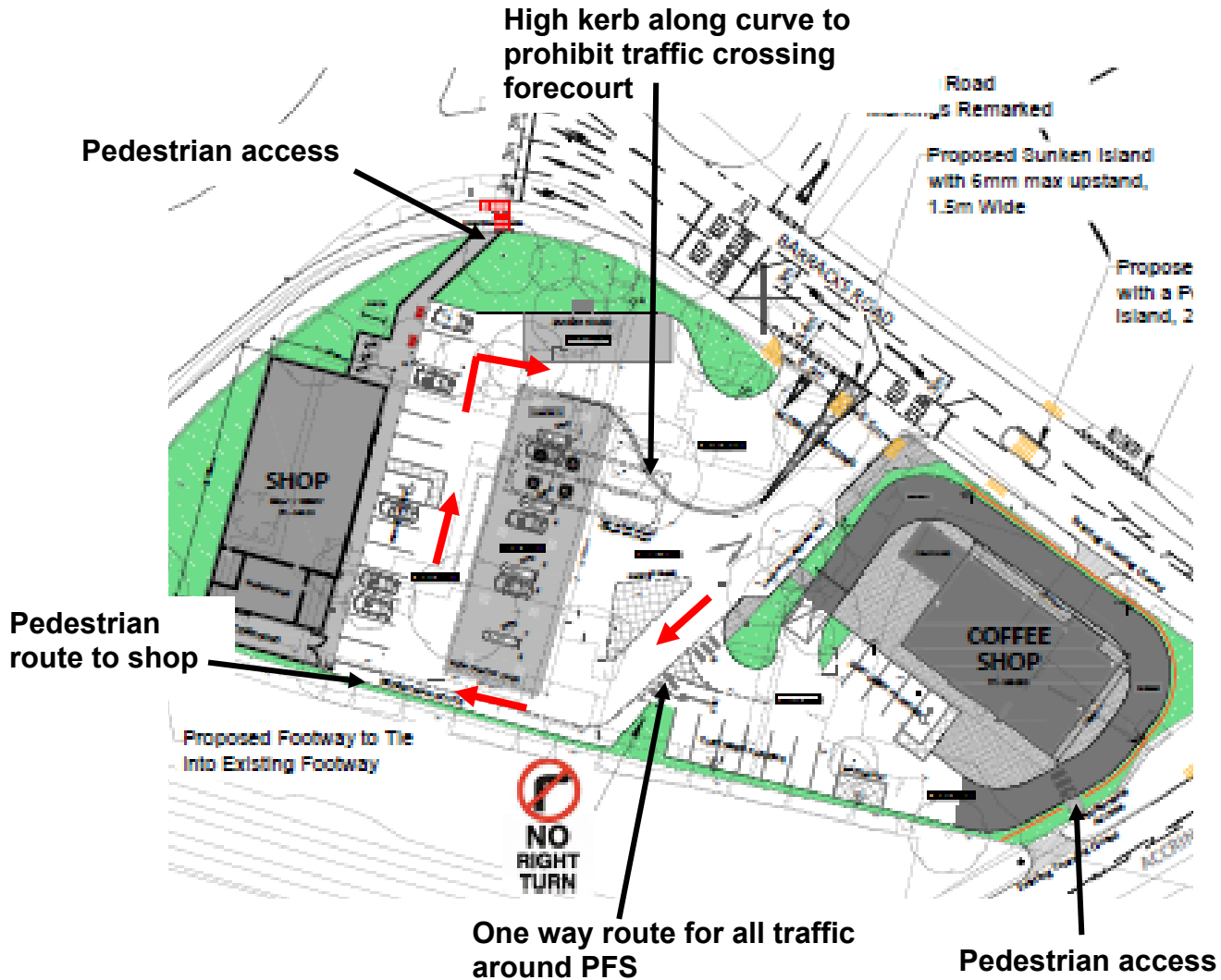
**Proposed coffee shop – drive-through elevation facing Barracks Road**

The drive-through elevation has been improved by the addition of ceramic coated glazing in lieu of cladding panels to create more visual interest on the roadside elevation. The main materials on the building are dark grey cladding panels, vertical wooden boarding and a light grey laminated membrane to the proposed mon-pitch roof. A solid vertical column would project from the roof to a height of approximately 7.4m which would be used for future signage (this would be subject to a separate application for advertisement consent).

Vehicular access into and out of the site would be from an improved access on Barracks Road. A pedestrian access would also be formed at the northern edge of the site close to the junction of Barracks Road and Cavalry Way and at Accrington Road. A one way route would take all traffic, including traffic from the proposed coffee

shop) around the PFS forecourt; a raised kerb across the forecourt would prohibit traffic from cutting across the forecourt to the exit.

Proposed access and road layout



Minor widening of the carriageway would be required on Barracks Road to facilitate a dedicated left hand only lane at the signalised junction at the roundabout with Cavalry Way. Other off-site works would be required at the site junction, on Barracks Road and Accrington Road. A Safety Audit has been carried out at the request of the local highway authority which refers to various off-site works that are necessary to deal with vehicular and pedestrian safety; this will be referred to later in the report.

The site currently has various individual trees and a group of leylandii trees which have a moderate amenity value. The leylandii and other small groups and individual trees (including five Category B trees) would need to be removed to accommodate the development.

Opening hours for the proposed coffee shop are 6am to 10pm each day; whilst, the hours for the PFS and shop are proposed as 24 hours.

**Relevant Policies:**

Burnley's Local Plan (adopted 31<sup>st</sup> July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

TC1 – Retail hierarchy

HE1 – Identifying and protecting Burnley's historic environment

HE3 – Non-designated heritage assets

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC4 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – car parking standards

IC4 – Infrastructure and planning contributions

IC5 – Protection and provision of social and community infrastructure

The National Planning Policy Framework (2018)

**Site History:**

12/77/0277 – Outline application for erection of church and presbytery with ancillary car parking facilities. Approved July 1977.

12/78/0452 – Reserved Matters: Erection of church and presbytery and ancillary car parking facilities. Approved September 1978.

12/82/0442 – Erection of detached garage and store. Approved September 1982.

APP/2015/0371 - Proposed change of use of car park to form car sale pitch, siting of porta cabin for sales office and erection of boundary fencing. Refused October 2015.

APP/2015/0545 - Change of use of car park to car sale pitch, siting of porta cabin for sales office and erection of boundary fencing (re-submission APP/2015/0371). Approved January 2016.

**Consultation Responses:**LCC Highways

There have been discussions between the applicant (and their highway consultant) and LCC Highways throughout the application process. Earlier comments received are copied below :-

“The proposal is to erect a petrol filling station with associated convenience shop and a coffee shop with associated drive through. In my initial comments I raised issues relating to the impact of the development on the local network and the internal arrangements of the site. Following a meeting with the applicant's transport consultant further information was submitted in support of the application.

The site is located off Barracks Road ( B6239) and is in close proximity to the Barracks Roundabout which forms a dumbbell style junction with all access movements onto the M65 ( junction 10 . The Barracks roundabout has 4 arms from

the Barracks Road entry in a clockwise direction these are Hameldon Approach (A679) Cavalry Way (A671) and Westway (A671) . To the north west of the Barracks Roundabout is Gannow Top roundabout. Both Barracks and Gannow Top roundabouts have recently been signalised.

Following recent redevelopment of the mill complexes on nearby Trafalgar Street and the introduction of a traffic calming scheme, Barracks road and the lead in road ( Burnham Gate) have assumed a more strategic role in respect of traffic movement in and out of Burnley. As discussed above the proposed development is located at the junction of 3 major roads in / out of Burnley and is in close proximity to the M65 and under such circumstance there is a likelihood that the proposed development will attract an element of diverted traffic from these routes. The application suggests that there will be a large percentage of pass by trips with limited diverted trips. Due to its location I would agree that a large percentage of the trips will be pass by but I would dispute that the pass by trips would be as high as 89% as stated by the applicant which suggests that between 7 – 9% of the trips will be new to the network.

The relevant pass by trips for this development would be those already on Barracks Road and these will have no effect on the current distribution on the network, a visit merely delaying its progress through the network. The pass by trips arriving from the other 3 arms of the roundabout would likely to be diverted trips ie those on the network whose route is altered due to the presence of the facilities being provided. Whilst already on the network the additional turning movements associated with the diversion of the primary trip purpose route will add extra turning manoeuvres and add to existing queues on the network. The consequences of these additional movements have not been taken into account.

The applicant has undertaken an analysis of the site access onto Barracks Road under a range of scenarios from a straight forward, unprotected right turn into the site which has the potential to obstruct westbound through traffic on Barracks Road to a combination of ghost island configurations which will maintain through traffic. The latter scenario would be the preferred option but would need further design to ensure that it is achievable. There may be a requirement to widen the carriageway at this location to ensure compliance with the appropriate design standards. From observations on site there may be a requirement for the inclusion of a pedestrian refuge to cater for pedestrian movements to the convenience store and to remove the likelihood of the current practice of vehicles crossing the centreline to get to the offside (right turn lane) at the Barracks Roundabout signals.

Notwithstanding the design of the junction access and egress to/from the site is reliant on the effectiveness of the keep clear markings and whether or not drivers will be compliant but it is clear from site observations that queueing across the site entrance is already a regular occurrence which may promote the appropriate driver behaviour.

The possibility of diverted trips from Westgate must be considered and the route these would take is Accrington Road entering at the Mitre junction and exiting with a right turn onto Barracks Road. The sight lines at this junction are poor and there have been three recorded injury accidents two of which involved motorcycles entering the roundabout from this arm. To counter this and to remove this element of potential diversion through a predominantly residential area, the option to close this arm of the

junction or review its operation by means of one way working will need further consideration.

Overall , whilst it is possible to achieve a safe access into the site there are no mitigation measures being put forward that will counter the increased queue lengths that will result both from the traffic generated by the site and the diverted trips from the adjacent road network.

Site specific issues, include the width of the site access, loading and unloading and the vehicular exit from the coffee shop (summarised).

At this stage I am confident that a suitable access and egress strategy to the development can be achieved through the use of a number of off-site measures of highway improvement such as the formation of a right turn ghost island [within the site] and associated widening and pedestrian refuge and the remodelling of the Barracks Road / Accrington Road and Burnham Gate mini roundabout junction.”

At this earlier stage, LCC Highways recommended refusal until the above issues could be satisfactorily resolved. At a meeting with the applicant, LCC Highways requested that the applicant commission an independent safety audit to assess the proposed site junction and the internal arrangement. This has since been carried out and the findings of the report make various recommendations concerning off-site works and the internal layout. The applicant has confirmed that they accept all the recommendations set out in the independent audit.

Following the findings of the audit, LCC Highways affirm that their findings are accepted in respect of the site access, off-site highway works and the internal circulation. The audit did not however look at the potential use of the old section of Accrington Road, both from a traffic and also, air quality perspective. Measures should be put in place to restrict movement on this section of road and have either a one way working order at the mini-roundabout junction (movement in a north easterly direction only, or alternatively, the closure of the existing one way section at the Mitre junction (except for cycles). Conditions are also recommended to secure the closure of existing access points, the design and construction of the site access and off-site works, the cleaning of wheels, the provision of a minimum of two spaces for electric car charging, a Construction Method Statement, and the provision of cycle facilities.

#### Highways England

No objection.

#### United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended to ensure the use of separate systems and to require a surface water drainage scheme and its management/maintenance.

#### Environmental Health

It is recommended that conditions are necessary in respect of the construction period (restrict hours of work), a Dust Management Plan, provision for cycle parking, and electric charging points. An Air Quality Assessment was also requested which has since been submitted and considered. The findings of the assessment which are that the development would not increase levels of NO<sub>2</sub> (nitrogen dioxide) above national maximum target levels, are accepted and there is therefore no objection in principle to

the proposal on air quality grounds. An advisory note from the Council's Environmental Health Officer does however suggest that if traffic levels were higher than expected then this would affect the findings:-

"Whereas I have no objection in principle to the development I would like to draw your attention to the NO<sub>2</sub> findings reference R1 in the report Table 13: Dispersion Modelling Results and Significance of Development for the Opening Year (2018) Scenario at Existing Receptor Locations. The projected levels indicate that the annual mean NO<sub>2</sub> level would be 32.78(µg/m<sup>3</sup>) with development and using supplied traffic data and modelling. Whilst this would indicate that this is under the maximum annual mean target of 40.00 (µg/m<sup>3</sup>) I would suggest that traffic volume would not need to increase to such an extent to potentially have an effect on the air quality within the area of the R1 location site. As indicated in the consultant's report the development is projected to capture its clientele from 89% of passing/existing traffic. If we were to project a conservative increase of additional traffic of 6% and were this to come from new traffic and from the direction of the R1 location site then this would indeed have the potential to increase the levels of NO<sub>2</sub> to exceed national maximum target levels of 40.00 (µg/m<sup>3</sup>)."

#### Greater Manchester Ecology Unit

Requested a full bat survey which has subsequently been carried out.

The survey found no evidence of bat using the buildings as a roost site and consequently there should be no issues with demolishing the buildings. A condition is recommended to protect nesting birds during site clearance.

#### Burnley Wildlife Conservation Forum

There are currently a significant number of semi-mature trees which have acted as an effective screening of the empty church buildings. The semi-mature trees are comprised of a diverse range of species, namely, ash, silver birch, cherry, whitebeam, elm, Norway maple, goat willow, scot's pine, apple and leylandii which act as a valuable wildlife habitat resource which compliments and links up to the habitats of the embankments of the adjacent railway line wildlife corridor. The majority of the trees will have to be felled which adds up to 20 specimens. Given that this constitutes a significant loss of valuable semi-mature trees and habitat, the applicant should provide specific mitigation measures on a landscaping plan incorporating compensatory tree planting of at least 20 native species. Also advise that an up to date bat survey is carried out, as well as immediately prior to demolition.

#### Burnley Civic Trust

Note that a number of trees are to be felled to enable this development to proceed and have concerns that this will not be replaced with adequate landscaping. It is requested that before permission is granted, a comprehensive landscaping scheme is agreed.

#### Network Rail

The proposal has a boundary adjacent to the existing operational railway. Advise on the requirements for boundary fencing, drainage, construction management, safety considerations and scaffolding.

#### Designing out Crime Officer

Petrol filling stations are often affected by crime, such as burglary, criminal damage and drive-off offences. Pay at pump fuel machines can deter the latter.



Recommendations are made to ensure that security measures are adequately addressed, including the application of the Secured by Design security scheme, fencing, CCTV, alarm systems, lighting and building specifications.

### Publicity

A letter has also been received from Councillor Fewings which makes the following points:-

- There is insufficient information within the Air Quality Assessment (AQA) which does not cover Accrington Road [the AQA has subsequently been revised to include the affected part of Accrington Road in its assessment]
- The number of electric charging points should match the number of fuel pumps (the provision of one is inadequate)
- Should be a temporary permission only, given that petrol stations will be phased out in the next 30 years
- There is a significant amount of tree felling as part of the proposed development. A condition should be imposed to provide full mitigation of any tree and habitat loss
- The development should provide at least 1% of capital expenditure for public art
- Conflicts with sustainable travel
- The drive-through café is likely to cause extra litter in the immediate and surrounding area and should be dealt with by conditions
- There is no crime impact statement with the application
- A Phase 1 Desk Top study should have been undertaken
- A full landscaping scheme should accompany the application
- The submitted lighting scheme is not accompanied by any statement
- A Marketing Statement must be undertaken when there is a loss of a community asset – there are no specific details of this.

A letter has been received from Councillor Monk which states that the residents of the surrounding area are concerned about the implementation of the access road and exit at a busy junction and on a route which is a nursery and school run. Congestion occurs, making it difficult for residents. Concerned that drive-through will cause waiting traffic to back up on Accrington Road. Also concerned about pedestrian safety as the site is on a walking route to schools/nursery.

Two letters have also been received from neighbouring properties making the following points:-

- The entrance and exit on Barracks Road will cause chaos, especially at peak times
- Have problems turning right from Accrington Road at the mini-roundabout towards the proposed site due to the short duration of the green light and the traffic coming up from Burnham Gate
- Suggest having an access point on the other side (Accrington Road)
- Concerned about the flow of traffic from Westgate using Accrington Road as a quick through way to the petrol station, causing more fumes and heavier traffic to the area.

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

### Principle of proposal

The site is within the development boundary as identified in the Policies Map of Burnley's Local Plan, adopted on 31<sup>st</sup> July 2018. It sits at a strategic location bounding the south east side of the Barracks Roundabout at Junction 10 of the M65 and within the urban area to the west side of Burnley town centre. The site is without an allocation in the new local plan. Policy IC5 is relevant in respect of the protection of existing social and community infrastructure. The vacant church and presbytery are no longer required by the Salford Diocese and following marketing, no other community uses have come forward. It is accepted therefore that the church buildings are no longer required to provide for the social and community needs of the local area. Similarly, the General Havelock public house has been marketed since May 2014 without any success in finding a new owner to maintain its use as a public house. Notably, there is another public house (Angel Inn) on the opposite side of the mini-roundabout on Burnham Gate which provides a similar social function in the local area. The proposal is unlikely therefore to have a significant impact on the social and community infrastructure of the local area.

The site is at a convenient location close to Junction 10 of the M65 which would not, in principle, be unsuitable for a Petrol Filling Station (PFS). The proposal also includes a shop and coffee shop which are main town centre uses and should be subject to a sequential assessment, as set out in the National Planning Policy Framework. In respect of the proposed shop, it is accepted that its primary purpose is to provide kiosk services associated with a PFS. Its size (approximately 300sqm) is similar to other service station shops and is likely to generate only a low level of convenience goods sales, primarily by PFS customers. In these circumstances, the proposed PFS shop would not have a significant deviation from or impact on the retail hierarchy set out in Policy TC1 and would satisfy the tests on sequential assessment. The town centre is the primary location for coffee shops; the proposal in this instance is for a drive-through coffee shop which is a model and type of facility that is not suitable in most town centre situations. Taking the development as a whole, inclusive of a PFS, and having regard to the site's location and its surrounding commercial uses, there would be some benefits in co-locating a coffee shop at this location. It would provide an additional facility for passing traffic and users of the PFS. Whilst therefore, there would be other available sites for coffee shops in town centre premises, these would not provide the drive-through function and service function that is provided at this site. On this basis, there is no objection to the principle to either the proposed PFS with associated shop or drive-through coffee shop at this location.

The main considerations relate to the impact of the proposal on highway conditions and safety, the appearance of the site and the impact from the loss of trees. Other considerations which may affect the sustainability of the proposal should also be considered.

### Impact on highway conditions and safety

The National Planning Policy Framework (2018) states that proposals should provide appropriate opportunities to promote sustainable transport modes, provide safe and suitable access to the site and mitigate against any significant impacts in a cost effective manner. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure [as necessary for highway safety/efficiency purposes].

A Transport Statement submitted with the application, based on TRICS data base sources, indicates that the development as a whole would generate up to a maximum of 100 trips to and from the site within the peak hour periods (08.00-09.00 and 17.00-18.00) which equates to up to two vehicles arriving or departing per minute. The actual new trip generation using the highway network would however be much lower, with an estimated 89% of pass-by trips to the site. The actual increase is therefore estimated at between 9 and 10 vehicle movements in the AM and PM peaks respectively. LCC Highways consider that there is likely to be a greater number of diverted trips than expected as a result of the proposal, although the overall traffic implications on traffic are accepted.

Following discussions between the applicant and LCC Highways, a Road Safety Audit has been carried out on an independent basis to examine the adequacy of the proposed site access and the internal arrangements. The report makes various recommendations, particularly for off-site works on Barracks Road and Accrington Road, including the provision of pedestrian crossing facilities. In addition to these, LCC Highways request provision to be made to facilitate Traffic Regulation Orders (TROs) to prohibit two way movement along Lower Accrington Road, in order to prevent drivers using this route as a rat-run when traffic is busy on Westgate. This would improve safety, where visibility is restricted at the junction of Accrington Road and Burnham Gate/Barracks Road, reduce congestion on a residential road, and control rates of air pollution. The latter is important given that the advisory note from the Council's Environmental Health Officer states that only a small increase in traffic usage on Lower Accrington Road could lead to NO<sub>2</sub> levels being exceeded (beyond National target figures).

Subject to the implementation of the Safety Audit recommendations and provision for a TRO, LCC Highways accept that the development would be acceptable. Conditions are also recommended to ensure the provision of electric charging points and cycle parking, to ensure the development achieves some sustainable features.

#### Impact on air quality

Policy NE5 states, amongst other things, that the Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality. An Air Quality Assessment (AQA) was requested by the Council's Environmental Health Officer (EHO) during the course of the application in order to take account of any increased pollution on air quality in this area. A further assessment was requested to include impacts on Lower Accrington Road. The findings of the submitted AQA concludes that the national maximum targets would not be exceeded. The Council's EHO accepts these findings but indicates that if the proposal led to any higher levels of traffic on Lower Accrington Road that the target levels may become exceeded, stating that "As indicated in the consultant's report the development is projected to capture its clientele from 89% of passing/existing traffic. If we were to project a conservative increase of additional traffic of 6% and were this to

come from new traffic and from the direction of the R1 location site then this would indeed have the potential to increase the levels of NO<sub>2</sub> to exceed national maximum target levels of 40.00 (µg/m<sup>3</sup>).” Notably, LCC Highways has recommended that the applicant be required to facilitate a Traffic Regulation Order to prohibit two way traffic on Lower Accrington Road which would reduce the use of this road as a rat-run and reduce traffic and levels of pollution overall. With this provision, the risk to air quality from the proposal on Lower Accrington Road would be satisfactorily mitigated. The proposal would not in these circumstances conflict with Policy NE5.

#### Impact on visual amenities

Policy SP5 seeks high standards of design in development. Policy HE3 refers to non-designated heritage assets which it seeks to protect. The General Havelock is an example of an early 20<sup>th</sup> Century public house which due to its corner position is a landmark building that contributes to the character of the local area. The public house is not identified on the Council’s local list of non-statutory listed buildings but should be given a similar level of consideration. In this case, the building stands in a relatively isolated position surrounded by the 1970’s church buildings and despite its elegant frontage, appears from other views to be in poor condition. The applicant affirms that the building is not suitable for their business model, in which case, the development would not succeed without its demolition. In these circumstances, the significance of the building would not warrant the refusal of the application.

The applicant has been requested however to make improvements to the elevations of the proposed new buildings to avoid blank walls facing the public realm and ensure that an acceptable level of quality is achieved in the new buildings. Ceramic glazing has been introduced to the elevation of the coffee shop building facing Barracks Road and to the rear of the PFS shop building facing the Barracks roundabout. Further details of this and the specification of materials should be conditioned. With this provision, the proposed development would have an acceptable appearance.

#### Impact on trees and ecology

Policy NE4 states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. The Arboricultural Survey submitted with the application identifies 20no. trees to be felled, five of which are Category B (good) trees. The majority of the trees (15no.) are identified as Class C1 or C2 (low quality value). These losses are necessary to accommodate the development. This will present a moderate loss of amenity value to the site as a whole which can be only partly mitigated by a new landscaping scheme. It is noted, however, that the landscaping scheme that has been submitted fails to indicate all the trees that are indicated to be retained on the submitted Tree Protection Plan. A condition is therefore recommended to require the protection of the retained trees and a further landscaping scheme. These provisions would help to minimise the impact from the loss of trees which are in this instance necessary for the benefit of the re-development of the site.

In respect of the potential for bat roosts within the existing buildings and trees, the submitted bat survey has found no evidence of these. The demolition of the buildings and the felling of the identified trees can therefore proceed without any identified harm to bats. A condition is necessary however to prohibit any site clearance during the bird nesting season.

#### Impacts on residential amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. The nearest residents to the site are at Lower Accrington Road, approximately 30m from the site's boundary where the proposed drive-through coffee shop is located. Given that the overall increase in traffic is not expected to be high (between 9 and 10 additional vehicles per peak hour), the impact from traffic noise is unlikely to be significant. Notably, there is concern that diverted trips may lead to a greater use of Lower Accrington Road that could lead to increased traffic noise and a reduction in air quality. This however can be dealt with by a TRO to prohibit two way movements, as recommended by LCC Highways. The principal source of potential noise and disturbance would be from late night operating hours. In the case of the proposed coffee shop, the proposed opening hours are 6am to 10pm which would limit noise at unsociable hours. No restriction on hours for the proposed PFS has been put forward in the application but should be considered to minimise the potential harm to residents. Limiting opening to between 6am and midnight would be reasonable in this instance.

#### Other issues

The site is located within an area of low flood risk and the development would not pose a risk to flooding subject to conditions recommended by United Utilities to require a drainage scheme.

Network Rail has set out some precautions for building on the boundary with the railway embankment and these are contained as conditions/informatives.

#### Conclusion

The proposal would be beneficial in bringing a redundant and prominent site into active use and would introduce suitable uses at this strategic location. The impacts of the proposal on highway conditions and safety have been highlighted through the application process and it has been shown that these can be satisfactorily dealt with by detailed design. Other impacts arising from the development have been identified and can be satisfactorily mitigated by use of conditions.

#### **Recommendation: Approve with conditions**

#### **Conditions (draft version to be confirmed following consultation with applicant)**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 171161-PL-01(A), 171161-PL-07, 171161-PL-077 (proposed shop floor plan), 171161-PL-08, 171161-PL-09 received on 13 February 2018; and, CS095757-CAP-TPL-MAN-DR-TP-011RevP01, 171161-PL-02(G), 171161-PL-03(E) and 171161-PL-04(D), received on 4 September 2018.
3. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a scheme for the construction of the site access, internal layout of the site and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all the recommendations contained within the Stage 1 Road Safety Audit Report (carried out by Capita, dated 28th August 2018) and provide for the means to facilitate a Traffic Regulation Order to prohibit two way traffic movements on Lower Accrington Road.

4. Neither the approved Petrol Filling Station/Shop or the approved Coffee Shop shall be first open for use until the approved scheme under condition 3 above has been constructed and completed in accordance with the scheme details.
5. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.
6. No development shall be commenced, including any site clearance, until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which shall take into account of trees to be retained on the site.
7. The tree protection measures as indicated on drawing number 171211TPP (Tree Protection Plan) and contained within the Arboricultural Survey (carried out by Georgina Tearne, dated 11th December 2018) shall be carried out prior to any demolition, ground works or site clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of any of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
9. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
10. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
11. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 10 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
12. The development shall be drained on separate surface water and foul water systems.

13. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 06:00 and 23:00 hours on any day.
14. The approved coffee shop shall not be open for business apart from between 06:00 and 22:00 hours on any day.
15. No development shall be commenced, including site clearance or demolition works between the period of 1st March and the following 31st July 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 has been submitted to the Local Planning Authority to demonstrate that there are no active bird nests that are present and this has been agreed in writing by the Local Planning Authority.
16. Prior to the commencement of development, details of boundary treatment and works to ensure the safety of the railway embankment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and safety measures shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.
17. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
18. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) details of working hour; and,
  - viii) contact details for the site manager.
19. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
20. No later than three months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the agreed hours and details of management.

21. No part of the development shall be first open for business until cycle parking has been constructed and is available for use in accordance with details indicated on the approved plans.
22. The existing redundant vehicle access points into the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
4. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018).
5. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres and the limitations of the site in respect of car parking, in accordance with Policies TC1, IC2 and IC3 of Burnley's Local Plan and the National Planning Policy Framework.
6. The submitted landscaping scheme fails to take account of a number of trees that are indicated to be retained in the Arboricultural Survey (dated 11th December 2017) submitted with the application. The proposal would lead to a significant loss of trees across the site and it is essential for the purposes of amenity and biodiversity that those trees that can be retained form part of a new landscaping scheme, in accordance with Policies SP5, NE4 and Ne1 of Burnley's Local Plan (July 2018).
7. To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018).
8. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).



9. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.
10. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
11. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
12. To ensure adequate drainage and reduce the risk of flooding and contamination of groundwaters, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
13. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
14. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
15. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
16. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
17. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
18. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
19. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
20. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

21. To encourage the use of cycles as a sustainable means of travel, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
22. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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