

Application Recommended for APPROVAL
Briercliffe Ward

APP/2016/0341

Full Planning application

- a) Proposed car showroom with associated offices; internal/external parking provisions; covered car port area & other works.*
- b) Proposed erection of 3no. units (Use Class B1/B2/B8)*

Plot 5, Land at Widow Hill Road, Heasandford Industrial Estate, Burnley

Background:

The main flagship development proposed on the site is a bespoke car showroom which would comprise a total floor space of 951m². The applicant is intending to relocate an existing business in Habergham Mill (Red Rose Cars Ltd) due to rapid growth and expansion. The application also seeks planning permission for the erection three industrial units, comprising a total floor space of 327m² for business, general industrial and storage/distribution uses (Use Class B1, B2, B8).

The application site, of 1.3 acres, is located on the easterly edge of the Heasandford Industrial Estate which is surrounded by a number of businesses operating within the mixed use of B1, B2 & B8 use classes.



The land is currently owned by the Council and will be sold subject to approval of planning permission.

Objections have been received to the application in respect of the off-site compensation for the net loss of biodiversity.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

GP5 – Access for All

GP6 – Landscaping and Incidental Open Space

GP7 – New Development and the Control of Pollution

GP9 – Security and Planning Out Crime

E3 – Wildlife links and corridors

E4 – Protection of other features of ecological value

E5 – Species protection

E6 – Trees, hedgerows and woodlands

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

EW5 – Development and Improvement of Major Industrial Estates

TM15 – Car parking standards

National Planning Policy Framework (NPPF)

Wildlife and Countryside Act 1981

Site History:

No relevant history

Consultation Responses:

1. Lancashire County Council (Highway Authority) comments that the development is unlikely to generate any highway concerns and the revised Master Plan Rev C is now acceptable therefore no objections are raised to the proposal.

The proposal will not have any adverse impact to the Public Right of Way to the rear of the site.

2. The Coal Authority

The Coal Authority concurs with the recommendations of the Exploratory Investigation (dated 19 October 2016, produced by Worms Eye); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed

development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

3. United Utilities - comment as follows:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Drainage Conditions: United Utilities have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

Condition 1

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

Condition 2

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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 development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

4. Lancashire Wild Life Trust - object to the application on the following grounds

- The application is not compliant with the paragraph/requirement 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) has produced ecological network habitat maps for Lancashire and these are available at the Borough and other levels. 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. Approval of the application as it stands would be contrary to the requirements of the NPPF.
- It is acknowledged that the application would result in the destruction of approx. 0.5ha of semi-improved neutral grassland, which forms part of the Heasandford District Wildlife Site (DWS).
- The application does not deliver a net gain in nature as required by paragraphs 9 and 109 of the NPPF. The application will result in a net loss in biodiversity in terms of the area and boundary of the Heasandford DWS, and the area of neutral grassland, which is a Habitat of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities Act (NERC 2006). Approval of the application as it stands would be contrary to the requirements of the NPPF.
- The site boundary cannot support at least 0.5ha of species-rich grassland. Hence, in order to be compliant with the requirement of the NPPF to deliver a net gain in nature, the applicant needs to provide at least 0.5ha of OFF-SITE compensatory habitat, which is capable of supporting species-rich neutral grassland. The land should be as close as possible to both the development boundary and the Heasandford DWS, and be capable of being managed by the applicant either directly (e.g. through ownership or leasehold) or indirectly (e.g. through licence or ongoing payment). Note that in order to satisfy Biodiversity Offsetting guidance, a significantly larger area of land than that lost to development would need to be provided.
- A Management Schedule for the compensatory land should be costed up in full – including provision for increases in costs and/or inflation – and the applicant required to dedicate a commuted sum, e.g. through a Section 106 agreement, in order to deliver the net gains in nature over time.

5. Burnley Wildlife Conservation Forum – object to the application for the following reasons:

- With specific regard to Great Crested Newts, paragraphs 3.3 & 3.4 of the Bowland Ecology (2016) Ecological Appraisal refer to a pond approximately 115m to the east of the proposed site and “suitable connecting habitat between the know Great Crested Newt population to the west of the site”. However, the Great Crested Newt presence/absence survey in April & May 2017 by Verity Webster only surveyed the pond to the east and did not survey the proposed site itself and is therefore incomplete and a Great Crested Newt survey/assessment of the proposed site itself needs to be undertaken before the application can be determined
- The revised on-site ‘buffer zone’ landscaping proposal along around 50% of the sites boundaries would be inadequate mitigation for the loss of a total of 0.6ha of species-rich and semi-improved neutral grassland habitats & would result in a significant net loss of biodiversity and therefore inadequately addresses NPPF para 109 and consequently off-site compensation commensurate with the loss of the total of 0.6ha of species-rich and semi-improved grassland habitat is required.

The applicants Ecologist has replied to the above comments and states the following:

“Having read the letter from Burnley Wildlife Conservation Forum, my thoughts are as follows.

The Bowland Ecology report quite rightly states that there is potential for great crested newt on the site and in association with the nearby pond.

In order to determine this, we did the great crested newt surveys earlier this year at the closest pond (or all ponds within 250m with connective habitat as required by current guidance) and did not find any evidence of great crested newts. It must be noted that there is no reliable way of surveying GCN on land; one can only assess the suitability of the habitat.

Results from pond presence / absence surveys are accepted as being reflective of the population density of GCN in the surrounding area. The absence of evidence of GCN from the surveys suggests that great crested newts are absent from that pond and the surrounding area (i.e. The development site) or are at such a low density they are not detectable and therefore any impacts considered negligible. This survey was undertaken following the latest good practice guidance was accepted by the ecologist David Dutton

The client has agreed to a precautionary method of works during site clearance with the aim of avoiding harm to amphibians among other wildlife in case individual animals are found during works. This includes staged clearance and searches for wildlife.

We understand the concerns raised in relation to loss of the habitat. The site is located on the corner of a previously heavily developments industrial estate and is therefore prime for similar development, but yet, lies adjacent to a Biological Heritage Site.

Bowland originally surveyed an area that included habitat outside the development plot as well as the development plot which is why the survey report includes reference to wooded areas. The majority of the site does comprise improved grassland with areas that have been categorised semi-improved.

Following discussion with David Dutton the compensation proposals described on the Masterplan are considered proportionate and the most practical and effective measures, whilst

allowing feasible development. The landscape management plan ensures wildlife considerate management in perpetuity, designed to further improve the habitat retained.”

Greater Manchester Ecology Unit (GMEU)

Accepts the on-site mitigation provided and there is the potential once established for this to result in no net loss as species rich hedgerow is a higher value habitat than species poor neutral grassland. It is difficult however to objectively assess a linear feature against the loss of an area.

It is recommended that the landscape plan be conditioned with details of species and seed mixes agreed prior to development for the hedgerow and grassland. The Ecologist recommends 70% *Crataegus monogyna* (hawthorn) and an NVC MG5 seed mix to supplement the redistribution of top soil from species rich area along the northern boundary.

The Landscape and Environment Management Plan can also be conditioned.

Planning and Environmental Considerations:

The main considerations in respect of this application are the principle of the development; what the economic benefits of the scheme are; whether there are any highway issues; whether the layout/design is acceptable and whether there are any ecology impacts and if they are acceptable.

Principle of Development

The application site which is owned by the Council has been split recently in to two and the other plot is currently under construction to develop 2no units for storage of plant/machinery and equipment. There is evidence of land excavation around the perimeter and entrance to the site which is a result of the development to the adjacent plot.

The site is allocated in the Local Plan for business (B1), general industry B2 and storage for distribution B8 so the 3 smaller units are considered acceptable in line with this policy. Whilst Policy EW1 does not necessarily support proposals for sui generis uses (car showroom) in this locality, as the aim of this policy is more to support B1/B2/B8 uses as retention of this allocation maximises utilisation of existing infrastructure, it does not preclude it. One material consideration is that the proposed development would provide significant employment on-site, which would not necessarily be expected from a building of similar footprint of a B2/B2/B8 uses. The development of this plot for the uses proposed is therefore considered to be in accordance with the aims of the employment policies for the area.

The overarching theme of the NPPF is one of presumption in favour of sustainable development with three dimensions: economic, social and environmental. These roles should not be taken in isolation because they are mutually dependent to achieve sustainable development, economic, social and environmental gains should be sought jointly through the planning system.

The main consideration in this case is achieving a balance between the economic and environmental issues relating to the site to enable employment uses to be brought forward without detriment to the ecological issues arising.

The Framework recognises that the planning system can contribute to building a strong, responsive and competitive economy by providing for sufficient land to support growth and innovation (paragraph 7).

Para 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. 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

Achieving sustainable development

The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. Local circumstances also need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

In decision making the NPPF sets out 12 principles which include supporting sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community. In addition, the following paragraphs from the NPPF are key material considerations;

Para 19 - *Building a strong, competitive economy*

Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business.

Para 56 - *Requiring good design*

Good and high quality design is a key aspect of sustainable development. Decisions should integrate new development into the natural, built and historic environment.

Para 109 - *Conserving and enhancing the natural environment*

The planning system should contribute to and enhance the natural and local environment. Protect, enhance valued landscapes and to minimise 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.

The Economic Benefits of the Scheme

The NPPF encourages development proposals and seeks to support sustainable economic growth. Paragraph 19 of the NPPF sets out that planning should 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. In this case, the applicant currently operates from Habbergham Mills and occupies 2 units with an average sales pitch of 60-70 vehicles and facing difficulty to grow further.

The business has been operational since 2014 and the gross turnover in 2016 was £1.2m. The business is rapidly growing and is in urgent need of a larger site to expand. The proposal will create approximately 38 new jobs and allow the business to develop which in turn will provide a valuable contribution to the economy. In principle the proposal is very much supported and would comply with the general provisions within the NPPF. In this location it is considered to represent a sustainable form of development.

In addition to the car showroom the B1/B2/B8 units is expected to provide 10 jobs approximately.

The applicant has undergone a sequential test of more appropriate sites for the car showroom. The identified potential sites (*Vale Garage Colne Rd, Land adjacent to Pendle Way, Station Rd Padiham*) including a main road site have been considered and it has been concluded that neither of these sites are viable in terms of size mainly and secondly two of the sites are in close proximity to residential areas. Whilst mindful of supporting the criteria of the policy EW/1, from the evidence provided I recognise the difficulty that the applicant has in finding a site that is located within one of the more sustainable Local Service Centres and Towns without being a detriment to the surrounding area. Car showrooms of a large scale are expected to receive vehicle deliveries via a transporter and its ideal for this type of business to be operating within a commercial zone rather than local centres or near residential areas.

The proposed development will directly contribute towards building a strong local economy by providing additional floor space for employment uses. The development satisfies policy EW/5 in respect of development on Heasandford Industrial Estate providing it retains and enhances biodiversity of the area.

The application site is allocated in the local plan for employment uses, so although the policy does not directly support a sui generis use, this has been recognised. It is a longstanding objective of the Council to deliver employment and the site has been on sale for a lengthy period and this is the only proposal put forward which will contribute to meeting the demand for employment floor space in the Borough. In my opinion, bringing this site forward with a user that is willing to expand and increase employment within the area; these benefits outweigh the policy guide of strictly providing only B1/B2/B8 uses on this site.

Highway

Policy TM15 of the Local Plan details parking standards for all development proposals. The Policy states that development will be permitted provided that various criteria are met including that road safety and the efficient movement of all highway users is not prejudiced. The Framework sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

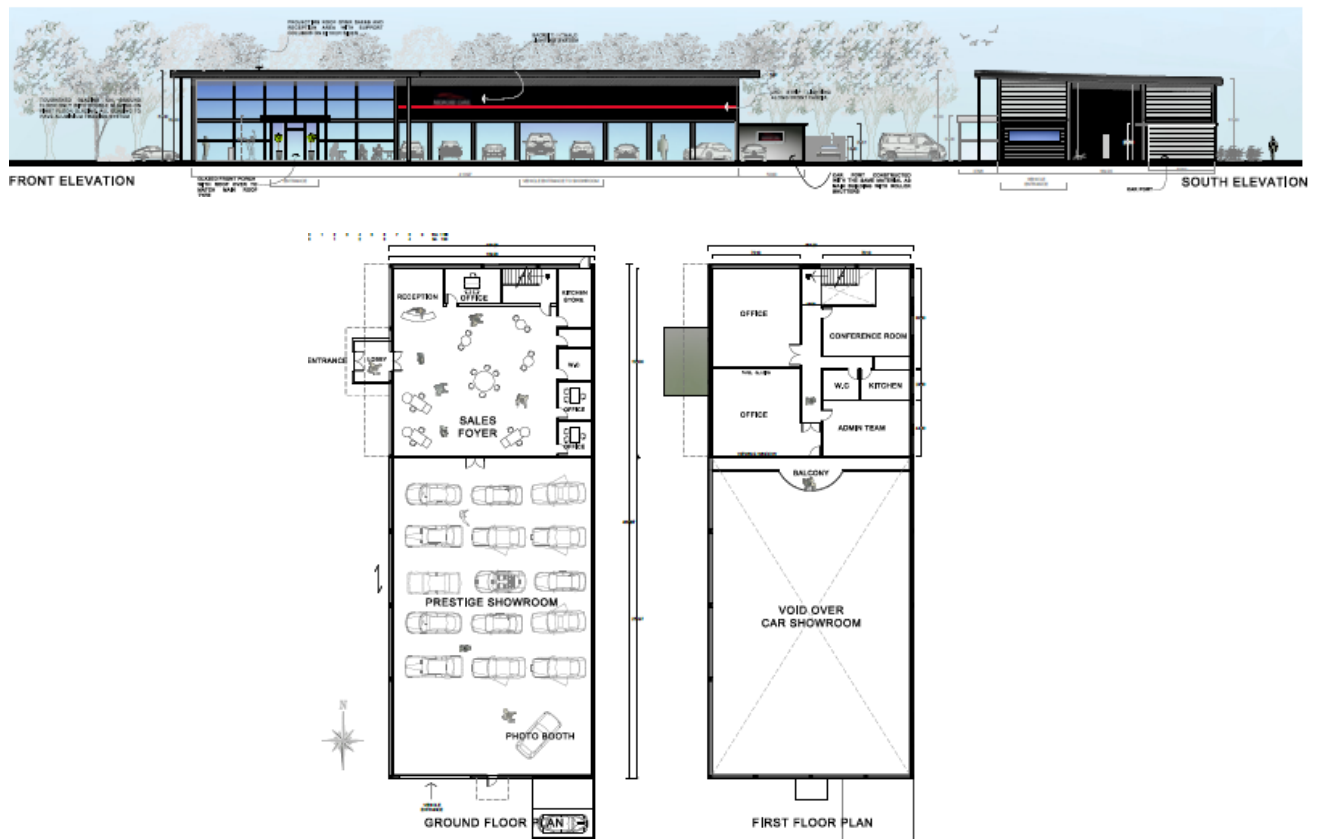
There is adequate space within the site for customer/staff parking and manoeuvring for transporters when delivering vehicles. Furthermore there is a limited amount of on-street parking available in close proximity to the site. The highway authority has raised no objections to the proposal therefore it is considered the proposal complies with the policies.

In light of the above, it is considered that this proposal would not result in a severe cumulative impact and as such complies with Paragraph 32 of the NPPF.

Layout and Design of the site and buildings

The design of the building is an improvement to that already approved, with the use of natural course stone on the front main elevation. The use of cladding is acceptable in this location and in keeping with other surrounding buildings. The proposed mix and colours of cladding are acceptable. The height of the building to eaves is approx. 9.5 metres, but a building of such a scale is acceptable here on the industrial estate.

The car showroom would be functional and of a modern design. The proposed materials would consist of glazing with an aluminium framing system and profiled steel sheet cladding to the walls/roof with an overhang-lip to the front elevation. The maximum height of the unit would be 6.7 metres and as such the massing and scale of the unit would not appear to be obtrusive but prominent in the street scene. This design appears to be of high quality and innovative within this industrial estate and considered to be acceptable.



The proposed 3no industrial units will be positioned to the right-angle of the car showroom. It is considered that the height and scale of the proposed units is appropriate for the site, especially considering that a variety of established industrial units are in place within the wider site, and would continue to be viewed in context alongside the proposed units. The design of the proposed units, with a brick base, grey vertical cladding and stainless steel roller shutter and pedestrian access doors, is considered to be an acceptable design for an industrial unit, and is not considered to be wholly different from the adjacent existing industrial units which are established on the site.



It is considered that the scale, height and design of the building proposed is acceptable for this industrial area. It is considered that the proposed building would reflect the character of the adjacent Holt Business Park, therefore appearing acceptable with regards to the street scene and surrounding area.

The revised masterplan (Rev C) submitted outlines provision for a landscaped area immediately to the proposed buildings to provide a 3-5m buffer zone with pockets of low maintenance native plants and native landscape planting around the entire site. It is considered that this landscaping would provide some visual relief and for the enhancement of biodiversity.

Palisade fencing of 1.8m in height is proposed to secure the site, to be located along the east and south boundary. The front entrance will have matching palisade gates powder coated in black.

In light of the above, it is considered that the scale, layout and design of the proposed buildings is acceptable, and compatible with its surroundings in accordance with the requirements of Policy GP3 of the Local Plan and the NPPF.

Ecological Impacts

Ecology Assessments and a Landscape Environmental Management Plan have been submitted as part of the application. The views of the applicant's ecologist are set out as follows:

There are restrictions with regard to the positioning of the buildings due to the area of car parking that would be required for the successful operation of the show room at the site. For this reason it is not possible to move the orientation of the buildings. However, a benefit is that the units to the south do provide a screen, creating a more secluded wildlife area to the south.

We have incorporated as far as reasonably possible GMEU recommendations. The attached Masterplan reflects the ecological compensation measures proposed. It is

intended that, although there will be loss of total habitat, that the hedgerow habitat created and managed whilst retained will promote biological diversity whilst allowing development of the site.

- The species rich hedgerows will be planted in accordance with the Biodiversity Assessment and Enhancement Proposal. Management of the grassland retained in the 5m buffer zone will also be managed as stipulated in the enhancement proposal.*
- In order to attempt to retain the species diversity, the topsoil from the species-rich areas of grassland to the north of the site will be re-distributed in scrapes along the easter 3m buffer of the site. If successful, this will improve the species diversity along the east boundary.*
- Indirect impacts on the River Don - Brun Valley BHS will be avoided by taking appropriate standard precautions during construction works to minimised dust and to avoid spillage of contaminants. The client accepts the condition suggested; a stand-alone method statement for the protection of the BHS will be produced. As part of this, it will be stipulated that Harris fencing will be erected along the 5m buffer zone to prevent damage of the grassland during the construction works.*

A Landscape and Environmental Management Plan has been produced.

There will be a loss of 0.5ha of neutral grassland as a result of the proposals and this cannot be feasibly avoided given the scale of the development proposals, but the areas retained can be managed in perpetuity for wildlife.

The ecologist confirms that the client is aware of the requirement to do works on site under Method Statement for great crested newts as a precaution and for nesting birds to avoid unnecessary disturbance and harm.

The Council's Ecology consultant advises that;

NPPF requires that applications should conserve and enhance biodiversity, valued landscapes, minimise impacts and recognise the benefits of ecosystems. The impacts on nature conservation interests are also protected by separate legislation including the Natural Environment and Rural Communities Act, which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive, which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

They state that no further ecological assessment is necessary in this instance, but that conditions must be included relating to the implementation of the landscaping plan and it is recommend that 70% Cratageus monogyna and NVC MG5 seed mix to supplement the redistribution of top soil from the species rich area along the northern boundary.

The applicant has submitted a Landscape and Environmental Management Plan that is considered acceptable and it is considered appropriate to condition that the works are carried out in accordance with this document.

On this basis the mitigation measures are proportionate, sufficient and effective in addressing the biodiversity concerns and this is considered to be acceptable.

Planning Balance

The employment policies of the local plan set out that B1/B2/B8 uses are expected to be provided on the site. Whilst the car showroom use does not fall within these use classes, it would provide a significant number of jobs. This together with the employment expected in connection with the industrial units would satisfy the aims of the local plan policy EW1 in bringing employment uses forward on the site. The proposal contributes towards the provision of an adequate supply of employment premises in accordance with Local Plan Policy EW1/2, and the overall design, layout and scale of the units proposed are considered acceptable having regard to the character of the area.

In considering whether the economic case for the development outweighs any impacts on the ecological aspects connected with the site, we must consider in economic terms the scheme would bring benefits to economic prosperity to the town. The ecological assessments have been considered and mitigation on-site has been proposed as compensation for the development of the wider site. This has been accepted by the Council's Ecology adviser and subject to compliance with the recommended conditions approval of the proposal would be acceptable when considering any limited harm to the ecological value of the site as the Council's ecology consultant advises that there is a potential for a net gain in biodiversity.

On balance, therefore, the development complies with the requirements of the National Planning Policy Framework in that it will deliver economic development in a sustainable location and that any harm to biodiversity on the site is satisfactorily mitigated for on-site. The proposed scheme is thus appropriate and therefore recommended that the proposal be approved, subject to the conditions below.

Recommendation:

That planning permission be granted subject to the following.

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ***Location Plan, received 08 August 2016; Master Plan Rev C, received 25 May 2017; Car Showroom Proposed Plans & Elevations Rev A, received 11 May 2017; Units Proposed Plans & Elevations Rev B, received 14 June 2017.***
3. The use of the site/building hereby approved shall not operate outside the hours of 0600 hours to 2200 hours Monday to Friday, 0600 hours to 1800 hours on Saturday's and 0900 hours to 1700 hours on Sundays or Bank Holidays.
4. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0730 hours and 1800 hours on Mondays to Fridays and between

0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

5. The development shall not begin until:

a. A strategy for investigating the coal mining legacy on the site has been submitted to and approved in writing by the local planning authority;

b. An intrusive site investigation shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Any necessary remedial works identified by the site investigation must be undertaken prior to commencement of the development.

c. A written report, detailing the findings of the investigation, assessing the risk posed and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. 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.

6. Foul and surface water shall be drained on separate systems.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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 development shall be completed in accordance with the approved details.

8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitable experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

9. The development shall be carried out in full accordance with the Landscape and Environment Management Plan prepared by Verity Webster, dated May 2017.

10. Details of species and seed mixes for the hedgerow/grassland shall be submitted to approved in writing by the Local Planning Authority. Suggested species are 70% Crataegus Monogyna and NVC MG5 seed mix to supplement

the redistribution of top soil from the species rich area along the northern boundary.

11. The development shall be carried out in accordance with the Construction Method Statement received 08 August 2016.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to protect the amenities of the residents of adjacent residential properties having regard to Policies GP1 and EW4 of the Burnley Local Plan Second Review.
4. To protect the amenities of nearby residents, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
5. To ensure that risks from coal mining legacy to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
6. To secure proper drainage and to manage the risk of flooding and pollution.
7. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF.
8. To avoid the bird nesting season having regard to Policy EW5 of the Burnley Local Plan Second Review.
9. To ensure a long term satisfactory Landscape and Environment plan of the site, in accordance with Policy GP6 of the Burnley Local Plan Second Review.
10. In order that the landscaping work is completed to a suitable standard.
11. In order to ensure the construction phase has no significant impact upon highway safety at this location.

Note

Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.