

Application Recommended for Approval
Lanehead and Briercliffe Ward

APP/2016/0528

Full Planning application

Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure

BOOHOO.COM WIDOW HILL ROAD BRIERCLIFFE

Location of new building



Background:

The applicant is one of the UK's largest pure-play online, own brand fashion retailers, and they design, source, market and sell own brand clothing, shoes and accessories through their website to 16-24 year old consumers in the UK and globally. Founded in 2006, it has grown rapidly; developing a brand identity and an international online proposition and now has over 4.5 million active customers, with approximately 140,000 new customers registering on the website per month. The Group has a well-established brand in the UK, Ireland and Australia, and currently sells products into over 190 countries.

The Company's ambition and growth prospects are underpinned by forecast growth in both the domestic and international online fashion retail markets, their highly efficient product sourcing model and a robust infrastructure development plan. They continue to enjoy phenomenal growth and their supplied projections show this is set to continue in the coming years. To enable the applicant to meet these increased sales, they need to hold a greater amount of stock. To achieve this, they need the capacity to do so. The applicant notes that warehousing operations begin to lose efficiency significantly at a level of 90% and become operationally compromised at the 95% level when space and movement for incoming goods becomes entirely dependent upon outgoing goods. Based on the information supplied by the applicant, the existing Burnley site will exceed its operational capacity during peak operations in October 2018.

The submission seeks detailed permission, in full, for distribution uses on the Widow Hill Road site on the Heasandford Industrial Estate located to the east of the borough. The application site is partly owned by the applicant with the remainder of the site to be acquired upon approval of this permission. The original and existing facilities were acquired by the company in June 2010 as the base for its online clothing retail operations. Further development on the adjoining site was approved in 2014 and completed in 2015, which saw a 100,000 sq.ft extension to their existing facilities.

This further development applied for is designed to secure a key element of the distribution network of the applicant, and the building is bespoke to their requirements. It will supplement the existing facilities on the adjacent site, and will secure both the existing jobs on site and will further increase the number of jobs by somewhere in the region of 500 new roles on this development site alone. This site has been identified as suitable for B1 (b and c), B2 and B8 uses in Burnley's Local Plan: Preferred Options July 2016.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

E4 - Protection of other features of ecological value

E5 - Species protection

E8 - Development and flood risk

E19 – Development and Archaeological Remains

EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8) Development

EW4 - Expansion and Improvement of existing businesses

EW5 - Development and Improvement of Major Industrial Estates

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

TM2 - Transport Assessments (TAs)

TM3 - Travel Plans (TPs)

National Planning Policy Framework.

National Planning Practice Guidance.

Natural Environment and Rural Communities Act 2006.

Wildlife and Countryside Act 1981.

The Conservation of Habitats and Species Regulations 2010.

DEFRA Circular 01/2005.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.

Site History:

APP/2015/0208 – 144 space car park – Withdrawn.

APP/2015/0105 - Addition of 3no. dock levellers and the extension of the dock canopy to rear south elevation. Increase size of service yard area to facilitate use of additional docks. Feature flashing on North West, south west and south east elevations changed from pink to black. Relocation of the gatehouse into the centre of the entrance/exit road (in respect of planning application APP/2014/0041) – Granted.

APP/2014/0377 – Discharge of condition 5 of planning application APP/2014/0041 – Discharged.

APP/2014/0355 – Discharge of conditions 6, 10, 11, 12 and 13 of planning application APP/2014/0041 – Discharged.

APP/2015/0334 – Proposed minor material design amendment to previously approved application (APP/2014/0041) – Granted.

APP/2014/0332 - Amendment to the phased construction of the amenity accommodation (in reference to planning permission APP/2014/0041) (NMA) – Granted.

APP/2014/0041 – Erection of extension to existing class B8 warehouse together with associated ancillary office and amenity accommodation and vehicular manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2007/0069 – Proposed erection of three industrial units and alterations to the west elevation of the existing industrial unit (Use Classes B1, B2 and B8) – Granted with Conditions.

Consultation Responses:

Lancashire County Council (Highways - Developer Support)

Following initial comments, a meeting was held with the applicant's traffic consultant the result of which was the submission of additional information which addressed the majority of the highway concerns originally raised, namely the parking provision and the issue of the sites sustainability.

In respect of the parking provision, the applicant has shown the additional facilities available on Units 1 and 3 (which are also under the ownership of the applicant) which together with the additional spaces created within the existing site would provide an acceptable level of parking provision on the site.

The sustainability of the site was restricted due to the location and timetabling of the local public transport provision. Following discussions with the applicant it has been agreed that an employee service bus would be provided although no further details are provided at the present time. It is envisaged that this element of the proposal will be subject to a Planning Condition and a S106.

In response to concerns regarding the use of taxis by employees and the parking/waiting that takes place on Widow Hill Road, the applicant has proposed a taxi drop-off /pick up point outside Unit 2. Whilst this is to be welcomed, further discussions will need to take place to maximise the potential of such a facility. This will include an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site.

On the basis of the information provided within the Transport Assessment and the Transport Assessment Addendum Note, I would raise no objection to the proposal on

highway grounds but would request that conditions be attached to any permission that may be granted.

There is the opportunity to improve the sustainability of the site by increasing the accessibility by pedal cycles and pedestrians from the residential area of Briercliffe. This would necessitate a contribution towards the upgrade of two cycling routes into the Heasandford Industrial Estate. This along with the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided) shall be subject to agreement with the planning authority in consultation with the highway authority and would be required from the developer in the form of a S106 agreement.

Lancashire County Council – Lead Local Flood Authority

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions, in consultation with the Lead Local Flood Authority, relating to drainage.

United Utilities

No objections to the proposal subject to conditions relating to foul and surface water drainage being imposed on any grant of planning permission.

Lancashire Wildlife Trust

The Lancashire Wildlife Trust object to this application for the reasons outlined below.

1. The site was identified as being of High Wildlife Value in the Burnley Wildlife Survey 1990 and one of only a few such sites that were fully urban in nature. The Burnley Wildlife and Habitat Survey by Goulder Associates (2007) found that the site (Widow Hill Road, part of Heasandford) qualifies as a Burnley Local Wildlife Site. The development of the site will serve as an example of unsustainable development unless the loss is adequately compensated for (see points 4 and 5 below).
2. The application, and the previous applications by Boohoo Ltd at the Widow Hill Road site, is not compliant with paragraph 165 of the National Planning Policy Framework (NPPF), i.e. Planning decisions “should include an assessment of existing and potential components of ecological networks”. Lancashire Environment Record Network (LERN) and the Wildlife Trust were commissioned by the Lancashire Local Nature Partnership (funded by Natural England) to produce ecological network habitat maps for the county. The planning application does not take account of potential impacts on the network, discuss the conservation of the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality.
3. Neither Phase 2, nor Phase 1 of the development mitigated for the damage to, and destruction of, the ecological interests of the site, and neither Phase has offered to deliver like-for-like compensation. It is clear from the photographs in the TEP report that the site has been stripped of vegetation in advance of the current planning application being submitted. I note that the application for Phase 2 includes two car parking areas in Phase 1; hence the two Phases are inextricably linked by APP/2016/0528.
4. The application does not deliver a net gain in nature as required by the NPPF in paragraphs 9 and 109. The application will result in a net loss in biodiversity in

terms of approx. 2.5 hectares of semi-natural habitat and numbers of naturally occurring native species known to occur on the site since the original Phase 1 habitat survey in 1988, which has been confirmed by the Burnley Wildlife Survey 1990 and the Phase 1 habitat surveys by The Environment Partnership (TEP) in 2005/6 and 2014.

5. If approved, the application will result in the development of site EW1/1 in Burnley's Adopted Local Plan (2006) and loss of the semi-natural habitat and naturally occurring native species, which have been known to occur on the site since at least 1988. In order to be compliant with the requirements of the NPPF, at least two 2.5 of similar habitat is required to be created and managed as natural greenspace in perpetuity.
6. Through a Section 106 agreement, the applicant should be required to fund the creation and management of 2.5 hectares of compensatory land of a similar species composition to that recorded previously in site EW1/1. The compensatory land should be located in a suitable location such that it will contribute to the restoration and enhancement of the relevant ecological network(s) and their functionality, as required by paragraph 165 of the NPPF.

Failure to deliver a suitable compensatory scheme will be the final nail in the coffin of the ecological interests of site EW1/1 and the development of the site, as approved by Burnley Borough Council, can be used by the Wildlife Trust as an example of unsustainable development when it is asked by The Wildlife Trusts (RSWT) and other organisations for feedback on the planning system, NPPF and other consultations.

Burnley Wildlife Conservation Forum (BWCF)

The Phase 1 distribution warehouse centre developed the whole area of valuable wildlife habitat land to the west of the original warehouse and office building, and this proposal for a further 'Phase 2' warehouse distribution centre would develop the whole of the other area of land which has been assessed as valuable wildlife habitat to the south of the original warehouse and office building.

The site was identified as being of High Wildlife Value in the Burnley Wildlife Survey 1990 and the subsequent Burnley Wildlife and Habitat Survey by Goulder Associates (2007). Following the construction of Phase 1 the applicant did not undertake any on-site wildlife habitat mitigation measures on the remaining plot of land, but instead removed the whole of its valuable marshy grassland, tree, scrub and habitats in two stages, the last having been only undertaken recently prior to the submission of the application.

[The ecology work primarily involved work around the new building (Phase 1) and exit out of the existing facility and therefore did not impact on the Phase 2 site. The clearance work already undertaken on this site required no formal consent from the Local Planning Authority]

The Phase 2 development will take up the whole site and therefore there are only narrow landscaping features that will surround the building. These landscaping proposals fall far short of providing any meaningful on-site mitigation measures, and in light of this the application fails to propose any off-site wildlife compensation measures. Therefore neither Phase 1 nor 2 encompass off-site wildlife habitat measures which are needed to provide the net gains in biodiversity required by the NPPF.

The BWCF strongly object to this application in its present form as it should include off-site wildlife habitat compensation measures proposals for the complete loss of valuable wildlife habitat on this plot. If the applicant were to amend the application by proposing off-site wildlife habitat compensation measures commensurate and appropriate to the losses, the BWCF may be minded to withdraw this objection.

Capita Ecology

Initial comments were received in December 2016 as follow,

The Ecological Assessment (TEP, August 2016) details the site as currently comprising largely rough grassland with some hard standing, tall ruderal standing water and scattered scrub. These habitats have the potential to support nesting birds, reptiles (low risk), invertebrates and foraging/commuting bats. The current proposals indicate the proposed warehouse will cover almost the entire footprint of the site with small sections of wildflower and native shrub planting post-construction, mostly confined to the eastern boundary. We support this planting however we advise that it is increased in size around each boundary as this will reduce the net biodiversity loss in terms of habitat and will increase the ecological sustainability of this development, which at present would create a net loss of biodiversity on site. The planting should use native species of local provenance such as trees, wildflower grassland (with appropriate cutting regime) and shrubs, advised by the project ecologist. From aerial imagery this site appears to have previously been wooded, therefore we advise this further habitat loss is minimised.

In line with the Wildlife and Countryside Act 1981 (as amended), the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the measures in Section 5 of the report must be implemented including measures for reptiles, breeding birds and details of the landscaping as well as the small scale, easily achievable habitat creation such as log piles and installation of bat and bird boxes. Any artificial lighting must be avoided wherever possible and minimised and restricted to only where it is needed as this could have negative impacts on nocturnal specie such as bats.

Further comments were then received in January 2017 following consideration of comments from the LWT and BWCF.

Having reviewed the Lancashire Wildlife Trust and Burnley Wildlife Conservation Forum comments, they have provided additional information on the site's history ecologically and development wise and also details that these subsequent applications for warehouse units are degrading a network of habitats. I did note in my comments that from aerial imagery this site appears to have previously been wooded, therefore the applicant or previous owners may have fairly recently removed the on-site vegetation which would make the site appear less ecologically valuable prior to the ecology survey and therefore impacts and mitigation/compensation would not be adequate considering what has been lost. I understand that this is a tricky scenario as it may not have been this current applicant which agreed this site clearance and now are being made to compensate for it, however, as the comments point out, this is 'phase 2' of ongoing proposals, and at some point this habitat loss needs to be addressed. This site is now surrounded by industrial units so is somewhat landlocked,

though is close to the River Don wooded valley, an ecological network which this industrial estate would likely have once been a part of.

This area of Burnley, its current and past biodiversity value and the allocations for development across it (which conflict with biodiversity conservation and sustainable development) do lend itself as a good candidate for securing biodiversity offsetting i.e. habitat creation in an area of land in the borough off site that provides a good network of habitats that can be conserved in the long term for the species the site has in the past and currently supports. This is the current thinking being promoted by Natural England to local authorities to secure meaningful habitat conservation or creation and enabling sustainable development in line with NPPF and England's Biodiversity Strategy. Biodiversity metrics can also be used in this situation to measure biodiversity being lost and whether what applicants are proposing is likely to achieve biodiversity gain as per the NPPF (or at least no net loss). This approach could be adopted for all developments in this area with an overarching strategy for contributions or works to the safeguarded areas from developers.

Therefore, I believe they are quite right that compensation must be achieved if this development is going to remove and degrade the majority of the sites habitats, in line with local and national planning policy. And if adequate on site mitigation/compensation cannot be achieved which, considering the scale of the proposed habitat loss and size of the warehouse unit, is likely, offsite mitigation should be. The suggestions from LWT seems reasonable, i.e. 'Through a Section 106 agreement, the applicant should be required to fund the creation and management of 2.5 hectares of compensatory land of a similar species composition to that recorded previously in site EW1/1. The compensatory land should be located in a suitable location such that it will contribute to the restoration and enhancement of the relevant ecological network(s) and their functionality, as required by paragraph 165 of the NPPF.' If they know of a suitable location, we would support this, provided this is then protected from any subsequent development and is managed in an ecologically sensitive way through a management plan.

Lancashire Archaeological Advisory Service

The 1848 1st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 56, surveyed 1844) shows a farmstead named Widow Hill within the south west corner of the proposed development area. Widow Hill is also clearly shown on the more detailed 1:2,500 mapping of 1893. Aerial photographs dating to the 1940's which are held by Lancashire County Council show the presence of a structure in a similar position to Widow Hill on the 1848 mapping. The site was subsequently developed and a complex of buildings is shown on the 1960's aerial photographs. These buildings are no longer extant on the aerial survey published in 2000 and the nature and extent of the clearance works is unknown. The site is therefore considered to be of some historical interest, probably dating from the first half of the 19th century, having undergone a number of changes in response to changes in agricultural practices and economics throughout the late 1800s and early years of the 20th century. The demolished farmstead might be affected by the proposals and there is therefore a potential for buried below-ground remains to be encountered.

Consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire Archaeological Advisory Service (LAAS) would recommend a staged programme of archaeological investigation. It is

recommended that the first phase of this work should include the formal archaeological supervision of all groundworks. Should any remains be encountered a further phase of work should then be implemented to address the issues revealed by the initial investigations. This work should be secured by means of condition.

Lancashire Constabulary (Designing Out Crime Officer)

No objections in principle however it is requested that number of Secure by Design principles are incorporated into the development to complement the existing site security office and security fence that will cover the new Distribution Centre.

[To be added as a note]

Burnley BC (Head of Greenspaces and Amenities)

Adjoining the Heasandford site is the 120 hectare Brun Valley Forest Park which is owned by the Council and LCC and which we are managing primarily as semi-natural habitat. There is an opportunity to extend the Forest Park to include the Lydgate open space which is currently species poor wet meadow and there is an area of 2.643 hectares of grassland on this site. The advantage of BVFP is that it is very close to the site and accessible to public and people who work there.

Burnley BC (Environmental Protection Officer)

No objection to the proposal subject to conditions relating to construction works, noise mitigation and the provision of electric points on site.

Burnley Civic Trust

BCT are concerned by the enormity of this proposed building. The building already erected is far larger than ever envisaged and we understand that it casts a shadow over the gardens of nearby residential properties. We realise that this is an industrial park and the number of jobs which will be created are important but we would ask the Council to take steps to tone down the adverse effects which will be apparent when the building is completed. Can nothing be done to reduce the size and/or design and landscaping to improve the final effect?

Local consultation responses

Five emails/letters have been received from local residents and businesses, and the following objections and areas of concern have been raised.

- Size and height of the building proposed. This new building will be larger than the present one and totally unsuitable to be built on this site.
- Whilst this is an industrial estate, surely consideration should be given as to how large and how high buildings should be erected especially as the estate is so close to housing.
- The present Boohoo is of a ridiculous size and is a blot on the landscape.
- The volume of traffic has increased tenfold since this building was erected so what it will be like if the new building gets the red light?
- I am sure there are other Industrial Estates in this area that are just as suitable and are not too near housing.
- During shift changes, cars and taxis double park in the road and along the central reservation leaving little space for staff and vans to negotiate safe

passage. On H&S grounds we consider that this must be considered and the developer made to create safe pick up points.

- We object to the building of an extension Widow Hill Industrial Estate as it is a small in town industrial estate overlooked with a lot of private properties. To build this extension proposed to an already huge building 75feet in height is going to be a massive blot on the town's landscape especially for people around this area.
- We feel that a building of such magnitude should be built on large industrial estate's on the edge of town so not to blight people's lives, e.g. Network 65, Lomeshaye industrial etc. these estates are already geared up for massive buildings.
- On the point of the spin about it creating lots of jobs and wealth for the town this will only, create low value minimum wage jobs not quality jobs what the town needs.
- Impact on trees.
- Danger to protected wildlife/ecology.
- Increase in smells/fumes/noise
- Flooding.
- Impacts on sunlight/overshadowing.
- Light pollution.
- Loss of privacy.

Planning and Environmental Considerations:

The site which is the subject of the application comprises approximately 2.62 hectares of open yet slightly overgrown land. A temporary car park has been created on the site at present following recent expansion works that have been carried out on the wider site.

This new application seeks permission in full for a distribution building (Class B8) with a maximum floor space of 19,679sq.m, associated ancillary structures, car parking, landscaping, vehicle access roads and loading/unloading areas. The building will have a footprint of 146.15m (W – facing Widow Hill Road) x 121.28m (D) (approximately) and will measure 22.2m high (approximately) which is roughly 6 storeys. The development applied for is designed to secure a key element of the distribution network of the applicant, an online retailer operation. The building is bespoke to their requirements and it will supplement the existing facilities on the adjacent site; the base for the applicant's online clothing retail operations. The application site is partly owned by the applicant with the remainder of the site to be acquired once permission is granted.

There are two accesses into the proposed development. The principle access will be via existing access to the Dale Construction Site which will be amended to allow for proposed vehicles and increased security. Access to the car park adjacent to the building will be via the existing main IN/OUT access off Widow Hill Road. The circulation within the existing site and the application site will be slightly remodelled to provide for exit for HGVs out of the combined site via the egress point at its north westerly corner, with all other vehicles existing via the main IN/OUT access.

Based on the proposed development on its own, once fully operational it is estimated that this will safeguard the existing jobs on site and add a further circa 500 jobs to the

local economy. Across the three sites in this locality, the estimated additional job roles that could be created as a direct result of the anticipated sales growth from 2017 to 2023 across all Widow Hill Road facilities would be over 1000. This will potentially deliver up to £22M of additional salary into the Burnley area (depending on final levels of automation), via a mixture of skilled, semi-skilled and managerial positions alongside Customer Services and Warehouse Operatives.

PRINCIPLE OF THE DEVELOPMENT

The site lies wholly within the Heasandford Industrial Estate boundary, and as such the proposal is subject to an assessment against Local Plan Policy EW5 which advises,

The Council will permit the expansion and improvement of existing employment uses on the following industrial estates identified on the Proposals Map (including Heasandford). When assessing such proposals the Council will require a planning application to demonstrate that:

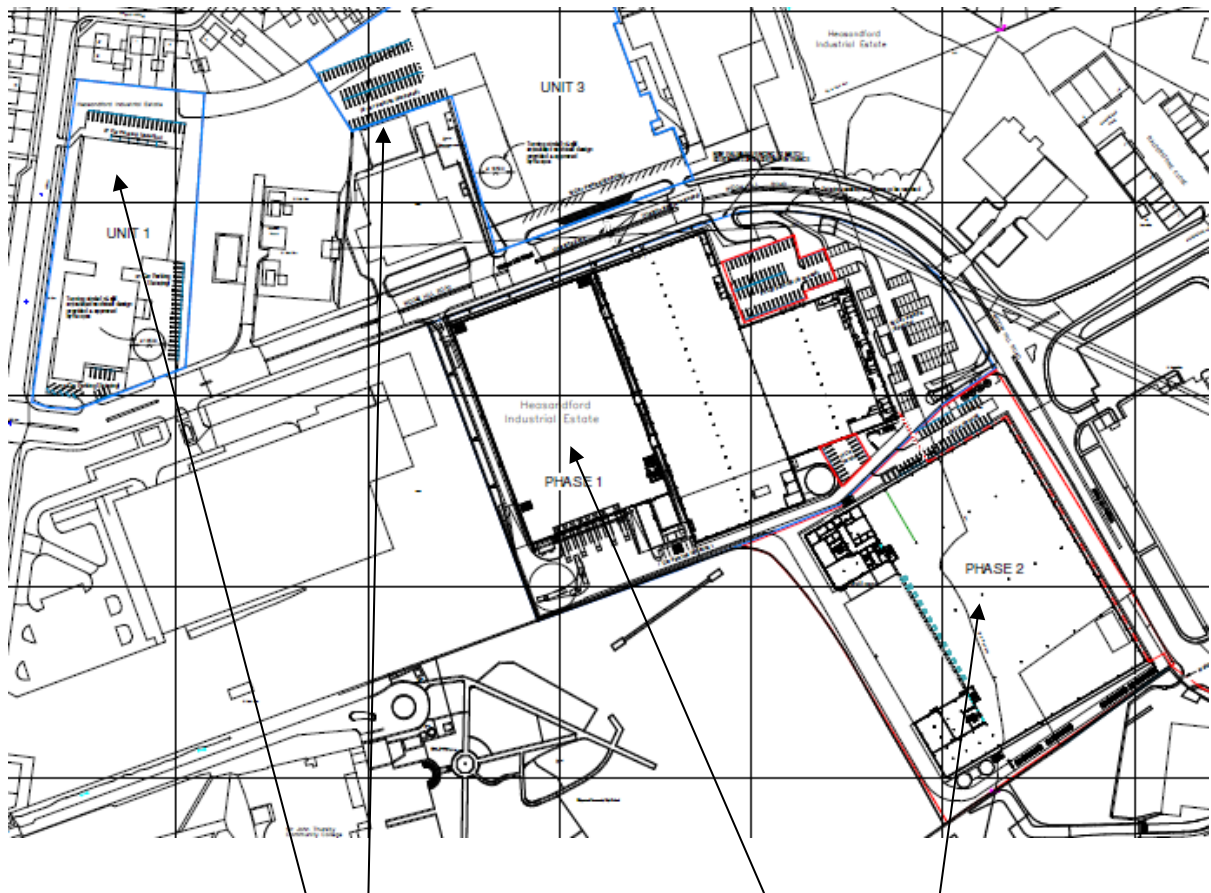
- (a) it includes measures to improve security;*
- (b) it includes landscaping and screening, where necessary;*
- (c) it incorporates mechanisms to improve environmental performance to that of current best practice standards;*
- (d) it is accessible by a choice of transport modes;*
- (e) it includes, where necessary, a Travel Plan see Transport and Movement Policy TM3 – “Travel Plans”;*
- (f) it retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area; and*
- (g) it includes , where appropriate, training and recruitment provisions as reflected in Policy EW10 – ‘Development and Training Provision’ of the Burnley Local Plan.*

Therefore, whereas the principle of this proposal is considered acceptable, the above matters must be demonstrated to be in accordance for the scheme to be deemed acceptable. The key considerations with this application are whether the scheme will have an acceptable impact on highway safety at this location, whether the scheme will have an acceptable impact on the ecological/biodiversity value of this site, whether the overall design of the scheme is considered appropriate and whether the scheme will have a detrimental impact upon the amenity of the surrounding businesses or the residential amenity of the occupiers nearby residential properties.

HIGHWAY SAFETY AND PARKING

Further and additional information was requested by the County Highways Officer following initial concerns raised in regards to this proposal, namely the parking provision and the issue of the sites sustainability. The submissions received addressed the majority of the highway concerns originally raised.

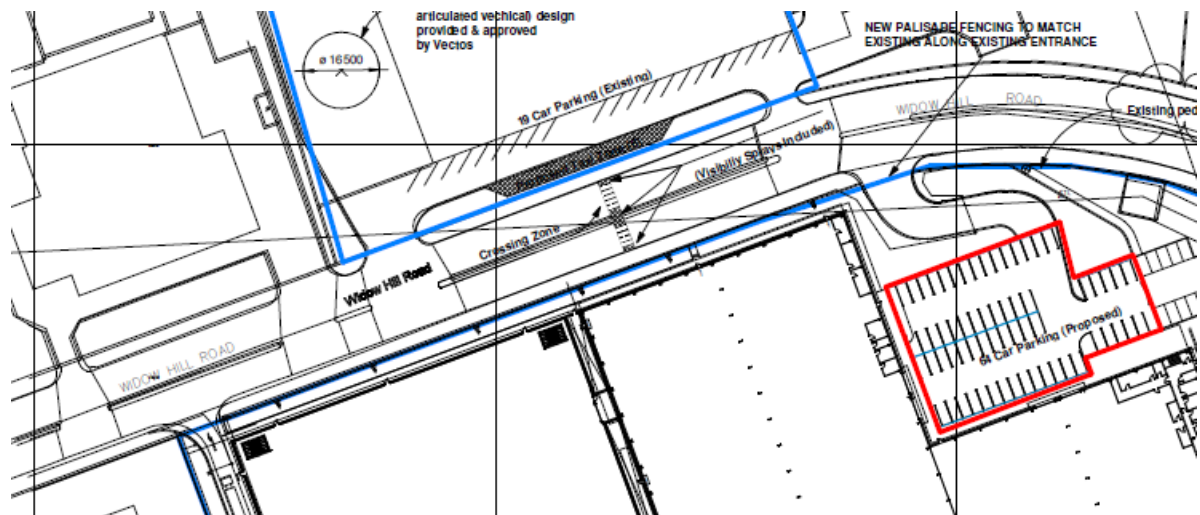
In respect of the parking provision, the applicant has shown the additional facilities available on Units 1 and 3 (which are also under the ownership of the applicant) which, together with the additional spaces created within the existing site would provide an acceptable level of parking provision for the expansions of the business in this vicinity.



Additional parking on other sites / Phase 1 / Phase 2

Concerns regarding the sustainability of the site were due to the restrictions caused by the location and timetabling of the local public transport provision. Following discussions with the applicant it has been agreed that an employee service bus would be provided although no further details are provided at the present time. In addition to this, the opportunity to improve the sustainability of the site by increasing the accessibility by pedal cycles and pedestrians from the residential area of Briercliffe was also discussed. This necessitated a contribution request towards the upgrade of two cycling routes into the Heasandford Industrial Estate. This along with the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided) shall be subject to agreement with the planning authority in consultation with the highway authority and would be required from the developer in the form of a S106 agreement. The applicant has submitted a draft Unilateral Undertaking that sets out their intentions to formally agree to this; however the final details and formalities will be subject to a Planning Condition and a S106 undertaking.

In addition, in response to concerns regarding the use of taxis by employees and the parking/waiting that takes place on Widow Hill Road, the applicant has proposed a taxi drop-off /pick up point outside Unit 2. Whilst this is to be welcomed, further discussions will need to take place to maximise the potential of such a facility, which will also include an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site. The final details of this element of the scheme can be dealt with via planning condition.



Suggested pedestrian crossing and taxi drop off/pick up plan

On the basis of the information provided within the Transport Assessment and the Transport Assessment Addendum Note, there are no objections to the proposed scheme from a highway safety point of view subject to the imposition of relevant conditions.

IMPACTS ON ECOLOGY/BIODIVERSITY

Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by,

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services; and
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF then advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles;

- if significant harm resulting from a development 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; and
- opportunities to incorporate biodiversity in and around developments should be encouraged.

The Burnley Wildlife Conservation Forum and the Lancashire Wildlife Trust have objected to this application for reasons outlined earlier in this report, however the key concerns surround the loss of a locally important wildlife site (a view they have that is based on Wildlife Surveys in 1990 and 2007) and the lack of any, or suitable, mitigation or like for like compensation to replace the land lost. On-going negotiations are being held between the Council and the Applicant's Ecologist, and a solution to these objections to overcome the apparent lack of suitable mitigation has presented itself.

The site currently comprises largely rough grassland with some hard standing, tall ruderal standing water and scattered scrub (The Ecological Assessment (TEP, August 2016) submitted with the application), and has the potential to support a number of wildlife habitats. The proposed warehouse will cover almost the entire footprint of the site with only small sections of wildflower and native shrub planting post-construction, mostly confined to the eastern boundary, to be planted at a later stage. As a submission on its own merits, the application would not deliver a net gain in nature as required by the NPPF in paragraphs 9 and 109 as the application will result in a net loss in biodiversity in terms of approx. 2.5 hectares of semi-natural habitat and numbers of naturally occurring native species known to occur on the site. The applicant accepts that there is a need for some form of mitigation/compensation measures to ensure that there would be no net loss of biodiversity and to ensure that the development would be sustainable.

This is supported by the Council and the Council's Ecology consultant who notes that "compensation must be achieved if this development is going to remove and degrade the majority of the sites habitats, in line with local and national planning policy, and if adequate on site mitigation/compensation cannot be achieved which, considering the scale of the proposed habitat loss and size of the warehouse unit, is likely, offsite mitigation should be."

This site is surrounded by industrial units so is somewhat landlocked; however it is close to some ecological networks which this industrial estate would likely have once been a part of. This area of Burnley, its current and past biodiversity value and the allocations for development across it do lend itself as a good candidate for securing biodiversity offsetting i.e. habitat creation in an area of land in the borough off site that provides a good network of habitats that can be conserved in the long term for the species the site has in the past and currently supports. This is the current thinking being promoted by Natural England to local authorities to secure meaningful habitat conservation or creation and enabling sustainable development in line with NPPF and England's Biodiversity Strategy.

Whilst the applicant themselves have been unsuccessful in finding an area of land, discussions have been held with the Council's Head of Greenspaces and Amenities in regards to whether the Council own any land that would be suitable for such a project. Adjoining the Heasandford site is the 120 hectare Brun Valley Forest Park (BVFP) which is owned by Burnley Borough Council and Lancashire County Council and which Burnley Borough Council are managing primarily as semi-natural habitat. As discussions have progressed it was made clear that there was an opportunity to extend the Forest Park to include the Lydgate open space which is currently species poor wet meadow and there is an area of 2.643 hectares of grassland on this site (see map below). There are a number of key advantages with this proposed site, namely,

- It is very close to the site and accessible to public and people who work on the Heasandford site,
- the site is considered to be located in a suitable location as it will contribute to the restoration and enhancement of the relevant nearby ecological network(s) and their functionality (as required by paragraph 165 of the NPPF), and
- It is also the correct type of baseline habitat and a similar species composition to that recorded previously and that is presently on-site, and that could be improved through a long-term management plan.

Whilst discussions are still ongoing, the applicant has agreed in writing to fund the creation and management of this meadow/grassland/wildlife site of just over 2.5 hectares of compensatory land, in line with the requirements set out by the Council's own Ecology consultant and that noted by the Lancashire Wildlife Trust, namely as a protected and managed site. The scheme will also include some footpath works to create a circular walk for local residents and visitors. The final agreed S106 contribution will also include minimum 10 years maintenance of the site.

This solution is considered to be acceptable in terms of the NPPF as the harm resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts or by adequate on-site mitigation, so an off-site compensatory site of similar grassland/meadow habitat to be created and managed as natural greenspace fulfils this requirement.



Proposed Lydgate Site – site for the expansion of the BVFP

The applicant has also included a landscaping proposal primarily for the edges of the site, which will be formed using native shrub planting and wild grassland. This will complete the site once the building has been finished. Where possible, the new landscaping plan for the site will include native nectar and berry bearing species to enhance foraging opportunities for the local bird community, with shrub and wildflower planting used to create a buffer strip along the site boundary. Other environmental enhancements will include the provision of wildlife features such as log piles, insect tacks and bat/bird boxes. These will be agreed via condition.

In conclusion, whilst the proposal would result in the loss of a mosaic of habitats from the site, alongside the proposed on-site mitigation, a suitable and acceptable contribution towards an off-site compensatory scheme to be managed by the Council has been agreed that will ensure that the development will not have a significant or detrimental impact on the biodiversity of the area.

REQUIREMENTS FOR THE PROPOSAL / ASSESSMENT OF DESIGN, SCALE AND APPEARANCE

As noted at the beginning of this report, the applicant has seen phenomenal growth and their supplied projections show this is set to continue in the coming years. The impact of this growth features heavily on the stock holding requirements & operational facilities required to sustain and service the demand. To enable the applicant to meet these increased sales, they need to hold a greater amount of stock. To achieve this, they need the capacity to do so hence the submitted application for an additional unit of a similar size to that already built at this location.

The applicant is currently looking at an automated solution for the existing business on site which will then be distributed across both the existing and proposed new facilities. The applicant has supplied a significant amount of information in relation to the process used on site, and I have witnessed the inner workings of the business first hand. To summarise, however, this solution includes conveyors, diverts and handling devices retrofitted to the existing buildings, then linked through the proposed bridge into the new facility where the mini load & shuttles, buffers, pouch cascade sortation systems and the despatch sorter will be installed to consolidate the picked items back into customer orders for despatch. The additional new jobs generated by this development will therefore be dispersed across the entire Boohoo facility with the newly introduced engineering and technician positions required in all areas of the operation.

With each of these major automation installations being of large construction and with the mini load crane & shuttle system requiring a full twenty meter height for maximum storage provision they will, by necessity, be installed into the proposed extension as the existing facility is fully equipped and utilised to meet current sales demand. There will also be significant investment in a conveyor and bridge between the two sites. This will enable the applicant to retain the integrity and stockholding of product on the one site, and also ensure a fast, efficient and low energy automated solution that is vital to the applicant.

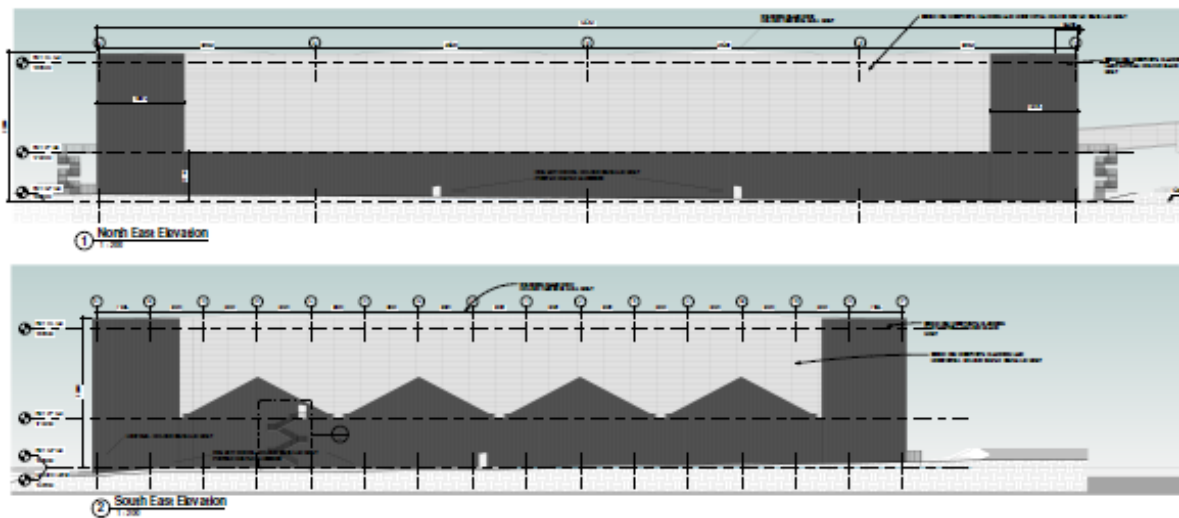


New building will be connect to the existing Phase 1 building

The overall proportions of the proposed building have been developed to best suit the operational requirements of the end user. The clear internal height to the underside of

steel frame is proposed as 20m which would give a height to top of parapet of approximately 22.2m (1.8m shorter than its neighbouring building). The design strategy used with the last building was adopted in order to attempt to minimise the visual impact of the overall massing whilst dealing with the change in scale.

The proposals seek to reflect the previously used contemporary design principles in creating a high quality building to provide for the requirements of the end user, and ultimately create a purpose built facility which would allow the further expansion of an existing business. The construction of the proposed new distribution warehouse, service yard area and amenity block within the new building will provide the applicant with the expansion space they require to cope with the predicted growth in business over the coming years. The proposals seek to maximise the operational synergies between the existing facility and the recently completed extension via the introduction of new links between the buildings, as well as improvements to the vehicular and pedestrian accesses to create a continuous warehouse space that will satisfy the operational requirements of the applicant.

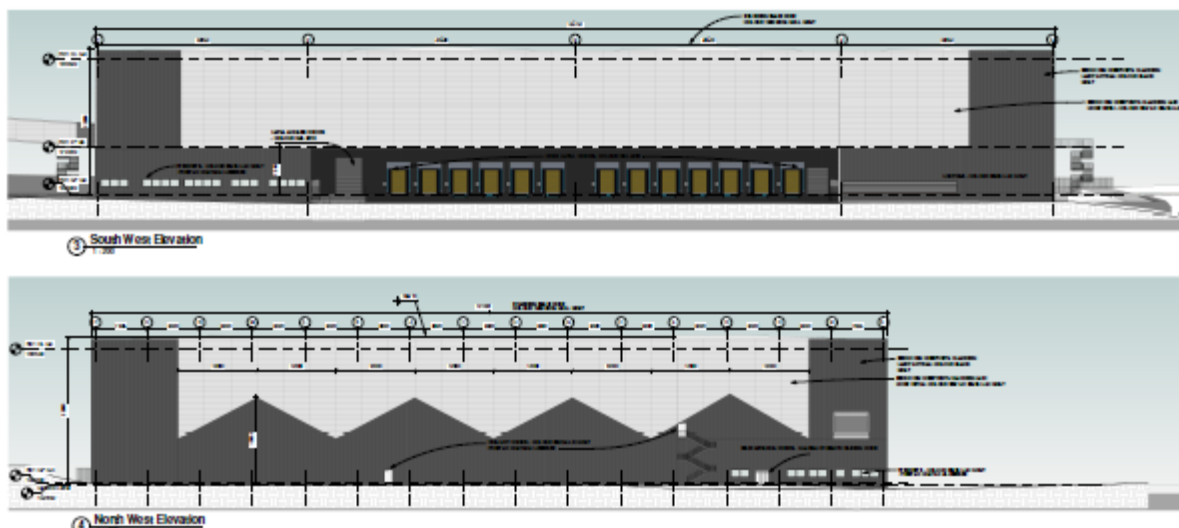


Proposed elevations
(Facing Widow Hill Road – Top / South East facing elevation – Bottom)

Site levels at present vary from 166m at the north corner of the site to 160m at the southern corner of the site, and it is proposed that the finished floor level of the building of 163m will result in the minimum amount of material being removed from the site as well as produce acceptable road gradients for articulated vehicles to move around the site. This also allows a slight reduction in overall finished height of the building. Security measures will also be provided including a 2.4m high paladin security perimeter fence around the site extending from the existing gatehouse at the northern corner to the existing fence at the west corner of the site. An access gate will be provided on the east corner for access by vehicles to the distribution centre with security cameras also installed to provide full coverage around the site. Associated infrastructure provided will include sprinkler tanks, pump stations and back-up generators.

The proposed development is considerably larger than any other buildings in the vicinity (other than the existing building adjacent). In order to mitigate the impact of this development on the local area and further afield the following principles have been incorporated,

- The height of the proposal has been kept as low as possible by the use of very low pitch roofing system and avoiding the use of a parapet around the roof boundary. This has resulted in the overall roof height being approximately 2m lower than the Phase 1 development.
- The elevational treatment has been developed with differing shades of cladding. The colours match those used in phase 1. The effect of this is to visually reduce the impact of what otherwise would have been single walls of solid colour. The change in shade from a light cladding colour to a darker colour at the corners helps to visually reduce the appearance of a large blank wall thus disguising the volume of the building. The darker coloured corners extend from ground level to roof. Between the corners of the building and approximately 1/3 up the elevation a saw tooth design has been incorporated. The saw tooth pattern is reminiscent of a roof scape and helps to draw the eye away from the actual roof line of the building thus giving the impression of a much lower building.
- The colours chosen approximate the shadow effect that would be present during the day. This further helps to disguise the overall size by creating an interference pattern and thus difficult for the casual observer to define the actual edge of the building.



Proposed elevations
 (Facing toward Ridgewood Community High – Top
 / North West facing elevation – Bottom)

Considering the above principles, whilst the scale and massing of the proposed extension will dwarf a number of buildings close to the site, the building will sit with the existing Phase 1 building that is of a similar scale, creating a national hub for the applicant within Burnley. The scale and massing of the building should not necessarily preclude a building of this size; however it is clearly of a scale and mass that will impact visually within the locality by its very nature. What must be considered however is that the proposal is a purpose built facility for the applicant, and the design principle has sought to minimise the local and wider visual impact of the scale and massing by virtue of careful use of materials and the colour palette, in doing so drawing your attention to the darker clad sections instead of the overall height of the building. The building will be visible in part from locations outside the Heasandford

Estate; however it will be seen against the backdrop of other buildings on the estate so it is arguable that it will not look unduly out of place.

In conclusion, whilst the proposed building will cause some visual harm to the locality by virtue of its scale and massing, in line with paragraph 14 of the NPPF, the presumption in favour of sustainable development, there are a number of significant benefits to the scheme that will significantly and demonstrably outweigh the harm caused by the proposal. These will be discussed shortly.

IMPACT ON AMENITY

The main considerations in respect of amenity relate to the existing issues of parking of vehicles on Widow Hill Road, impacts on general traffic movements around the site, and whether the scheme will impact further afield such as the nearby residential areas. The applicant has sought to overcome the issues raised by the County Highways Officer and there are no objections raised in regards to the proposals impact on highway safety in the area. Indeed the proposal seeks to implement a number of benefits to the area that should improve the existing issues that surround the site during the shift change overs.

With regards to the scale and massing of the building, the outlook from the nearby offices opposite the site will be significantly altered. However, with landscaping planting separating the existing offices across the road from the highway and additional planting proposed on this site, I do not consider that the amenity of the occupiers of these businesses will be unduly affected.

The operation of the proposed development is considered to be relatively quiet and the Environmental Protection Officer has clarified that there has no complaints in regards to the applicants operations in the last two years. In addition, the proposal allows sufficient space for vehicles to pull off Widow Hill road and will therefore not aggravate vehicle movement along that road. As such, due to the main workings of the business being carried out away from the highways within the dock loading bay to the rear of the site, and given its location within an existing industrial site, the proposal is not considered to have a detrimental impact on the surrounding areas, residential amenity or environment.

With regards to the outlook from nearby residential properties close to the site, this will be altered for some residents due to the height and massing of the building. However, given the nearest property in direct line of sight is some 200m from the site at an elevated position, with others being over 350m away, whilst it is likely that this building will be visible, I do not consider that the amenity of the occupiers of these residential properties will be detrimentally affected by the proposal.

OTHER CONSIDERATIONS AND BENEFITS / SECTION 106 CONTRIBUTIONS

Section 106 Contributions –

The applicant has agreed the following that will be subject to a formal S106 or Unilateral Undertaking,

- ❖ A contribution towards the upgrade of two cycling routes into the Heasandford Industrial Estate.

- ❖ A contribution towards the creation and management of a 2.6 hectare grassland meadow as an extension to the Brun Valley Forest Park (currently a species poor wet meadow). The site is close to the application site and will be accessible to public and people who work on the Heasandford site. This is proposed to overcome the objections based on the loss of the existing site and its habitat.
- ❖ A contribution towards the redressing of the Brun Valley Greenway paths and links around the estate.
- ❖ The provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided).

Other Economic Benefits –

To accommodate business growth; the applicant has already invested heavily in the current Burnley operations in both Warehousing and Central Support functions to the tune of over £25m (details supplied within the application), not including the purchase of other units on the Heasandford Estate. The reason for this Planning Application is due to the fact that the applicant is still experiencing extremely strong growth and to enable the business to continue to trade at these levels, they recognise that significant further investment is required.

The applicant has noted the significant benefits of expanding on this site close to the existing facility within their application in terms of the operational benefits and improvements, as well as economies of scale. They have also noted that if consideration was made to build a facility to accommodate Boohoo's growth predictions on a site outside the Burnley area, the clear and most commercial and operationally beneficial solution would be to position such an operating centre in close proximity to either their core suppliers or the main international parcel hubs (most likely the Midlands or the M3/M4 corridor). Having a second site in the north of England in relative close proximity to Burnley, or even on the outskirts of Burnley, would provide no benefit at all and be counter intuitive to operational, cost and service offer improvement. Indeed should permission for the second extension at Burnley be granted they note that the full global operation will run more efficiently as the single fulfilment centre in Burnley will continue until approximately 2022 generating additional opportunities for employment.

Alongside the lower skilled new customer service and warehousing positions (somewhere in the region of 800+ positions across all three sites on the Heasandford Estate), approval of this expanded site here will also net an increase in more skilled/semi-skilled/technical/management roles on higher wage brackets (ranging from starting salaries of £20k pa up to £70k pa) which can be broken down as follows,

	Skilled	Semi-skilled	Technical	Management	TOTAL
Automation	29	24	12		65
Operations	2	20	10	48	80
Customer Services	1	40		20	61
TOTAL	32	84	22	68	206

In addition, the applicant also runs a management training programme that encourages operatives to develop their skills and career. This is carried out in partnership with Burnley College and includes Customer Service Apprenticeships, Operators enrolled on ILM Management Apprenticeships, and Leadership and Management programmes led by Themis. They note that between June 2015 and July 2016 they internally promoted 42 operatives into junior and middle management positions.

The significance of this new investment in local employment opportunities has been outlined by the applicant. It is clear that the addition of these new jobs will help improve existing levels of employment through a number of opportunities for those not only with low or only entry levels skills and qualifications, but also for those at a higher level. There will also be a wider benefit to the local economy in that most of the employees on site will spend their wages in the local economy.

Wider Benefits -

The applicant has invested time, money and effort to play a key role in the local community, and they have recently joined the Burnley Bondholders scheme. They have also sought to forge strong links with many local businesses and charities, including such companies as Burnley Football Club, Barnfield Construction and Pendleside Hospice. They are clear that they want to build upon these links as business grows, and wish to further invest in people, continuing the success story, and to share these benefits within the town to contribute further to its continued development and prosperity.

In addition to capacity investment they know that there needs to be appropriate investment into staff welfare and facilities to attract and retain the best people. To this end they are undertaking a c£3m refurbishment programme of the existing offices and restaurant provisions at the Warehouse and the Contact Centre. The investment includes a c200 seat restaurant serving both hot and cold food and beverages for all shift patterns, additionally this will incorporate First Aid Room, Breakout spaces Multi-Faith Room, Lockers, Toilets, Meeting Rooms, Offices and a fully equipped Gym with access to all employees.

Finally, approval of the development would guarantee the inject of a £6m capital investment into the local economy with a number of potential benefits to the local economy including,

- spend on construction products and materials from local suppliers,
- spend with local construction companies,
- spend on furnishings and fittings; and
- employment of local labour.

CONCLUSION

The National Planning Policy Framework (NPPF) makes it clear that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration in planning decisions and it advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-

making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay.

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

Having considered the proposed development, it is considered that the proposal would meet all of these roles for the following reasons;

- economic – the estimated £6 million investment in not only this site but the wider facilities on the Heasandford Estate is predicted to provide significant benefits to the local economy in terms of jobs (before, during and after construction); future training and skills; support growth and other economic multipliers,
- social – the development will be part of a suite of improvements to facilities and amenities on site, as well improvements to working conditions through significant investment in improved automation of the sites distribution areas. This will support the health and social well-being of current and future employees, and
- environmental – the proposed off-site contribution towards the creation of 2.6 hectare grassland meadow alongside the proposed on-site mitigation measures and additional/replacement landscape planting will protect and enhance the natural environment, as well as helping to improve biodiversity on site.

On this basis, in regards to the NPPF requirement to contribute to sustainable developments, the proposed development is considered to be a sustainable development.

The scheme proposed has, as far as possible, been designed to fit comfortably with the existing facility and wider context of the Heasandford Estate, and the design solution provides a functional architectural aesthetic that responds to the future requirements of the applicant. The choice of colour and materials have been carefully considered with an aim of minimising the visual impact of the overall massing of the facility and link it to the existing buildings on site. The creation of this additional, modern, automated distribution facility with associated office and amenity facilities, bespoke to the end users requirements, will ensure that the applicant can remain at this site for the foreseeable future. The scale and massing of the building should not necessarily preclude a building of this size, however it is clearly of a scale and mass that will impact visually within the locality by its very nature and it will be visible in part from locations outside the Heasandford Estate. What must be considered however is that the proposal is a purpose built facility for the applicant, and the design principle has sought to minimise the local and wider visual impact of the proposed building. In addition, whilst the proposed building will cause some visual harm to the locality by virtue of its scale and massing, in line with consideration of the NPPF, there are a number of significant benefits to the scheme that will significantly and demonstrably outweigh the harm caused by the proposal.

This includes paragraphs 18 to 20 within the NPPF that state that 'The Government is committed to securing economic growth in order to create jobs and prosperity', and that 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.' It notes that 'Planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth

through the planning system,' and that 'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.' In line with national planning policy (para. 19 of NPPF) "significant weight" should be placed on the need to support this sustainable economic growth at this site. Alongside the additional benefits (both ecologically and economically), the "significant weight" that national planning policy seeks to be given to sustainable economic growth is a key consideration.

In my opinion, it is this significant weight alongside the benefits of job creation and investment in the Borough that are considered to outweigh the visual harm caused by the building, as well any concerns raised by the Lancashire Wildlife Trust, the Burnley Wildlife Conservation Forum in respect of the potential impact of the proposal on the biodiversity and ecological value of the site. The mitigation and compensation measures, if required, are considered appropriate to be dealt with via condition, and on this basis the application is recommended accordingly.

Recommendation:

That planning permission be granted subject to the following conditions.

Draft Conditions (to be finalised by the evening of DC Committee - 16th of February 2017):

1. The development must be begun within three years of the date of this decision.
2. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0101, B0103, B0110, B0150, B0230, B0501 (x2), B0601-P1, B0602, B0603, L0001-P1, L0101-P1, L0601 and S0001 received 30th November 2016, and L0401-T5 received 1st February 2017.
3. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the commencement of demolition works or built development, a construction method statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - a) The parking of vehicles of site operatives, visitors and the existing parking that will be displaced by the development,
 - b) Details of the delivery regime for materials and plant to the site
 - c) The loading and unloading of plant and materials,
 - d) The storage of plant and materials used in constructing the development,
 - e) The erection and maintenance of security hoarding,
 - f) Wheel washing facilities,
 - g) Measures to control the emission of dust and dirt during construction,
 - h) Details of working hours, and
 - i) Contact details of the site manager.
5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be

used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

6. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
7. In addition, a programme of works shall be submitted to the Local Planning Authority detailing the following:
 - a) The specific processes/activities which will be carried on during the construction phase(s)
 - b) The proposed timescales for the processes/activities in a)
 - c) The proposed noise mitigation measures for the processes/activities in a)
 - d) Any proposed noise mitigation measures for the operational phase.
8. No part of the built development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, the offsite woks of highway improvement will include,
 - a) Formation of the new site access,
 - b) Closure and reconstruction of the existing vehicular access opposite Unit 3 Widow Hill Road,
 - c) Extension of the central reserve in the vicinity of the redundant vehicular access, and
 - d) Formation of a pedestrian crossing facility between the main BooHoo site and Unit 3.
9. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 8 has been constructed and completed in accordance with the scheme details.
10. The cycling and motorbike facilities hereby approved shall be provided in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. They shall be provided before the use of the premises hereby permitted becomes operative.
11. The car park areas hereby approved shall be surfaced or paved in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
12. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in

consultation with the Highway Authority. The Business Travel Plan shall include details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided). This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

13. As part of the final car parking plan (condition 11), the developer shall include on-site the installation of a minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable. The charging points shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
14. The existing access onto Widow Hill Road (as shown on plan reference number L0401 Rev. T5) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to.
15. Whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, and unless otherwise agreed in writing, a developer contribution or otherwise shall be agreed towards the following,
 - I. The upgrade of two cycling routes into the Heasandford Industrial Estate,
 - II. The creation and management of a 2.6 hectare grassland meadow as an extension to the Brun Valley Forest Park (currently a species poor wet meadow). The site is close to the application site and will be accessible to public and people who work on the Heasandford site. This is proposed to overcome the objections based on the loss of the existing site and its habitat, and
 - III. The redressing of the Brun Valley Greenway paths and links around the estate.
 - IV. The provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided).The final costs (relating to I, II and III) shall be agreed within 2 months of the date of this permission, with the final document signed within 4 months of that date.
16. Foul and surface water shall be drained on separate systems.
17. Within three months of the date of this permission, details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities,

the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development Greenfield runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

18. Within three months of the date of this permission, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company,
 - b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments,
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - iii. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

19. No combustion of any waste materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.
20. Notwithstanding the submitted details, as indicated on plan drawing number L0601 Landscaping, within six months of the commencement of any built development above slab level, full and final details of the proposed comprehensive hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - a) Hard landscaping shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].
 - b) Soft landscaping shall include full details of the proposed lake (including site sections and construction details), schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
 - c) The scheme shall also include details of habitat mitigation enhancement measures such as bat and bird boxes which could be installed on retained or new semi-mature trees or elsewhere within the site on existing buildings.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
22. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) shall be incorporated within the detailed on-site landscaping proposals (condition 20), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable. Final details of this shall be submitted to the Local Planning Authority for consideration and approval.
23. Within six months of the commencement of the development, a scheme and programme for any other lighting on the site, outside of the proposed car parking areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:
 - a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.The lighting shall only be installed in accordance with the approved scheme and programme.
24. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with the written scheme of investigation

that was submitted on the 20th of January 2017. Once completed, the final report shall be submitted to the Local Planning Authority for approval.

25. Within four months of the date of this permission, the applicant shall submit to the Council, for approval in writing, an Employment and Skills Plan. The Employment and Skills Plan shall include arrangements setting out how the applicant and/or the developer and their contractors will work directly with local employment/training agencies/the Council as part of an employment and training consortium including but not limited to;
- a. Jobcentre Plus and the Learning & Skills Council; and
 - b. Voluntary and private sectors providers; and
 - c. Sixth form colleges; colleges of further education; and universities.
- The Employment and Skills Plan shall specify the provision for training opportunities and other initiatives in respect of the vocational and employability skills required by the owner/developer, their contractors and future occupiers, for any new jobs and business opportunities created by the Development.
- Following approval of the Employment and Skills Plan by the Council, the applicant will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure that so far as is reasonably practicable the objectives are met.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
3. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
4. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review.
5. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
- 6/7 In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
8. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences on site.

9. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
10. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
11. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
12. To promote and provide access to sustainable transport options.
13. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within an adjacent building to enable the socket to be turned off.

14. To limit the number of access points to, and to maintain the proper construction of the highway.
15. To ensure that adequate provision is made for improvements to sustainability on the site, the improvement of surrounding accessible public open space in connection with the development, and to ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF; and to ensure the agreed management plan proposal is suitably managed.
16. To secure proper drainage and to manage the risk of flooding and pollution.
17. In order to ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and in order to ensure that water quality is not detrimentally impacted by the development proposal. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
19. To reduce the potential for pollution and nuisance to the occupiers of nearby buildings and dwellings.
20. On the basis that full and final details of the proposed scheme have not been provided, and to ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site

harmonises with its surroundings in full, and in order to ensure a net gain for nature. In accordance with the NPPF and Policies E4, E5 and GP3 of the Burnley Local Plan.

21. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance with Policies E4, E5 and GP3 of the Burnley Local Plan.
22. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
23. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
24. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
Note: The programme of archaeological work should include the formal archaeological supervision of all groundworks, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists www.archaeologists.net.
25. In order to secure, where reasonably possible, jobs and/or employment for people from the Burnley/East Lancashire area, particularly unemployed client groups, and in order to ensure that a number of the wider economic benefits put forward by the development are held accountable for by the applicant. In accordance with Local Plan Policy EW10 and paragraph 18 of the NPPF.

GT
06/02/2017