Application Recommended for Approval

APP/2014/00534

(Minded to approve subject to the decision of the Secretary of State)

Full Planning application

Erection of new indoor training facility (Use Class D2) with associated outdoor football pitches, access, car parking, landscaping, ancillary infrastructure and floodlighting to one existing pitch.

BURNLEY FOOTBALL CLUB TRAINING GROUND STOCKBRIDGE DRIVE BURNLEY

Background:

The site is outside the Urban Boundary, in the Green Belt. It covers approximately 18 hectares of land, close to Gawthorpe Hall and Gawthorpe Great Barn which are Grade I Listed Buildings, and Gawthorpe Historic Park and Garden registered by English Heritage as Grade II Listed.

The application is for the provision of enhanced training facilities at the Burnley Football Club training ground at Gawthorpe, off Stockbridge Drive, Padiham. A key aim of the scheme is to improve facilities for the First Team Squad and to develop the Youth Academy for young players. It is not the Club’s intention to increase the number of people using the facility. It is intended solely to provide better training facilities for existing users.

The Football Association (FA) has brought in new rules to improve the standard of football training for youth football under ‘The Elite Player Performance Plan’ Scheme (EPPP). This has four categories of training centre ranked 1 – 4. Burnley FC is currently ranked 3 which only allows them to play other clubs in Category 3 or 4, at the lower end of the football league. This inhibits the Club from signing the best youth prospects and does not test the current players at the highest level, which puts the Club at a disadvantage with other Clubs.

In order to attract players and to be able to play clubs at the higher level the Club needs to achieve a minimum of Category 2 status and to do this they must satisfy FA requirements, including:

- one indoor 40 yard x 60 yard football pitch;
- varying sizes of external pitches to offer rotational training;
- changing and washing facilities for first and youth teams;
- team meeting room;
- guest lounge for parents;
- match analysis suite;
- medical facilities with sports science;
- administration facilities to support coaches, analysts, scouts, etc.;
- player lounge;
- drug testing suite;
- gymnasium;
- hydro pool; and
- general support services.

The existing facilities are quite rudimentary and include one grass pitch, one synthetic full sized football pitch and a goal keeping area to the south of the River Calder. On the north side of the river there are 4 large grass pitches and 5 smaller grass pitches. The existing club house contains changing rooms, drying rooms, a boot room, a referees’ room, offices for coaching staff, a gym and a physiotherapy area. The accommodation is supplemented by three temporary porta-cabins which contain additional changing rooms and a toilet block.

The current proposal includes the erection of a new covered indoor training area, associated outdoor football pitches, access, car parking, landscaping, infrastructure on the north side of the River Calder, with new floodlighting to an existing pitch on the south side of the River.

The new building houses an indoor pitch and an ancillary clubhouse building which includes the facilities, as set out above, which are necessary to achieve the FA’s Category 2 status.
The part of the building housing the indoor pitch measures 42.5 metres x 61.0 metres x 12.3 metres at its highest point. This provides for the required playing pitch of 40 yards by 60 yards (36.6m x 18.2m), with a 3m allowance around the pitch, a viewing gallery and lounge area. The remainder of the building is two storey and measures 29 metres x 53.5 metres long, with the roof at 8.9 metres at its highest point. It contains the clubhouse element including changing rooms, treatment and physiotherapy facilities, relaxation and catering areas.

The large indoor pitch building would be constructed using vertical timber boarding in various section sizes. It would be ‘charred’ to form patterns which will mimic the vertical light and shadow of surrounding tree cover.
The clubhouse element of the building would be constructed in a mix of random coursed natural stone and timber cladding. The clubhouse would have a living green sedum roof.

The access to the existing training facilities would remain unaltered via Stockbridge Drive, a single track lane shared with visitors to Gawthorpe Hall and its grounds. The new facilities would be accessed through the existing site and across the existing bridge over the River Calder. A new track would be formed to the north of the River to the new building and car park.

There are currently 89 car parking spaces associated with the training facilities, including a shared arrangement with the National Trust on their car park. The Club will no longer use the shared car park. A new car park would be constructed for 50 cars adjacent to the proposed building. A parking area and coach drop off and pick up point are included adjacent to the existing club house building.

The application has raised complex and inter-related issues and objections have been received. During the course of the application, amendments and supplementary information have been submitted to address the concerns raised.

**Relevant Policies:**

**National Planning Policy Framework (NPPF)**

- Promoting Sustainable Transport (Section 4)
- Good Design (Section 7)
- Promoting Healthy Communities (Section 8)
- Protecting Green Belt Land (Section 9)
- Meeting the Challenge of Climate Change, Flooding and Coastal Change (Section 10)
- Conserving and Enhancing the Natural Environment (Section 11)
- Conserving and Enhancing the Historic Environment (Section 12)
- Achieving Sustainable Development (para 9)

**Burnley Local Plan Second Review**

- CF1 - Protection, enhancement and replacement of playing pitches
- CF2 - Intensification of use of existing sports and recreation provision
- CF5 - Major local sports facilities

- E10 - Alterations, extensions, change of use and development affecting listed buildings
- E17 - Historic parks and gardens
- E20 - Views
- E26 - Development in the Green Belt
- E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt
- E3 – Wildlife Links and Corridors
- E4 - Protection of other features of ecological value
- E5 - Species protection
- E6 - Trees, hedgerows and woodlands
- E8 - Development and flood risk
- GP1- Development within the Urban Boundary
GP3- Design and Quality
GP6- Landscaping and Incidental Open Space
GP7 – New Development and the Control of Pollution
GP8- Energy Conservation and Efficiency
TM15 - Car parking standards

Site History:

12/75/0138 – Planning permission was granted for the changing rooms with ancillary accommodation

APP/2003/0871 – Planning permission was granted for the provision of 3 portable cabins to provide two changing rooms and a toilet block – granted

APP/2005/0110 – Work to Protected Trees – granted

APP/2010/0513 – Proposed refurbishment and extension of existing clubhouse and erection of new covered training facility with associated car parking and landscaping – granted

APP/2011/0464 – Retention of two porta-cabins for period of two years – granted

APP/2013/0199 – Variation of Condition 1 of planning permission APP/2011/0464 relating to the removal of porta-cabins – granted

APP/2013/0223 – Erection of porta-cabin for period of five years – granted.

Consultation Responses:

1. **Lancashire County Council (Highways)** – there is no highway objection to the proposal. The transport information submitted with the report indicates that the site will not result in an increase in traffic but will represent an improvement on the existing / extant facilities on site. The accident record at the site entrance shows that there are no recorded injury accidents, indicating that the junction operates satisfactorily under the current traffic levels. I note that the National Trust have suggested a planning condition be attached to any permission that may be granted with the objective of preventing any creeping intensification in the use of the site from occurring. I would concur that a condition of this sort would be a valuable control in the future use of this site. Cycle and motorcycling facilities should be provided as a condition attached to any planning permission.

   (the application sets out that the site will be operated on the same basis as at present with no significant increase in the operations on the site. A condition which clarifies this would be appropriate to ensure that intensification could be controlled in the future)

2. **Lancashire County Council (Ecology)**
The LCC Ecologist initially identified that the site and wider area is of high ecological value and the main ecological issues arising from the proposal included impacts and potential impacts on:

- Significant populations of non-breeding birds, including Species of Principal Importance.
- Breeding Birds, including Species of Principal Importance
- Barn Owl
- Amphibians including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance)
- Bats (European Protected Species and Species of Principal Importance)
- Semi-natural habitats, including Habitats of Principal Importance

She advised that the submitted ecological surveys and assessments were incomplete and full ecological impacts had not been established. The applicant had not demonstrated avoidance of impacts or adequate mitigation / compensation for established likely impacts.

In order to address the issues raised, the applicant undertook further survey work and submitted a supplementary ecological assessment.

The Council’s Service Level Agreement with LCC ended on 31 March 15 and the Council’s new ecology advisers (Capita) commented on the supplementary information as set out below.

**Capita Ecology Services –**

In summary, it was considered that the information provided in the Ecological Appraisal (April 2015) was insufficient and as such bat activity, emergence surveys and wintering birds surveys should be undertaken prior to the determination of the planning application and further information relating to compensation and mitigation for impacts to biodiversity included.

**Great Crested Newts:** As the likely absence of Great Crested Newts has been confirmed within 2 years of this application no further survey work is required. If 2 years elapses before work starts further surveys will be required. Work must stop if they are found following the start of work.

**Common Amphibians:** The recommendations in respect of Reasonable Avoidance Measures (RAMS) set out in the submitted Ecology Appraisal (2015) should be adhered to throughout the development to avoid harm to a population of common breeding toads, a recognised Species of Principal Importance.

**Bats:** The Ecological Appraisal (2015) recognises that a pipistrelle bat roost is located to the south of the river and activity surveys undertaken (as part of the adjacent Baxi application) showed foraging activity from common and soprano pipistrelle, noctule and *Myotis sp.* No bat activity surveys have been undertaken on the current application site to inform this application. It is known that a long standing brown long eared maternity roost and a summer hibernation pipistrelle
bat roost is located within 100 metres of the application site at the Great Barn and impacts to this should be considered and addressed.

The River Calder Corridor – In view of the close proximity to the River Calder and likely presence of Daubenton’s bats, activity surveys should be undertaken along the stretch to the north of the pitch to be floodlit. The impacts should be assessed alone and in conjunction with existing lighting as cumulative impacts. Any further lighting should be prevented by planning condition.

North of the River Calder – the main site to the north should be subject to bat activity surveys. Previous surveys on adjacent sites do not adequately assess this site’s importance to bat populations. Without this information it cannot be determined if the habitats are required for the continued ecological function of local bat populations.

South of the River Calder – The Ecological Appraisal states that a number of trees around the existing pitches do support better quality potential roosting features but it is not made clear what the level of potential is. A minimum of two emergence surveys should be undertaken on the trees. It is not clear from the Appraisal whether this is recommended.

Survey Requirements – Transect Surveys in line with the Bat Conservation Trust’s Good Practice Guidelines. A minimum of one visit per transect should be undertaken each month between April to September. Details of the level of impact of the floodlights, removal of the foraging habitat and increased recreation on bat populations and any mitigation proposals should be provided.

(Following these comments additional bat surveys were carried out in April and May 15 by the applicant which have confirmed that common and soprano pipistrelle bats utilise the site.)

Capita further advise that the surveys, early in the season, with one survey being in sub-optimal conditions, is likely to have under-represented the use of the application site by local bat populations.

There will be some habitat loss as a result of the development in the form of semi-improved grassland and marshy grassland which could provide foraging habitats for the local bat populations. There is concern that this could produce a fragmentation effect to bats flying in a south to north direction.

It is difficult to assess whether this will have a long term impact on bat populations due to survey constraints and lack of information over the optimum bat surveying period. The creation of marshy grassland, ponds and woodland scrub habitats should provide foraging habitats for a range of bat species and may increase commuting features across the landscape in conjunction with retained habitats.

Lighting for the Facility – If lighting is required at the new building and car parking area, it should be low level and directional. Cowls and hoods should be fitted to ensure there is no light spill onto foraging and commuting bat routes (trees and hedgerows). It should be timed to ensure that it is only used when
needed. A lighting plan should be provided before the application is determined.

(Further survey work and assessments in relation to the impact on bats were undertaken as discussed in the Ecology considerations below. A Lighting Plan has been submitted. It would be appropriate to impose conditions to control the lighting of the facilities if planning permission was granted).

Breeding Birds – It is unlikely that breeding birds will be adversely affected. The proposed hedgerow, shrub and tree planting should be unlit and managed sensitively for biodiversity.

Barn Owls: - The proposal is unlikely to have an adverse effect upon barn owls. Provided the enhancements set out in the Ecology Appraisal are carried out.

Water Voles – No water voles have been observed and as the ditches are not being affected, there will be no impact on water voles.

Himalayan Balsam – The Himalayan Balsam present should be treated before the start of works to reduce the risk of spread and enhance the biodiversity of the site. A method statement should be provided.

Pond Drainage proposals should provide information regarding proposed drainage run off and how run off into the pond will be avoided.

Habitat Creation and Enhancement

A Landscape Management Plan, covering 5 years, should be created to ensure that the site is managed appropriately to ensure no net loss of diversity. Provision of 6 bat boxes in the woodland copses on the site should be provided.

Wintering Birds – The submitted Ecology Appraisal states that the site to the north is one of the most important sites in Lancashire for snipe during winter months. The conservation importance of snipe is listed as Amber species that has undergone moderate declines over the past 25 years with particular steep declines in lowland wet grassland – a habitat found on the site. There will be a moderate negative impact considering the importance of the site for wintering snipe and the increased disturbance from construction and operation and the loss of suitable habitat.

Updated wintering bird surveys should be undertaken due to the amount of time that has elapsed since the previous survey in 2010. The report should provide details of the level of impact and any avoidance, compensation or mitigation proposals to offset negative impacts.

The applicant has since obtained The British Ornithology Club data on Wintering Birds (WEBS) which provides information collected in respect of the numbers of birds on the site. Whilst not agreeing there will be a negative impact they have taken on board Capita’s comments and investigated the possibility of providing mitigation on adjoining sites. At the present time they have not
been able to secure adjoining land to provide additional mitigation. Instead they have offered to enter into a Section 106 Obligation (detailed elsewhere in the report) which would provide for a financial contribution to enable the Ribble Rivers Trust Life to undertake further investigations to secure compensatory mitigation for wintering birds in association with their river catchment plans as closely related to the application site as possible.

Following the submission of the information Capita have commented further as follows:

Capita are still of the opinion that the impacts to wintering birds as a result of the development are not well defined and it is likely that the development will impact on the assemblage of wintering birds using the site and in particular the large numbers of snipe that have been reliant on this site for many years. There is a high risk that habitat will be lost and disturbance may be such that birds may be displaced and the assemblage able to use the site will reduce – a direct significant impact.

Therefore, with the information provided to date, the development cannot demonstrate that it has addressed the need to avoid, mitigate or compensate significant harm that may result from the development. The applicant should provide a specification including:

- A named site that is as close as practicable to the development site
- Measurable objectives against which the project will be managed
- Size of land to be enhanced / managed (2Ha has been put forward)
- What habitats would be created / enhanced
- What management prescriptions will be necessary and the timings for management to the benefit of wintering birds and snipe.
- Mechanisms for ongoing management and whose responsibilities will it fall to (preferred that RSPB, Lancashire Wildlife Trust and Burnley Wildlife Forum are all included in consultation of options)
- A monitoring regime to measure the success of the scheme.

(Following this advice the applicant has provided Heads of Terms which will inform a Section 106 Obligation. The provisions of the Section 106 Obligation (detailed below), together with the use of appropriate conditions in respect of on-site mitigation, addresses the above points made by Capita.

4 **Burnley Wildlife Conservation Forum**

The Forum have specific serious concerns regarding the application in respect of the significant adverse effect all its proposals combined will have on the marshland wildlife habitat which presently exists on the River Calder floodplain field where the new facilities would be sited.

The field is part of Grove Lane Marsh, together with the adjacent Baxi Site, which constitute the only remaining semi-natural unimproved marshy grassland habitat along the whole of the River Calder floodplain. During the summer the fields provide suitable breeding habitat for a good range of marshland birds. The loss of suitable breeding habitat and the drier conditions resulting from
drainage for the facilities, together with noise and disturbance from their operation will combine to generate a significant adverse impact.

During winter months the fields become one of the most important inland marsh habitats in Lancashire for wintering wetland bird species. British Trust for Ornithology Wetland Bird Survey counts have shown that the fields are of special county wide importance during September to March for Snipe and the rarer Jack Snipe.

The proposed facilities will render the field very unsuitable for Barn Owl foraging which means the Barn Owls, known to roost and nest in the Great Barn, would lose more than half their hunting area. Barn Owls would be lost as a consequence of the development.

An important bat population in close proximity to the site are likely to use this field, which is well within the feeding zone of all 7 bat species present, to forage for food.

The proposed new training facilities will have significant adverse impacts on the pond, swamp and marshy habitats which currently exist in the field, and the flora and fauna species which depend on these habitats. There would only be a small minority of remaining land available for on-site mitigation and there is fundamental and wholly inadequate scope for sufficient on-site habitat mitigation.

Further to the supplementary ecology appraisal (April 15) being submitted the Trust confirmed that the additional information did not sufficiently address their concerns and their objection remains as set out above.

5. The Wildlife Trust for Lancashire objected to the submitted application on the following grounds:

- The site is of District value for wintering birds and the Burnley Green Infrastructure Strategy (2014) identifies the site as part of a Burnley Wildlife Site. The site should be protected from inappropriate development in accordance with the Local Plan.
- The application will result in a significant new loss in lowland meadow, a Habitat of Principal Importance.
- There will be a significant impact on the Wildlife Corridor.
- The mitigation and compensation measures are inadequate.
- Inadequate provision has been made to sustain the viability of the local population of Species of Principal Importance.
- The development will adversely affect the nature conservation and wildlife value of the site. Suitable mitigating measures cannot be achieved within the site boundary and no compensation is proposed on alternative land in the vicinity.
- There is a risk of flooding from additional surface water discharge.
- There will be a net loss of biodiversity in particular the area of marsh/marshy grassland and the use of the site by wintering birds, particularly Snipe.
The development doesn’t minimise the impacts on biodiversity or provide a net gain in biodiversity and does not take account of existing mapped ecological networks

Significant harm resulting from the development can be avoided by locating it on an alternative site with less harmful impacts

The application as it stands does not meet the definition of sustainable development as defined in the NPPF.

If the Council are minded to approve the application a Section 106 agreement should be entered into to ensure the development protects the wetland and woodland areas to be retained and sets out the type of habitat management that will be required. Areas need to be protected from construction activity and details of how these areas will be managed for 5-10 years should be provided.

Further to the supplementary ecology appraisal (April 15) being submitted the Trust confirmed that the additional information did not sufficiently address their concerns and their objection remains as set out above.

6. **Royal Society for the Protection of Birds** objects to the proposal for the reasons summarised below:

- loss of habitat and potential displacement of both breeding and wintering wader species – snipe and lapwing.
- Any development on the site will have an adverse impact on the area as a whole which is of county importance in terms of its wintering bird usage.
- Breeding wading bird interest is likely to be lost from the site altogether
- Development of the site and/or the proposed ‘enhancements’ are likely to be highly detrimental to the current wading bird interest both through habitat destruction / modification and through the introduction of recreational sports use onto a site which for the most part has none.
- There are concerns about the efficacy of the breeding bird survey
- The applicant has not demonstrated, in line with legislation, that significant harm would be avoided or adequately mitigated or compensation would be delivered.
- It is recommended that further survey work is carried out; a suitable site for off-site compensation should be identified in respect of Snipe, other waders and Barn Owls.
- There is an opportunity for greater biodiversity enhancement
- An Ecology Management Plan should be required.

*(Following concerns expressed in relation to the likelihood of the site remaining wet by the RSPB and the Burnley Wildlife Forum, the applicant submitted an additional hydrology assessment)*

The RSPB did not concur with the information provided and assert that the new wetland on site should not be considered adequate mitigation for the loss of wintering habitat. The proximity of the proposed pitches, the extent of planting and the overall reduction in area available to feeding Snipe will forcefully displace them from site.
They believe that the applicant has neither demonstrated that significant harm would be avoided, nor that adequate mitigation or compensation would be delivered.

It is vital (for wintering snipe) that compensatory habitat is adjacent to the proposed development.

RSPB state that the objection to the current planning application could be overcome if the developer could demonstrate that a Habitat Management Plan (for this compensatory land) was in place and that suitable management was agreed (with RSPB, Wildlife Trust, the landowner and Burnley Borough Council) and funded for the life of the development.

(The applicant has shown a commitment to work with these bodies to achieve an acceptable scheme of compensatory mitigation and how it is intended to achieve this will be set out within the proposed Section 106 Obligation)

7. **East Lancashire Ornithologists Club** objects to the development on the grounds that it will have a deleterious effect on the bird life of the existing wetland area. Many of the concerns made in the above responses from ecology bodies are repeated, including the inadequacy of survey information; the loss of breeding habitat for wading birds; loss of wintering habitat for Snipe; and need for adequate mitigation measures.

8. **Ribble Rivers Trust** – object to the development on the following grounds:

- The application is contrary to the NPPF in that it fails to protect and enhance biodiversity and does not move from a net loss of biodiversity to achieving net gains for nature.
- The Ecological Appraisal is inadequate. In order to secure consent any development will need to have completed a Water Framework Directive Impact Assessment.
- The Ecological Appraisal does not identify what is and isn't significant in terms of impacts on freshwater and terrestrial flora, mammals, birds, freshwater invertebrates and fish, therefore it is impossible to avoid, mitigate or compensate for potential harm and planning permission should be refused.
- There will be a flood risk impact downstream
- It has not been demonstrated that the development will not result in eutrophication from the application of soluble fertilisers; or result in pollution of the river by the use of herbicides, etc.
- Details of how water will be managed through a sustainable urban drainage scheme are required.
- Adequate surveys of both terrestrial and freshwater biodiversity should be carried out.
- An Ecological Appraisal meeting the requirements of the Guidelines for Ecological Impact Assessment is required
- Details of how all and any significant harm will be avoided are required
- Details of how the proposed development will ensure that good water quality is maintained and there is no harm to the riparian or in-channel habitats
• Details of alternative ways by which the development can achieve net gains for nature in accordance with the NPPF should be required.

The current government policy is to increase wetland habitats and it would be counterproductive to take forward any development which would result in the loss of existing wetland habitat.

(Discussions between the Trust and the applicant, with the Council in attendance have taken place. The Trust have confirmed that, via the Ribble Life Project, they would be willing to work with the applicant to bring forward a suitable site). The Trust would work in partnership with other ecology bodies, including RSPB and Lancashire Wildlife Trust.

9. **Ightenhill Parish Council** comment that the main issues of concern are as follows:

- The proposed development encroaches on to an existing wetland area, which is to be ‘enhanced’. The effect on established wildlife is questioned as a significant amount of drainage will have to be undertaken. Provision to protect the wildlife while the work is taking place will be needed.
- If there is a reduction in the numbers of car parking spaces provided, it could result in cars from the football club using spaces designated for visitors to the Hall or parking on the verges of the drive. There is no provision for disabled parking.
- The site will be visible from Grove Lane which is a public road, public footpath, bridleway and public land.

10. **Environmental Protection** – No objections are raised in respect of the impact of the lighting proposals and cumulative impact of lighting on residents in the vicinity of the site.

11. **Environment Agency** – raised objections in response to the original submission but following submission of additional information withdraw their objection.

The site lies within Flood Zone 3b (functional floodplain) defined by the NPPF as having a high probability of flooding where the risk to life and/or property, both within the development and in upstream and / or downstream locations, from fluvial inundation would be unacceptable if the development were to be allowed.

In particular, the designs originally submitted were inadequate because the proposed car park was located within the functional floodplain and would flood to a depth of over 0.7 metres during extreme flood events. There would have been an unacceptable risk to the health and safety of occupants in a flood event.

Also, the new building lies on a dry island within the floodplain. During a flood people trying to leave the site via the car park would be in danger from floodwater and other hazards. Access for emergency services in a flood event would be compromised.
The submitted Flood Risk Assessment did not consider the surface water attenuation required when surface water is prevented from discharging because of high river levels (called ‘river lock’)

The applicants have amended the location of the car park to address the EA concerns. They have submitted supplementary information in respect of surface water attenuation.

The Environment Agency confirm that they are able to withdraw their objection providing conditions are imposed which requires the development to be carried in accordance with the following conditions:

1. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
   
   - Finished floor levels are set no lower than 79.12m above Ordnance Datum (AOD).

   The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

2. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

12. **Historic England (HE)** (formerly English Heritage) – advise that the Gawthorpe Hall complex is one of the most important groups of assets in the North West region, consisting of an Elizabethan ‘Prodigy House farming complex, gardens and parklands.

In terms of impact, HE are not opposed to the principle of the development. The scheme would cause some harm through the changing character of the outlook from Gawthorpe Hall towards the north as well as having a visual impact on the group of heritage assets as they are approached. There are minimal public benefits derived from the proposals so they would look for wider enhancements of the historic environment around the complex to mitigate the harm caused by the scheme. There are opportunities for enhancements within the scheme by the applicant working with their neighbours in the Gawthorpe Hall complex, e.g. security monitoring, improved lighting.
As a guiding principle, clutter associated with the facility around the pitches should be kept to a minimum to reduce impact. Recommendations are made to improve the landscaping scheme and to provide a more appropriate species mix to respect the historic parkland character. (The applicant has amended the planting scheme accordingly to take on board these comments)

They are happy that the proposed location of the training building is adequately hidden from view from Gawthorpe Hall. The building would still have a visual relationship with the Hall in views from the north-west, so care should be taken in the design and materials used. Housing all of the facilities to support the training ground under one roof gives the opportunity to enhance the setting of the Grade 1 Listed Great Barn through the removal of poor quality temporary buildings that are used at present.

The floodlighting of the pitch furthest west from the Hall is the least damaging location, being located next to the existing floodlit pitch. The cumulative impact of the lighting should be assessed. (An additional lighting assessment has been submitted in this respect which indicates the levels of lighting would not have a significant additional impact)

Permanent storage facilities should be considered for goal posts, etc. and measures adopted to reduce clutter to a minimum.

The local planning authority will need to balance whether any harm to heritage assets is outweighed by the public benefits derived from the scheme (NPPF para 134).

Whilst the extension of the training facilities is supported in principle, it is recommended that the applicants seek means to mitigate any harm through the suggested enhancements and produce a Management Plan.

(Conditions requiring a Management Plan and a scheme to bring forward public benefits in relation to a better setting to the Great Barn would be appropriate)

13 **Lancashire Gardens Trust** – comment that the development is not appropriate in this location having regard to the proximity to and visibility from the Registered Park and Garden Grade II, as well as the Grade I Listed Gawthorpe Hall and Great Barn and related Grade II listed buildings and features. It is considered that there are opportunities to mitigate the impacts of car parking and access on the Great Barn. There is opportunity for parking areas to be relocated and a more appropriate treatment to the surroundings of the Great Barn. Alternative access arrangements should be investigated avoiding the use of Stockbridge Drive.

(as above, conditions would be appropriate to provide a better setting to the Great Barn. There are no highway objections to the use of the existing access)

14 **Sport England** – The proposal represents a significant investment in Burnley FC’s football training facilities in line with SE objective to ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future
demands for sporting participation. This being the case, Sport England support the application.

15 The National Trust – initially objected to the proposal and set out that for the Trust the principal matters as follows:

- The appropriateness of a development of the scale proposed within the Green Belt and affecting covenanted land.

There are restrictive covenants over a substantial portion of the site which include restrictions on the erection of buildings and structures or anything that would materially alter the natural appearance of the fields or be prejudicial to the amenity of the NT land. It is acknowledged that covenant considerations can be dealt with separately from the planning application but as the matter has not been addressed there is a significant unresolved question mark over the delivery of the development.

The NT consider the proposals to be ‘inappropriate development in the Green Belt and if an exception on the grounds of very special circumstances is made, it is essential that impacts on openness are minimised; the specific reasons for allowing inappropriate development are clearly stated to avoid setting precedents; issues relating to impacts of the use are addressed and not exacerbated.

There are increased impacts on the Green Belt than the 2010 approved application. It is essential that the height and footprint are the minimum necessary and the materials are carefully chosen.

(\textbf{the Council concur that the development would be classed as ‘inappropriate in the Green Belt, but consider that very special circumstances exist to justify the development and any harm caused is outweighed by these circumstances})

- The impacts upon the designated heritage assets at Gawthorpe, including their settings

The location of the proposed new buildings towards the SW corner of the site is generally the ‘least unacceptable’ location but that does not mean that it is without impact upon the setting of the heritage assets. The proposed new length of access road will have a modest adverse visual impact and the recent amendment to the location of the car park has increased the intrusiveness of that element of the proposals. The formalisation of the pitches and the new pitches and associated works will considerably alter the appearance and character of the application site.

The changes will be apparent in important views from Gawthorpe Hall and grounds and in long range views back to Gawthorpe, with the new building mass competing with the dominance of Gawthorpe in views towards the site.

The new planted areas will do little to mitigate the adverse impacts on the visual setting of the key heritage assets at Gawthorpe. Floodlighting will be noticeable from Stockbridge Drive, part of the Registered Historic Park and
Garden. The resulting proliferation of development will adversely impact upon setting and is unmitigated.

Part of the site touches the Great Barn and there are no mitigation measures which enhance its setting.

Overall the proposals would erode the extent and quality of the settings of designated heritage assets at Gawthorpe contrary to the NPPF and Local Plan. No measures to mitigate the adverse impacts have been identified.

(additional landscaping has been proposed, in line with the comments of Historic England)

- **Flood Risk and related considerations**

Any development of the application site which reduces the floodplain benefit (reduction of area, reduction of porosity) will transfer greater flow volumes downstream in the event of a large flood event and any proposed should be modelled so as to ascertain the effect of this.

Activity which improves drainage and therefore reduces the absorptive capacity of the land will negate its natural and primary function and also adversely impact on the ecological value of the land. The development should be designed to ensure that drainage is retained on the site so that it continues to fulfil its floodplain function.

(Following the submission of further information in respect of flood risk, the National Trust has confirmed that provided the intended measures are put in place and conditions imposed accordingly, concerns about this particular aspect are adequately allayed).

- **The existing access and parking management issues, including the potential for these to be exacerbated in the future as a result of the proposed development; and the potential for mitigation of the impacts**

The existing access and parking arrangements are not satisfactory and require improvement and no access improvements are put forward.

There is inconvenience and potential hazard to Burnley FC users, visitors to Gawthorpe and local residents using the estate for recreation. NT is not convinced that there would be no change to the pattern or traffic associated with the use of the training ground, as the scale of the facilities is such that they could accommodate a significant increase in activity. It is considered necessary to include restrictions on the extent of activity on any permission granted so that access and parking issues were not exacerbated over time.

There is the opportunity to look at a more holistic solution to parking and access issues through a collaborative approach between the Football Club and NT to develop a scheme that will improve access and provide a parking solution to the benefit of both parties. In principle the Club has stated that it
would support such an approach. A financial contribution would be necessary as part of the development.

Notwithstanding the proposed Car Parking Management Plan it is considered that more major physical works should be required as part of the development to improve access and parking arrangements. The opportunity to consider Habergham Drive as a one-way route, entering via Habergham Drive and exiting via Stockbridge Drive should be considered. Other measures such as additional painted rocks to line Stockbridge Drive and providing a segregated pedestrian route alongside Stockbridge Drive would be appropriate.

In terms of car parking, the overall level of parking is regularly insufficient. This is potentially addressed by the proposed new parking but the improved provision would not address all needs at all times. There is potential to bring forward proposals to address these problems and provide a long term solution.

(*the Highway Authority raise no objection to the proposal. There is no reason to require highway improvements to the access and the proposed parking arrangements for the facility are acceptable. The National Trust and the applicant are free to discuss improvements to the access and parking arrangements, but this would be a private matter, outside of the scope of this application*)

- The impacts upon ecological resources on and around the application site and how well these can and will be mitigated.

Drainage and improvement of this land will adversely impact on important habitat for wetland birds. There are deficiencies in the Ecology Report. The habitat creation and enhancement recommendations are weak. The openness of the land is key for many notable species. There is no shortage of woodland, but it is open grassland/wetland habitat that is in short supply. It is concluded that the intensity of the development in such a location will be seriously deleterious to wildlife and landscape interests.

An ‘in principle’ objection remains following the submission of the additional information. The view remains that there will be a loss of important habitat that is unacceptable. The mitigation proposals are minimal and inadequate. The NT acknowledges the important role that the Club plays in the life of the wider community but having regard to the issues set out above, considers that there is clear conflict with local and national policies.

16. **Coal Authority** comment that the site falls within the defined Development High Risk Area and there are coal mining features and hazards which need to be considered. Originally the Coal Authority objected to the application but withdrew the objection following the submission of additional information. The Coal Authority confirms that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be taken prior to the development in order to determine the exact situation.

(*A condition requiring this and any necessary remedial works is suggested if permission is granted*).
17. **Padiham Community Action** (PCA) – PCA supports quality new facilities that add to the attraction and economy of the Borough and support Burnley FC in developing a football academy. They raise the following concerns:

- Loss of green belt land which will challenge the effectiveness and viability of the remaining Green Belt
- Destroy an important area of wetland habitat and ecology and will have a detrimental impact on the remaining wetland area which will be too small to sustain wetland wildlife and flora.
- Significantly increase the risk of flooding to homes and buildings down the river.

A Section 106 agreement is recommended requiring the provision of an equivalent area of wetland or on other land adjoining the River Calder within Padiham, e.g. Shuttleworth Mead Business Park.

*The requirements of the proposed Section 106 will require the applicant to investigate suitable alternative sites for compensatory mitigation*

18. **Two letters from local people** have been received, including the following objections to the proposal:

- This is a private development in the Green Belt which does not integrate with the surrounding area particularly Gawthorpe Hall.
- The development clearly does not respect the skyline and views, it detracts from the public view of a prominent or important building and affects views into and out of the major open area. It would obscure views of Gawthorpe Hall from parts of Grove Lane, contrary to Local Plan policies.
- The proposal is sited on a flood plain in a wetland area which will be affected by the necessary drainage damaging the special character of the environment and leading to flooding in other areas of the flood plain. The taking away of a much needed flood expansion area will place other areas at risk.
- Permission has already been given for a training facility which could be adapted without intruding into Green belt and affecting the setting of the historic building.
- The proposal will lead to riverbank erosion on the north and south bank and further down the river.
- There will be a loss of habitat and the survey work is inadequate. Several of the points made by objections outlined above have been reiterated.
- There may be impacts in relation to the Coal Mining history of the site, with consequent impact on the stability of Gawthorpe Hall.
- Increase in traffic movements will cause problems at a very vulnerable road junction as occurred during the drainage works to the existing pitches.
Planning and Environmental Considerations:

The main issues for consideration relate to:

1. The principle of the development and its impact on the Green Belt.
2. The impact on the setting of Gawthorpe Hall, the Great Barn, the Registered Historic Park and Garden and the landscape
3. Wildlife and Ecology Issues
4. Design, visual impact and landscaping
5. Highway Considerations including access and car parking
6. Renewable Energy and Sustainability Issues
7. Flood Risk Issues

1 The principle of development and its impact on the Green Belt

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. For decision-taking this means ‘approving development proposals that accord with the development plan without delay.’ The NPPF advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Burnley Local Plan Green Belt Policy E26 differs in emphasis from the National Planning Policy Framework (NPPF), in that the exceptions to inappropriate development refer to ‘essential facilities for outdoor sport and recreation’ in Policy E26, whereas the NPPF refers to ‘appropriate facilities’. The NPPF should be given more weight in this respect and therefore the policy basis against which this proposal should be assessed on Green Belt issues is the NPPF.

It sets out that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

The primary Green Belt policy issues raised by the current proposal are:

- Whether the proposed development is deemed to be ‘appropriate’ development in the Green Belt; and

- If the proposals are considered to constitute ‘inappropriate development, whether or not there are very special circumstances that would justify overriding Green Belt policy.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF expects local planning authorities to give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
Appropriate Development

The NPPF (para 89) sets out that the construction of new buildings in the Green Belt should be regarded as ‘inappropriate’ except development for the following purposes:

- Agriculture and forestry
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- Limited extension, alteration or replacement of a building
- Limited infilling of villages and limited affordable housing for local needs
- Limited infilling or redevelopment of previously developed sites.

The second criterion is relevant in that the proposal is for the provision of facilities in connection with outdoor sport and recreation. The Club are of the view that the proposal is ‘appropriate development’ in that it satisfies this exception and also pointing out that there has been a change in emphasis in national policy. The previous Planning Policy Guidance PPG2 in relation to Green Belts referred to sports and recreation buildings being appropriate only when they were small in scale and ancillary to the activity being carried out. The NPPF removes the reference to the scale of the development.

The officer view is that the development is more than would be classed as appropriate to outdoor sport and recreation, in the general sense. It involves the provision of substantial indoor facilities, contained in large buildings which have an impact on the openness of the Green Belt.

On this basis, it is concluded that the development would be classed as ‘inappropriate development’ and therefore the onus is on the applicant to prove that very special circumstances exist to justify the development.

Special Circumstances

Very special circumstances will not exist to justify inappropriate development unless harm to the Green Belt is clearly outweighed by other considerations.

The applicant puts forward that very special circumstances apply which outweigh the harm to the Green Belt, to justify planning permission being granted. A Justification Statement has been submitted which concludes:

In respect of Need

- The existing facilities are a cramped, rundown, piecemeal collection of permanent buildings and temporary portacabins. The buildings themselves are not purpose built for their use as a training facility and are severely lacking. There is not enough space on site to provide the necessary on-site kitchen facilities and associated lounge facilities which would enable players to complete their daily training at Gawthorpe. Training is split between Gawthorpe and Turf Moor, which is not productive and negatively impacts on the players and coaching staff. The Clubhouse is not fit for purpose and without the
temporary portacabins there is a severe shortage of space. The site is short of the required number of changing rooms and toilets.

- Professional football requires the provision of dedicated and sophisticated training facilities in order to compete effectively at national and international level. The current facilities fall far short of Premier and Championship standards and those expected for a club of Burnley FC’s size and stature. They lack the range of medical, fitness and rehabilitation facilities needed to cater for the requirements of their elite athletes. The Youth Academy facilities are also inadequate in meeting the requirements of the FA, specifically in terms of a parents’ reception / lounge and an indoor pitch.

- The existing facilities are primarily used by the First Team, however, some youth players use the facilities on some evenings and at weekend. Gawthorpe is the home of the club’s formal youth development activities, catering for boys between the ages of 8 and 18. A major reason in investing in Gawthorpe is to continue to support and develop the Youth Academy for young players. This along with the improvement of facilities for First Team players is a key aim of the redevelopment programme.

- Without adequate up-to-date facilities, it will not only be difficult for the Club to operate effectively but it will also become increasingly difficult for the Club to develop young players. It needs to attract and retain talented players who would otherwise have the choice of joining other clubs with superior facilities. In order for Burnley FC to be competitive it is vital that suitable facilities are provided.

- The training facilities are necessary in order to enable the Club to develop the best and most talented ‘home grown’ players through their youth system. This will be in the interests of not only the Club, but the local area and potentially the national team. It will help to extend the benefits to the wider community through a programme of outreach using football as a tool to promote health and wellbeing.

- The ‘football need’ argument centres on the need for high quality integrated training and support facilities at the professional level and the proposal provides facilities commensurate with the standard found at other football clubs in England. These facilities are essential in enabling Burnley FC to remain in top flight football. A successful Burnley FC has already shown that there can be significant spin off benefits for the town.

- In order to facilitate success the Club need better training facilities. The First Team require facilities which reflect best practice. The proposals do not seek to intensify the use, they seek purely to upgrade the existing facilities and provide the much needed indoor training pitch. The new facility will form the centre piece to drive the performance of the first team and deliver aspirational facilities for the Youth Academy. The aspiration is to have a Category 2 facility as regulated by the Premier League ‘Elite Player Performance Plan’ (as described earlier in this report).
• The new state of the art training facility is essential to allow the Club to comply with FA and Premier League requirements. If the Club do not upgrade their facilities they could lose the Academy Licence and without this the Club would not be able to compete to attract and retain young players, which would ultimately affect the Premier League status of the team.

In respect of the impact on the Green Belt:

• the loss of 4,118 sq.m or 1.6% as part of the overall training ground will not result in any material decrease in the openness of the Green Belt in this area.
• The building has been sited so as to have as little impact on the openness of the Green Belt as possible with substantial screening.
• The building would be separate from large built up areas and would not contribute materially to their unrestricted sprawl, nor would it lead to towns merging.
• In terms of alternative sites, planning was secured for a new training facility to the south of the river (APP/2010/0513). Since then the requirements of the FA and Premier League have changed. If the facility was built as approved it would meet most the current needs but not have the ability to meet future needs in 5 or 10 years’ time. Fitting new facilities into the existing tightly constrained site makes for a compromised development.
• There would be an immediate benefit to the adjacent neighbours as locating the training facility on the other side of the river, away from Gawthorpe Hall would reduce the impact on the heritage asset.
• The Club is restricted in where they can locate the training facility. It is unrealistic to expect it to be located at a separate location, given that they own the site and have occupied it for training for over 50 years. Previous investment of £2 – 25 million would be lost.
• It has been recognised by an Inspector (relating to Sunderland Football Club) that a club is at a considerable disadvantage not having indoor training facilities on the same site.
• It would require duplication of facilities e.g. gym, physio, changing rooms, etc. There would be loss of time travelling, sustainability disadvantages and operational difficulties.
• A sequential assessment would have to consider only sites which are capable of containing all the existing and proposed facilities. While there may be other sites capable of accommodating the facility, they are also in the Green Belt and are not sequentially preferable. The only site which is sequentially preferable is the Baxi site, which is within a defined Economic Improvement Area where the local plan seeks to protect existing employment sites. An alternative use would be contrary to planning policy.
• The current siting of the building is designed to ensure that that the building is located on ground which is outside Flood Zone 3. The Baxi site is located in flood zone 3 and from a flood sequential test perspective the Baxi site can be discounted.
• No site has been found which is sequentially preferable.

In respect of Community Benefits:

The Statement sets out that the Club plays a massive part in promoting the game and enhancing the image and profile of the town and the North West of England. A large
proportion of the local population associates itself with the fortunes of the team and the promotional benefits are clear. The Club also makes a massive direct contribution to Burnley life through its community activities and is committed to the local community. A new charity ‘Burnley FC in the Community’, was created to support and deliver change.

It is important that the Club continues to play a leading role in the life of the town by remaining at the forefront of the community. To do so it would need to compete on an equal footing with other Clubs of similar standing. The new training facilities are fundamental to the Club.

The Statement concludes that professional football requires the provision of dedicated and sophisticated training facilities in order to compete effectively at national and international levels. The proposed facilities are an essential part of an overall development strategy at the Club and its long terms success.

**Conclusions on the special circumstances put forward by the applicant and the impact on the Green Belt.**

On the basis of the information submitted by the applicant and having regard to the contribution which the proposals will make to the development of football both in the borough, regionally and nationally, benefitting professional players and young people in accordance with Government’s strategy for sport, it is accepted that very special circumstances apply to the development. There are significant advantages to the borough in terms of image and profile resulting from the success of Burnley Football Club and the provision of modern, high quality sporting facilities of regional and potentially national importance.

However, very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The issue now is whether the very special circumstances outweigh any potential harm to the Green Belt.

The five purposes of including land within Green Belt are set out in the NPPF as follows:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Of the five purposes for including land within it, the Green Belt in this location fulfils the purposes of checking the unrestricted sprawl of large built up areas; assisting in safeguarding the countryside from encroachment; and assisting urban regeneration.
In terms of checking unrestricted sprawl by preserving the openness and safeguarding the countryside from encroachment, the development would undoubtedly lead to a large new building in the Green Belt which would have some impact on openness and would encroach into the countryside.

However, this is unlikely to result in unrestricted urban sprawl or set a precedent for further encroachment in the countryside area. The site is adjacent to an existing complex of buildings, already used as a training facility allocated in the Local Plan as Sports and Play Area. It is a unique, existing facility in the town. The special circumstances put forward to justify the development could not be repeated by other developers and to allow an exception here would not set a precedent for future development.

In terms of the impact on urban regeneration in the town, the applicant has been asked to consider whether there are any other suitable sequentially preferable sites outside the Green Belt, which would deliver the same benefits by utilising a site in the urban area. No sites of adequate size and which are available have been identified. It would be unreasonable to expect disaggregation of the facilities, as the purposes of providing integrated improved facilities to achieve the needs of the Club would be lost.

It is concluded that whilst the development would be classed as ‘inappropriate’ in the Green Belt, on balance, the special circumstances put forward and the benefits of the proposal, would outweigh the level of harm caused by inappropriate development and the level of harm would not conflict with the purpose of including the land within the Green Belt.

2. Impact on the setting of the Listed Buildings at Gawthorpe Hall; the Great Barn; The Registered Historic Park and Garden; and the Landscape

There is a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have ‘special regard to the desirability of preserving’ the listed buildings and their setting. To preserve has been held to mean ‘do no harm’ in recent case law.

The NPPF sets out that planning should ‘conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations’.

A Heritage Appraisal has been submitted which considers the impact on Gawthorpe Hall, the Park and Garden and associated Listed Buildings. It recognises the high significance of the heritage assets.

Key elements that add to the significance of the Gawthorpe Hall complex are the Elizabethan design of the Hall and the craftsmanship in its execution; for the likely association with one of the most important builder / architects of the period and a national significant figure in Robert Smythson; for the relationship between the Hall, its farm and its designed landscape; for the large aisled barn, Great Barn; and for the understanding of the development of the estate.

A Landscape and Visual Impact Assessment has been submitted which considers key views both from Gawthorpe Hall and views looking towards the Hall.
Having considered all the information submitted with the application, including the Heritage Assessment, the Landscape and Visual Impact Assessment, together with the response of Heritage England, it is concluded that there will be no direct impact on Gawthorpe Hall, the associated Registered Park and Garden and the terrace.

It is accepted that there would not be substantial harm caused to the setting of the Gawthorpe complex by the proposals, but it is concluded that there would be some harm.

Where proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals. (NPPF para 134). These would have to be reasonable and proportionate to the development and the harm caused.

In considering what would be appropriate as public benefit to off-set the harm caused to the setting of the Gawthorpe complex, an improvement to the setting of the Great Barn was identified as a scheme which could be delivered by the applicant as their ownership immediately adjoins the Great Barn.

Presently, the setting of the Great Barn, a Grade I Listed Building, is very poor to the north and west elevations. The tarmacked football club car park immediately abuts the Barn to the north and there is restricted access to the west. It is recommended that a condition be imposed on any consent which requires the submission of an appropriate scheme to enhance the setting of the Great Barn. This will help to offset the harm caused to the setting of Gawthorpe and provide the necessary public benefit in line with Para 134 of the NPPF.

The applicant has agreed to provide this scheme. On this basis the impact on the setting of the Gawthorpe complex will be appropriately mitigated.

3 Wildlife and Ecology issues

The NPPF expects the planning system to contribute to and enhance the natural and local environment in a number of ways, including protecting and enhancing valued
landscapes and minimising impacts on biodiversity, providing net gains in biodiversity where possible.

**Paragraph 9** sets out that pursuing sustainable development, which is stated in the NPPF as the purpose of the planning system, involves seeking positive improvements in the quality of the built, natural and historic environment, including moving from a net loss of bio-diversity to achieving net gains for the future.

**Paragraph 118** sets out, amongst other things, that planning permission should be refused if significant harm resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

**Paragraph 125** states that by encouraging good design decisions should limit the impact of light pollution from artificial light on nature conservation.

The submitted Ecological Appraisal sets out a number of recommendations to minimise impacts on wildlife interests on the site, including bats, barn owls, common amphibians, breeding birds and the eradication of Himalayan Balsam. Conditions requiring that these measures are undertaken in line with the recommendations, together with the preparation of a Landscape and Habitat Management Plan would be appropriate.

In summary, the recommendations include:

- Retention of existing pond / swamp and woodland habitats
- Creation of a new wetland habitat as part of the drainage scheme
- Creation of 1.00 ha of new woodland/ scrub habitat
- Creation of 365m of native hedgerow,
- Creation of 2.8 ha of marshy grassland habitat
- Enhancement of retained semi-improved grassland
- Provision of new bat roosting facilities
- Adherence to best practice construction methods when working near water
- Adherence to bio security measures to prevent the spread of invasive species
- Adopting sensitive working measures / Reasonable Avoidance Measures (RAMS) during construction.

The Council’s Ecology adviser Capita has raised a number of concerns in respect of the potential impact on ecology as a result of the development, as set out in the Capita consultation response above.

One of the areas of concern relates to the impact of bats on the site. Capita make it clear that it is difficult to assess whether the loss of habitat as a result of the development will have a long term impact on bat population. However, it is advised that the creation of marshy grassland, ponds, woodland and scrub habitats and the 6 new bat boxes detailed in the submission should provide foraging habitats for a range of bat species and may increase commuting features across the landscape in conjunction with retained habitats.

Conditions to ensure that all the mitigating measures are implemented would be appropriate.
Lighting should be strictly controlled by condition to ensure that light spill does not have an adverse impact on bats or on the landscape. It is only proposed to floodlight the existing pitch on the south of the river and the lighting will be directional LED lights. The new pitches to the north of the river will not be floodlit. The only other lighting is the low level lighting of the car park, access lane and outside the club house. The lighting will be switched off when not in use.

The main outstanding area of concern relates to the impact of the development on wintering birds. Extensive discussions have taken place between the applicant, council officers and their ecological adviser (Capita) in respect of the assemblage of wintering birds which use the site.

The application site forms part of Grove Lane Marshes which consistently supports good numbers of wintering snipe, supporting the highest known counts in Lancashire. There could be increased disturbance to birds using the wetland and grassland habitats on the site due to loss of habitat and proximity of new pitches to areas where birds have been recorded. Capita are concerned that the proposed enhancements to the existing site, including landscape planting to create 2 hectares of wetland habitat, combined with the loss of existing habitat will not provide sufficient carrying capacity for wintering birds, in particular the high numbers of snipe. They advise that there is likely to be a net loss of habitat that is likely to be used by the wintering bird assemblage and snipe, a direct significant impact and that off-site mitigation is likely to be required to fully address this impact.

Paragraph 118 of the NPPF sets outs that if significant harm cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicant investigated the possibility of alternative sites within the Borough when considering the impact on the green belt. A suitable alternative which satisfied the requirements of the club could not be identified.

In respect of mitigation, the applicant intends that their ecologists’ recommendations as outlined above would be adhered to.

However, the Council’s ecology consultant advises that even if the recommendations are implemented they will not adequately mitigate for the loss of the wintering bird habitat and that the proposed on-site mitigation will not be enough to fully off-set the impacts. The next preferred solution would be to secure land immediately adjacent to the application site, to offer direct compensation for the impacts to the birds associated with the site.

Whilst the applicant does not concur with this view, they have undertaken to enter into a Section 106 Obligation which will set out the steps which will be taken to secure the most suitable off-site mitigation. To inform the proposed Section 106, they have submitted a ‘Heads of Terms’ document which sets out the general principles for the drawing up of the Section 106, as follows:
• In addition to the proposed on-site mitigation, Burnley FC will provide a financial contribution to facilitate the management or purchase of a suitable area of land to mitigate against the impact on wintering birds.

• Burnley FC will work with Ribble Life Catchment Partnership (hosted by the Ribble Rivers Trust) and the Council to identify a Target Area. They would work sequentially out from the application site, starting with sites contiguous with the application site and then outwards using a sequential approach to identify a site which is suitable for use as an additional wetland area.

• Any agreed site will be used solely for the purpose of a managed or safeguarded wetland area.

• The process will be repeated until a suitable site is found.

• A Management Plan for the agreed site will be submitted to the Council.

• If a target site is not found within 5 years from the start of development the contribution will be donated to the Ribble Rivers Trust for the wider management / enhancement of the wetland within the locality.

The Ribble Rivers Trust (on behalf of the Partnership) has indicated that they are willing to work with the applicant to find a suitable site and to manage the delivery of a suitable mitigation scheme. Whilst not being able to be certain, it is considered that with the correct approach and provided the correct situation arises it is expected that a suitable scheme to mitigate for the loss of habitat on the application site could be achieved.

Providing every effort is made to provide compensatory mitigation as closely as possible to the existing site, the requirements of the NPPF would be satisfied.

As a last resort, the financial contribution would provide compensation for the Ribble Rivers Trust to utilise for the management / enhancement of wetland birds in the locality.

A surface water drainage scheme would be required by condition and this would include details of the drainage of the pitches. One of the areas of concern raised by ecology bodies has related to the doubt over whether the wetland area will stay wet. The drainage scheme would indicate how the pitches were to be drained and it may be possible to drain them in such a way that they enhance the wetland area, with suitable interceptors to prevent pollution from fertilisers, etc.

4. Design, visual impact and landscaping

The scale and size of the building is governed by the functional requirements of its proposed use and is essentially formed by two elements, the indoor sports pitch and the ancillary facilities building (referred to as the clubhouse).

The design approach has been to use materials and their arrangement to help break up the appearance of the overall mass of building in the landscape setting.
The proposed timber boarding is intended to blend with the surrounding tree cover, by the arrangement of the patterns of wood of various sizes and colourings.

The clubhouse building would have a living green roof with an off-centre slope to the west elevation. The lowered eaves line will reveal the sedum roof that will blend with the surroundings and contribute to wildlife sustainability.

South West facing view

South east facing view

In addition to the new building and the car parking area, there would be three new full size grass pitches to the north of the river. Originally four new pitches were proposed, but the applicant has omitted one of them to retain additional wetland on the site. There would also be two new ¾ size pitches.

This will not result in an increase in activity but will allow the Club to rotate the use of the pitches to maintain better ground cover and pitch surface. The goal posts will be portable and are moved on wheels. The number of goal posts would not increase as the current posts would service the new pitches.

Pitch training areas are marked out and the intention is that only the areas to be used at that time will be marked out, with the all the other pitches fading. Out of season the pitches are not used and the markings disappear. It is proposed to light an existing pitch to the south of the river.

A full landscape visual impact study has been carried out which identifies the significant landscape and visual effects likely to result from the proposals. Sensitive viewpoints were identified and before and after montages have been produced.

The view points assessed include looking:

1. North west towards the site from Gawthorpe Hall
2. North west from the Great Barn
3. East from the River Calder Greenway by the industrial units
4. South from the River Calder Greenway within Grove Lane Plantation
Following the assessment, overall the impact on the landscape character is shown to have a moderately negative impact and there is predicted to be a minor adverse impact of the development on its surroundings when taken as a whole. Examples / photomontages of the proposed impacts will be presented to Committee.

Although the development will be visible from some views, the topography of the landscape and the presence of existing woodlands adjacent to the site, together with proposed new landscaping, will mean that views are not significantly affected.

Significant new landscaping measures are proposed, informed by the ecological assessment and the heritage assessment in terms of the impact on the Gawthorpe complex.

5 Highway Considerations including access and car parking

The existing approach is off a private tree-lined access road into the existing 45 space car park shared with Gawthorpe Hall visitors (referred to as car park A). There are 12 ad-hoc spaces utilised within the existing club site, in front of the groundsman’s depot (referred to as car park B) and 23 spaces adjacent to the existing changing rooms within the existing club site. (car park C). There are around 9 spaces located on the access road to the bridge (car park D).

Some concern has been expressed about vehicle movements on the Stockbridge Drive access and their impact on pedestrian safety. The track is a single lane road with passing places and no separate pedestrian footway. However, this is an existing
situation and it would be unreasonable to require the applicant to provide pedestrian facilities when there is no proposed increase in the activity at the site.

A new car park for 50 vehicles, including 5 for disabled users and a drop off area, will be constructed to the south of the River, adjacent to the new indoor training facilities. Car park A, will not be used which releases the spaces for visitors to Gawthorpe Hall.

Car park C will be maintained to provide 9 spaces and 2 coach spaces. (There may be some adjustment to this depending upon the improvements which are necessary to improve the setting of the Great Barn). There would be no parking in car park B or D. This would give an overall provision of 59 spaces.

Some of the issues raised by the National Trust are long standing and have previously been managed by the Club and the Trust working together to improve the car parking arrangements and put management arrangements in place to minimise disruption and congestion at the busy times. The Club has indicated a commitment to continue to work with the Trust in the future in respect of improvements to the access and egress by the formation of a one-way system but these are not relevant to the consideration of this application.

The Highway Authority is satisfied with the arrangements from a highway safety point of view and raises no objections.

6 Renewable Energy and Sustainability Issues

The building will be highly insulated to minimise heat loss in line with the Building Regulations. Ground source heat pumps are being investigated to supplement electric/oil heating.

Within the building there would be a high usage of water from showers, w.c’s and laundry. The use of grey water co-ordinated with aerated point source fittings that will control the water usage would be installed in line with current Building Regulations.
7 Flood Risk Issues

The site lies within floodzones 1, 2 and 3 of the Environment Agency's fluvial river flood map. Flood risk arises from the potential overtopping the natural river banks along the River Calder and from an increase in surface water run off arising from the development. The building, designated as a less vulnerable type of development by the Environment Agency, has been sited within the south west corner of the site outside of flood zone 3.

The car parking area was originally in the high risk flood zone, defined as having a high probability of flooding where risk to life / property, both within the development and in upstream / downstream locations. The original flood risk assessment did not demonstrate sufficiently that the proposal will not pose risk to life and property, nor did it demonstrate that the development would not increase the risk elsewhere.

Amendments were made to the application including the relocation of the car park and additional information about surface water drainage was submitted.

The Environment Agency confirmed that that providing conditions are imposed which control the finished floor levels; the mitigation measures set out in the flood risk assessment are implemented and a scheme for a surface water drainage scheme based on sustainable principles is submitted, the development would be acceptable and not pose a risk to users of the development, or increase the risk of flooding elsewhere.

8 Other matters

The National Trust has raised issues relating to the deliverability of the scheme because of possible covenants on the site. This is a separate, private matter between the parties and not relevant to the consideration of this application.

Summary

Whilst the development is considered to be 'inappropriate' development having regard to the NPPF, the applicant has demonstrated that special circumstances apply to justify the development in the Green Belt and there is no sequentially preferable site to accommodate the development.

This is based on the benefits to sport locally, regionally and nationally together with the importance of the success of Burnley Football Club in terms of profile and image of the town, together with the significant community benefits provided by the work of the Club, which outweigh any harm caused to the Green Belt by reason of its inappropriateness.

The development will not have a substantial impact on the character and appearance of the heritage assets adjacent to the site, although there would be some impact on their setting. As well as the public benefit gained from the continuing activity of the Football Club in the town, a scheme to enhance the setting of the Great Barn would deliver public benefits to compensate for the impact, in line with the requirements of the NPPF.
There is no proposed increase in activity at the site as the application seeks only to improve the existing facilities so that the Football Club can provide a state of the art training facility to meet their aspirations and achieve Category 2 Status. On this basis, the Highway Authority is satisfied that the proposal will not lead to highway safety issues and the highway arrangements are satisfactory.

The Environment Agency is satisfied that there would be no issues in relation to flood risk in respect of the development subject to conditions relating to site levels and the submission of an appropriate surface water drainage scheme.

The design of the proposed new buildings achieves a standard which satisfies the requirements for quality design as set out in Policy GP3 of the Local Plan. Conditions requiring precise details of materials can ensure that the materials are appropriate in their context. The landscape proposals and proposed tree works are satisfactory subject to the submission of further details which can be dealt with by condition.

In terms of ecology impacts, the Council’s ecology consultants (Capita) advise that there would be a negative impact on wintering bird habitat on the site and that the proposed on-site mitigation put forward by the applicant, i.e. the existing ponds; swamp and woodland habitats would be retained; a new wetland habitat as part of the drainage scheme, 1.00 hectare of new woodland/scrub habitat, 365 metres of native hedgerow and 2.8 hectares of marshy grassland habitat would be created; retained semi-improved grassland would be enhanced; new bat roosting facilities would be provided; best practice construction methods and sensitive working measures, would not adequately compensate for the loss of this habitat.

Capita advise that further mitigation should be provided, in line with government guidance, as closely related to the site as possible. Whilst the applicant does not concur with these recommendations they have agreed to enter into a Section 106 Obligation to ensure that satisfactory compensatory mitigation in line with Capita’s advice is delivered and managed. On this basis the ecological aspects of the scheme would satisfy national and local policy.

Balancing all the issues in relation to the site together with the proposed measures to mitigate the impacts, the overall benefits of the scheme to the town in terms of the positive image and profile of the Burnley Football Club and the community benefits arising from the work of the Club in the town, are considered to outweigh any residual harm caused.

**Recommendation:**

It is therefore recommended that you be minded to approve the application subject to the conditions set out below and the completion of an appropriate Section 106 Obligation:

Before the application is granted it will need to be referred to the Secretary of State, under the Town and Country Planning (Consultation) (England) Direction 2009, to allow him a 21 day period to decide whether or not to call the application in for a decision, if he considers this necessary. If the application is called in the Secretary of State will make the decision.
Conditions

1. The development must be begun within three years of the date of this decision.

2. The development shall be carried out in complete accordance with the approved application plans and details, together with the provisions of a Section 106 Obligation which relates to this application.

3. The site shall only be used as a sports’ training facility and ancillary facilities building for Burnley Football Club, in accordance with the details set out in the application hereby granted and for no other purpose including any purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

4. A Management Plan which details the proposed operations and levels of usage of the Gawthorpe Training Complex as a whole shall be submitted to and agreed in writing by the local planning authority before the building is occupied. Any increase in proposed operations or levels of usage above those set out in the agreed Management Plan shall be submitted to and approved in writing by the local planning authority.

5. A Landscape and Habitat Management Plan, covering the construction period and a minimum of 5 years following the start of development, detailing all proposed landscaping, compensation and mitigation measures to be implemented in relation to the ecological interests, including barn owls, bats, breeding and wintering birds on the site, working methods and details of future management, including timings of management operations shall be submitted to and approved in writing by the local planning authority. The Landscape and Habitat Management Plan shall be fully implemented as approved, to the satisfaction of the Local Planning Authority.

6. All proposed floodlighting / lighting for the development shall be of the low-level LED type lighting, and shall be directional with cowls / hoods fitted to ensure that there is no light spill onto identified foraging and commuting bat routes or the surrounding landscape, as set out in the application. The proposed lighting shall be timed so that it is only lit when the facilities are in use and no further lighting shall be provided without a further planning permission being sought and granted.

7. The development permitted by this planning permission shall only be carried on in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed in the FRA:
   - The finished floor levels of the development are set no lower than 79.12m above Ordnance Datum (AOD)
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should
(a) demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
(b) investigate whether it is feasible for the surface water drainage of the pitches to be designed so as to contribute to the water levels in the wetland area.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

9. A scheme for the enhancement of the setting of the Great Barn, a Grade I Statutory Listed Building, shall be submitted to and approved in writing by the local planning authority before any construction works commence on the new building hereby approved. The scheme shall be implemented as approved in accordance with a programme to be agreed, before the building is brought into use.

10. The development shall not begin until:

a. A scheme of intrusive site investigations to determine whether there is any risk associated with the coal mining legacy of the site, has been submitted to and approved in writing by the local planning authority;

b. The investigation has been carried out in accordance with the approved strategy;

c. A written report, detailing the findings of the investigation, has been submitted to and approved in writing by the local planning authority.

d. A scheme which sets out any necessary remedial works shall be submitted to and approved in writing

e. Any necessary remedial works, identified by the site investigation shall be undertaken before any development starts.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority
subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

11. Prior to the commencement of development, a detailed method statement for the removal or the long term management / eradication of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of the species during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and the Countryside Act 1981. Development shall proceed only in accordance with the approved method statement.

12. Notwithstanding any description of materials in the application, no work shall start on the construction of buildings until precise details of all materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

13. The approved car parking layout shall be implemented before the building hereby approved is first brought into use and thereafter be maintained and kept available for the use of staff and visitors to the premises and shall include provision for the secure parking of a minimum of 4 bicycles and 2 motorcycles. The car park shall remain available at all times for the use of staff and visitors to the premises.

14. All hard and soft landscape works as detailed in the application shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.

15. All works on the site that may affect nesting birds shall be avoided between March and July inclusive, unless absence of nesting birds has been confirmed by further surveys and inspections. If evidence of nesting is found, no vegetation shall be cleared within 5 metres of an active nest, until nesting is complete (the young have fledged and left the nest and the nest has been abandoned) and a suitably qualified ecologist will declare the nest clear prior to vegetation clearance.

16. No site clearance, site preparation or site development work shall take place until a construction method statement has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in full as approved. The scheme shall include details of (but not be limited to) measures that will be implemented for the protection of watercourses.
Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure continued compliance with the Development Plan.

3. The application is granted for inappropriate development in the Green Belt, having regard to the special circumstances of Burnley Football Club and to enable the local planning authority to consider any future change having regard to Policy E26 of the Burnley Local Plan Second Review, highway safety considerations and any other material considerations.

4. To enable the local planning authority to reconsider a significant intensification of the use of the site, having regard to Policies TM1, TM2 and TM15 of the Burnley Local Plan Second Review.

5. To ensure that the ecological interests on the site are protected and suitably managed having regard to Policies E3, E4, E5, E6 and E7 of the Burnley Local Plan Second Review.

6. To ensure that light pollution is kept to a minimum and does not cause undue disturbance to foraging and commuting bats or have an adverse impact on the landscape character of the area, having regard to Policies GP7;

7/8. In order to ensure that the development does not lead to an increase risk of flooding or that the development would be at risk itself from flooding, having regard to the provisions of Policy E8 of the Burnley Local Plan Second Review.

9. In order that the development delivers appropriate public benefits to offset the harm which may be caused to the setting of the Gawthorpe complex of Listed Buildings, having regard to the requirements of the National Planning Policy Guidance, paragraph 134 and Policy E10 of the Burnley Local Plan Second Review.

10. To ensure that risks associated with the coal mining legacy on the site are adequately dealt with, in accordance with Policy GP7 of the Burnley Local Plan Second Review.

11. To prevent the spread of non-native invasive species Japanese knotweed and Himalayan balsam having regard to Policy GP1 of the Burnley Local Plan Second Review.

12. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.

13. To ensure that adequate car parking facilities are available for the development and in order to encourage alternative methods of travel and a
wider choice of transport modes, in accordance with Policy TM4 and TM15 of the Burnley Local Plan Second Review.

14. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and habitat enhancement and the long term appearance of the site harmonises with its surroundings, all in accordance with policy GP6 and E5 of the Burnley Local Plan, Second Review.

15. To ensure that species/habitats protected by the Wildlife and the Countryside Act 1981 are protected, in accordance with policy E5 of the Burnley Local Plan, Second Review.

16. To ensure that construction traffic conflict arising from the use of the facility is adequately managed having regard to pedestrian and highway safety and that appropriate provision is made for the protection of the watercourse during the construction period, in line with Policy GP1 of the Burnley Local Plan Second Review.