

Town and Country Planning Act 1990

Outline planning permission for the development of a new industrial estate comprising of new Use Class B1 and B2 units including approval of access and layout of the site (all other matters reserved)

LAND OFF ROSSENDALE ROAD – EMP1/1 ROSSENDALE ROAD BURNLEY

Background:

The application has been brought to Development Control Committee as objections have been received from neighbours; Lancashire Wildlife Trust; and Burnley Wildlife Conservation Forum.

The application site is located in the south west of the borough, approximately 3km from Burnley town centre, and accessed from Rosendale Road (A646) a two-way dual carriageway road forming part of the ring road around the town linking Accrington Road (A679) to Todmorden Road (A671). The site is located to the west of Rosendale Road and south of Farrington Road industrial estate in an area characterised by a mix of residential and employment uses. It lies within the development boundary as defined in the Local Plan with open countryside surrounding the site to all but its eastern edge.



Image showing the site within its context and the extent of the site boundary

The application site covers some 3.6ha of grazing land that is bounded to the east by Rosendale Road, the boundary being formed by agricultural wire fencing. Residential properties to the Nos 322-336 Rosendale Road and Nos 2-12 Ayr Grove directly overlook the site from the east. To the north the site is bounded by the domestic curtilage of Nos 275 and 275a Rosendale Road and open fields with the Farrington Road Industrial Estate located 0.2km beyond. To the south and west the site borders open fields comprising predominantly grazed pasture. There is a gentle slope to the site rising to the north-east and a shallow stream/ditch that runs south to north across the site. Scattered trees, scrub and hedgerows are located along parts of the north and eastern boundaries and north west corner with marshy grassland scattered throughout.



Image taken from google street view approaching the site from the south.



Image taken from google street view approaching the site from the north.



Image taken from google street view showing the view west across the site from Rossendale

The application site forms part of a larger area of land (4.65ha) allocated for employment development under Local Plan Policy EMP1/1 Rossendale Road (North). The policy states that the development of the site will be acceptable for B1(b and c) and B2 use and will be required to be delivered in accordance with the specific requirements set out at Policy EMP1/1 together with other policies of the Local Plan.

The Proposal:

The application seeks outline planning permission for the development of a new industrial estate comprising around 10,200 sqm of B1(b), B1(c) and B2 business and industrial use, split across 35 individual units ranging in size from 200sqm to 600sqm, with the creation of a new access from Rossendale Road. All matters, with the exception of access and layout, are reserved for future approval. This is a speculative development and as such there is no defined split of uses in order to ensure sufficient flexibility to respond to the market.

For the avoidance of doubt, B1(b) comprises research and development of products and processes; B1(c) comprises light industrial uses (ie. those compatible in a residential area) and B2 comprises general industrial use other than those falling within B1 uses.

The site will be accessed from a new junction with Rossendale Road located to the northern part of the site, in accordance with the site specific requirements in EMP1/1.



Proposed Access



Approximate Location of Access (view south) (Google Maps)

The layout (as shown below) includes internal access roads, service yards, pedestrian and cycle routes, parking and cycle storage. A total of 166 car parking spaces are proposed.



Proposed Site Layout

The layout has been designed to meet the requirements of EMP1/1 with the majority of the development is located to the west of the stream in terraces of low rise units facing shared service yards. The proposed layout includes areas of landscaped public open space with natural stone walling forming an 8.0m wide easement around the stream and a further area of public open space will be provided in the northern corner incorporating wildflower planting and sustainable drainage system in the form of a dry pond. Tree planting is proposed along all boundaries. Post-submission amendments have been made to the layout of the scheme to create a more generous landscaped buffer to the Rosendale Road frontage that accommodates a green foot/cycle way and enhanced tree planting.

The application is supported with drawings that show proposed floor plans and elevations for a small terrace of units and a landscaping scheme. Given that the application is for outline consent with all matters reserved except for access and layout, the submitted drawings are to be treated as indicative details only. The indicative drawings show that the units are proposed to be no more than 7.0m in height and proposed materials are shown as horizontal grey cladding and composite blockwork.

Whilst this application is submitted in outline form it is clear that the intention is to create a high-quality estate in a landscaped setting, with an emphasis on ecology and sustainability, and which is designed to ease the transition from town to country.

The application is accompanied by a Design and Access Statement; Flood Risk Assessment and Drainage Management Strategy; Flood Risk and Hydraulic Modelling Scoping Exercise; Transport Assessment and Addendum; Framework Travel Plan; Ecological Appraisal; Phase 1 and 2 Geo-Environmental Assessment; BREEAM letter; Coal Mining Report; Planning Response Statement and Breeding Bird Assessment. Throughout the determination period additional documents were received to address consultee responses and re-consultation has been undertaken accordingly.

Site Constraints

The application site includes a stream/ditch running south to north across the full width of the site. It has no existing access from the highway. The site may house protected species and priority habitat. The site falls within the Coal Authority High Risk Area and has the potential for shallow coal mining features and ground gas risk. The Grade II listed Habersham Hall Farmhouse is located approximately 180m to the west of the site.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP3: Employment Land Requirement

SP4: Development Strategy

SP5: Development Quality and Sustainability

SP6: Green Infrastructure

EMP1: Employment Allocations

EMP1/1- Rosendale Road (North)

NE1: Biodiversity and Ecological Networks

NE3: Landscape Character

NE4: Trees, Hedgerows and Woodland

NE5: Environmental Protection

CC4: Development and Flood Risk

CC5: Surface Water Management and Sustainable Drainage Systems

IC1: Sustainable travel

- IC2: Managing Transport and Travel Impacts
- IC3: Car parking standards
- IC4: Infrastructure and Planning Contributions

Policy EMP1/1 sets out additional and site-specific policy requirements and design principles as follows (extract from the Local Plan):

Additional and Site Specific Policy Requirements and Design Principles

- 1) The majority of development should be located to the west of the stream, leaving an 8 metre easement around the stream itself (indicated in blue on the above site plan). No built form should be located within the area indicated in green on the above site plan; this should be landscaped as open space forming part of a network of green infrastructure utilising the stream that runs across the eastern section of the site. Facilities to encourage employee usage of the site during breaks should be incorporated into any design.
- 2) Development on this site will be expected to consist of low rise units with a maximum ridge height of 7 metres which takes into account and integrates with the contours of the natural landscape. The development will be expected to incorporate natural materials such as local stone to ensure a quality design which will lessen the development's impact on the surrounding landscape and streetscape.
- 3) Appropriate landscaping and boundary treatment should include screening to the western boundary along with roadside trees and shrubs adjacent to Rossendale Road. New planting on the site should accord with Policy NE3.
- 4) Vehicular access should be from a single point on the northern part of the site onto Rossendale Road. Appropriate traffic management systems may be required to both ingress and egress the site.
- 5) Pedestrian and cycle routes should be provided on site and contributions may be sought for off-site provision or improved cycle links.
- 6) An ecological survey should accompany any planning application which addresses any impacts on Protected Species and/or Priority Habitats in accordance with Policy NE1.

National Planning Policy Framework (2019)

Relevant Recent Site History:

APP/2006/0718: Certificate of Appropriate Alternative Development for use of land – Certificate issued stating that permission would have been granted for development in connection with agriculture, forestry or outdoor recreation uses not requiring large buildings.

NOT/2005/1117: Notification of outline application for the construction of new 1050 place secondary school and associated accesses including pedestrian/cycle bridge over Rossendale Road including Reserved Matters for means of access – Granted by LCC

Pre-application Engagement: No pre-application discussions have taken place with officers in Development Control.

Consultation:

Highways Authority: There has been an extensive period of engagement regarding necessary and critical highway works on Rossendale Road in connection with the formation of the new access; and improvements to the signalled junction with Manchester Road which is operating close to capacity and highlighted in the Local Plan Highways Impact Assessment Report (Jan 2017) as likely to require improvement due to the cumulative impact of development.

The Highways Authority raises no objection to the principle of development. There are a number of concerns regarding the site and the new access, however following negotiation with the applicant and their transport consultants, it is considered that these concerns can be allayed by way of a suitable conditions and legal agreements. These would include a Section

278 agreement of the 1980 Highways Act to ensure the safety of highway users on Rossendale Road and Section 38 should the site be put forward for adoption. The Section 278 would be required to carry out works to Rossendale Road these will include the provision of a right turn lane on Rossendale Road, a pedestrian island on Rossendale Road, a street lighting assessment will be required for the extents of the junction and the limit of the 30mph speed limit may need to be repositioned which will require a new Traffic Regulation Order to be implemented. There will also be the need for some traffic calming features to ensure that the reduction in speed approaching the junction downhill from the south is achieved. This list is not exhaustive and other works may also be required as part of this agreement. A Traffic Assessment has been undertaken, we feel that this shows that there will be an unacceptable increase in the traffic at the signals at the junction of Rossendale Road, Glen View Road and Manchester Road. In order to mitigate this we expect that additional works for the installation of a MOVA system at the traffic signals should also be undertaken as part of a Section 278 Agreement.

A number of swept path analysis' will be required for the site access to ensure that all expected vehicles, including articulated HGV carrying standard 12m containers will be able to enter and leave the site in a forward gear.

It is expected that the new access and all associated works from Rossendale Road are completed prior to any construction works being undertaken. This is in order to provide a safe access for the construction works and the existing traffic. The installation of MOVA at traffic signals at the junction of Rossendale Road and Manchester Road will need to be completed prior to the first occupation of any of the industrial units.

Should you wish to support the application we would look for the following conditions:

1. 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.
Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.
2. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development commences trade, the turning area is to be maintained thereafter.
Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.
3. No part of the 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 as part of a section 278 agreement, under the Highways Act 1980.
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
4. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 3 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

5. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development.

6. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

7. A Traffic Management Plan for the construction works, to be approved in writing by the planning department before any works begin on site and to include:- a) The parking of vehicles of site operatives and visitors; b) Loading and unloading of plant and materials used in the construction of the development; Storage of such plant and materials; c) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made) d) Routes to be used by vehicles carrying plant and materials to and from the site; e) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: to protect existing road users.

8. The Framework Travel Plan prepared by Mode Transport Planning dated November 2019 shall be implemented in full in accordance with the timetable within it unless otherwise approved in writing by the Local Planning Authority. All elements of the Framework Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years.

Reason: In order to ensure appropriate provision exists for safe and convenient access by sustainable transport modes.

Ecological Advice (GMEU Ecology) to the LPA: Makes the following summarised comments during the course of the determination period:

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The proposed development involves the loss of open grassland and open habitat but incorporates strengthened planting along the roadside and an 8.0m buffer around the water course. The scheme has an emphasis on ecology and sustainability which is evident through the inclusion of greenspace/wildlife habitats within the indicative landscape scheme. The ecology report also makes references to additional proposals (eg. measures in paras 5.4 and 5.14) which I would encourage to be incorporated into the detailed landscape plan for the site. *[Officer note: landscaping is reserved for future approval].*

Protected Sites:

The site is not designated for any conservation designations, legal or otherwise nor is it adjacent to or likely to have any negative impacts on such sites. It falls within the SSSI impact zone for South Pennine Moors (SSSI, SPA, SAC) however it would be unlikely to impact upon the designated site. No further recommendations

Habitats:

The site includes grassland, hedgerows, ditch and trees. Approximately 250m from the site woodland habitat is present (Habitat of Principle Importance). Without mitigation there is potential for the scheme to have direct and indirect negative impacts on these habitats, therefore mitigation and compensation measures are proposed to reduce the risk of these negative impacts. Recommends that development should be undertaken in line with the recommendations of the ecology report, including paragraphs 5.2, 5.3 and 5.5 of the ecology report to protect the retained habitats on site.

Protected Species: Ground Nesting Birds

The site is suitable to support a number of ground nesting birds, as identified in the ecology report, including Species of Principle Importance (Section 41 of the NERC Act, 2006). The subsequent breeding bird surveys identified one section 41 species (priority species) as a possible breeder on the site (Reed Bunting). The breeding bird surveys were constrained and did not follow best practice methodology (all surveys conducted in June) a more precautionary approach should be adopted in terms of mitigation. The ecology report also refers to suitable foraging habitat for raptors/owls. It is not considered sufficient to rely on the wider environment as mitigation as this could be subject to change which could impact on its suitability. The initial ecology report recommends green/brown roofs and this would provide appropriate mitigation. The subsequent breeding bird survey recommends 4 2GR Schwegler nest boxes and this should be incorporated into the scheme at detailed design stage. Recommends that details of the mitigation/compensation measures for ground nesting birds such as green roofs should be submitted in support of this application and informed by the breeding bird surveys. No works should be undertaken in the main bird nesting season (March – August inclusive) unless it can be otherwise demonstrated that no active bird nests are present.

Protected Species: Bats

No suitable bat roost habitat was found within the site, with the trees present having negligible potential to support roosting bats. The overall value of the landscape for foraging and roosting bats was considered to be low. Recommends any new external lighting must be designed to minimise the impact on nocturnal mammals (eg. bats) in line with the guidance in para 5.7 of the ecology report.

Other Protected Species:

No other protected species or evidence of protected species were recorded during the survey. However the habitat is suitable for species such as brown hares or reptiles to be present on the site. Recommends that during the construction phase, the RAMs methodologies outlined in section 5.6 and 5.13 of the ecology report should be followed to ensure no incidental harm to species which may be present. The hibernacula described in paragraph 5.12 of the ecology report should be incorporated into the landscape scheme for the proposals. An informative should be used so to that the developer is aware of the laws which are in place to protect biodiversity. If at any time protect species are present or suspected of being present on the site, work should cease immediately and an ecologist/LPA be contacted.

Environmental Health (Amenity and Air Quality): No objection subject to the imposition of conditions. The conditions will require the following to be submitted to and approved by the LPA in advance of the development commencing:

- A noise assessment to determine any appropriate noise mitigation measures required to protect the amenity of adjacent noise sensitive properties;
- A scheme and programme for the lighting;
- A scheme for refuse storage including the design and location of enclosures; and
- A construction method statement

Natural England: Has no comments to make.

Coal Authority: Do not object in principle and makes the following summarised comments: The site is located within an area of probable shallow coal mining and the risk from shallow unrecorded mine workings cannot be fully discounted at this time. Therefore further intrusive ground investigation works (rotary probe boreholes) including gas monitoring are required in accordance with the recommendations of the submitted Phase 1 & 2 Geo-Environmental Assessment. There is no objection subject to the imposition of a pre-commencement condition requiring intrusive site investigation to inform any remedial/mitigatory measures that may be required to ensure that the development is safe and stable.

Lancashire Police: Provided advice on detailed security measures.

Lancashire Wildlife Trust: Object as follows:

- No ecological survey available as such the ecological impact cannot be determined
[Officer Comment: the report has consequently been published]
- The application does not take the Lancashire Ecological Networks (grassland and woodland) into consideration. *[Officer Comment: the site is not within the ecological network but is part of its wider corridor].*
- The NPPF para 8 requires development to deliver a net gain in biodiversity/nature. Whilst the proposal includes some wildlife habitat features within the landscape this does not suffice as demonstrable net gain. Defra's Biodiversity Metric 2.0 should be applied by a suitably qualified ecologist to demonstrate the overall impact of the scheme on biodiversity/nature.

Burnley Wildlife Conservation Forum: Object on the basis that the wildlife habitat and landscaping proposals are wholly inappropriate and inadequate mitigation for the total loss of this valuable in-by-pasture habitat resource for foraging and breeding of upland bird species.

This is a greenfield site in agricultural use as pasture for low intensity grazing and forms part of the attractive open countryside in the vicinity. The LERN assessment of the Local Plan (2015) states that species have been recorded with European and NERC Act section 41 protection along with Lancashire BAP list of key species; and wildlife and countryside act 1981 Schedules 1,5 and 8 species having been recorded within 250m of the site with the site being in the Historic Woodland Survey as it intersects Lancashire Woodland and Grassland Ecological Network Stepping Stone Habitat. Because the land's pasture is used for low intensity grazing by sheep or cattle it is in good condition for upland in-by-pasture bird species and in particular is an important foraging and breeding site resource for them, especially for Skylark and Lapwing.

Habergham Eaves Parish Council: Make the following comments:

- The existing industrial estate and petrol station puts an enormous stress on the already busy road

- There are a number of dwellings on Rossendale Road with roadside parking and the Usha Restaurant which will be affected by additional development
- Impact on the Manchester Road junction from associated traffic will be dramatic
- Speed of traffic on Rossendale Road could cause make access dangerous
- Increased pollution from associated traffic and associated air quality impacts
- No clear measures to deal with climate change
- Coal mining risk and potential impact on stability of adjacent land/dwellings
- More than basic tree screening should be provided with a more imaginary and environmentally friendly landscaping scheme.

Neighbour Responses: Four letters of objection have been received from neighbouring residents with the following points summarised:

- A further addition to the over concentration of industrial estates in such a small area
- Increase in traffic on already busy roads
- Noise pollution
- Loss of Green Belt Land
- Security measures are required to prevent vandalism, burglary and anti-social behaviour
- Would be better to expand existing industrial estates
- The traffic reports under-estimate the actual traffic that will be generated and does not take into account the traffic generated by the existing industrial estate or that the Manchester Road junction is at capacity
- The junction with Manchester Road requires improvements to ease queuing times
- Phase two of the development should be factored into consideration of highway impacts
- There are sufficient empty units and brownfield sites to re-use and regenerate
- Assumptions concerning traffic are misleading and unrealistic
- Increased vehicle emission fumes
- Increased water run off may not be adequately mitigated by the proposed drain pond
- Loss of only green space on Rossendale Road
- Inappropriate use in predominantly residential area
- Increased congestion

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The matters raised are considered in the report below.

Planning and Environmental Considerations

This is an outline application for the development of a new industrial estate, comprising a mix of employment uses B1(b), B1(c) and B2, on a site allocated for employment use in the Local Plan. All matters, with the exception of access and layout, are reserved for future approval. As such, the main consideration is the principle of the proposed development and whether there are any other issues to consider in respect of this proposal.

Assessment

The Principle of Development:

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF, a core principle of which is to proactively drive and support sustainable economic development and ensuring that it makes a positive contribution to the creation of sustainable communities. In doing so Local Plans are required to set out a clear economic vision and strategy that encourages economic growth and to

identify sites for local and inward investment to match the strategy and to meet anticipated needs.

Policy SP3 establishes the employment land requirement for the 20 year period up to 2032 identifying an overall need to provide at least 66ha of land of which a residual requirement of 27.87ha will be met by sites allocated under Policy EMP1. These sites have been selected in accordance with the development strategy in Policy SP4 and the principle of development assessed on their individual characteristics and locations taking into consideration potential adverse impacts of development and whether they could be mitigated to an acceptable level. Moreover, the allocated sites and their potential impacts have been subject to a high level of scrutiny by third parties and examination by the Planning Inspectorate as part of the Local Plan adoption.

Policy EMP1 states that development on the allocated sites will be acceptable for the specified use classes provided they are delivered in accordance with the site specific requirements and are compatible with other relevant policies of the Local Plan.

The application site lies entirely within the Local Plan employment allocation EMP1/1 where development for B1(b), B1(c) and B2 employment and business uses is considered acceptable. The development of the site will make a valuable contribution to meeting the borough's identified demand for employment land as set out in Policy SP3. The mix of uses proposed will enable the site to respond to market need, creating a more viable and successful development, bringing forward the aspirations of the policy allocation.

It is considered that the proposal would support the Local Plan's strategic approach to employment delivery and sustainable growth. It would meet the objective of sustainable development as set out in Policy SP1 and the type of employment uses specified under Policy EMP1. Accordingly, the principle of development is considered to be acceptable subject to consideration of the suitability of the proposed access arrangements including highway safety and traffic impacts; and layout as sought by the outline application. Matters relating to ecology, visual impact, neighbouring amenity and environmental protection have also been considered.

Layout (Including Design and Energy Efficiency):

The NPPF sets out the importance of good design, advising that this is a key aspect of sustainable development and enables better places to live and work to be achieved. Local Plan Policies SP5, SP6, NE3 and IC1 are used in the determination of planning applications in terms of their design and layout and specifically requires development to be of a high standard of design, construction and sustainability. This requires developments to relate to and respect local characteristics and their setting; provide for new open spaces and landscaping that mitigates for loss of biodiversity and assists with their physical and visual integration; and ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers. Development should also be designed to incorporate and promote cycle and walking routes and should ensure the safety of users including access and servicing arrangements.

Policy EMP1/1 sets out additional site specific policy requirements and principles to ensure development delivers a high standard of design. In relation to layout, development on this site is expected to be designed to take into account and integrates with the contours of the natural landscape and to incorporate natural materials and landscaping which will lessen the development's impact on the surrounding landscape and streetscape. The majority of the development should be located to the west of the stream which should include an 8.0m easement and the northern corner shall be landscaped as open space and kept free from development. Vehicular access should be from a single point on the northern part of the site

and pedestrian and cycle routes should be provided alongside measures to enhance green infrastructure on Rossendale Road including roadside tree planting. The western boundary shall be screened with appropriate planting.

The detailed layout has been designed to meet the requirements of EMP1/1 and reflect the context of the site with the majority of the development is located to the west of the stream in linear blocks of low rise units with service areas and dedicated parking areas along the frontage. The general layout of the internal estate road has been designed to make efficient use of the developable area to ensure an appropriate quality and quantity of development is achieved. The estate is formed around 3 cul-de-sacs with the internal road providing each unit with direct access, adequate services and sufficient manoeuvring space for articulated HGVs such that they can leave all areas of the site in forward gear and pass unhindered. Having regard to the additional details provided by the applicant in the Planning Response Statement (Sept 2020) and the advice of the Highways Authority, it is considered that the on-site highways arrangements are acceptable.

The proposed layout includes connected areas of landscaped public open spaces with natural stone walling forming an 8.0m wide easement around the stream and an area of public open space located in the northern corner incorporating wildflower planting and sustainable drainage system in the form of a dry pond. Tree planting is proposed along all boundaries and a generous landscaped buffer is proposed to the Rossendale Road frontage that incorporates a pedestrian and cycle way and roadside tree planting to enhance green infrastructure and the general visual amenity.

The precise details of the design, appearance and landscaping are not matters for consideration of this application and would be covered as part of a reserved matters application. Nonetheless, the supporting drawings indicate a high-quality design approach with significant opportunities for landscaping, the incorporation of natural materials and creation of green infrastructure within the development which will assist in creating a high quality design and a positive transition between the built-up area to the north and east of the site and the open countryside to the south.

In terms of the energy efficiency, the applicant has submitted the advice of a BREEAM assessor that confirms the scheme has been designed to achieve a BREEAM rating of "Very Good" in accordance with Policy SP5(1)(b). The construction detailing will focus on air tightness in an effort to reduce the energy consumption for space and water heating. Renewable energies will also be considered in accordance with the recommendations and target energy efficiency of the buildings. The inclusion of an attenuation pond for surface water soakaway further boosts the developments sustainable credentials. The approach would meet the expectations and comply with Policy SP5.

For the reasons set out above, it is considered that the proposed layout has taken into account the site specific requirements in Policy EMP1/1 and the relevant criteria in Policies SP5, SP6, NE3 and IC1 insofar as it can at outline stage. Furthermore, the supporting drawings and information provide a sound basis against which future detailed design proposals can be assessed against at reserved matters stage. This will ensure that the appearance, layout, scale and landscaping associated with the development meets the high quality design aspirations for the site as set out in the Local Plan.

Car Parking:

Policy IC3 requires the adequate provision of car parking for developments as appropriate to their nature and scale. For commercial development car parking should be adequate to serve the needs of the development but should normally be in accordance with specific parking standards set out in Appendix 9.

The proposed layout makes provision for 166 no. parking spaces including 35 no. mobility spaces. Provision is also made for 12 cycle spaces, 4 motorcycle parking spaces and 2 electric vehicle charging bays.

The site makes provision for 10,000m² of B1 and B2 floorspace with no defined split to maintain adequate flexibility. When assuming a scenario based on exclusive B2 use the development yields a total requirement of 268 spaces and for exclusive B1 use this increases to 340 spaces. The proposed provision therefore falls between 38% to 50% short of the parking standards in the Local Plan.

The applicant makes the case that the Local Plan parking standards do not reflect the broad range of parking requirements that are associated with the diverse nature of uses that fall within Use Class B1. Accordingly, a parking accumulation assessment has been submitted to substantiate their view that the parking provision is adequate. The assessment uses TRICS to provide robust data on the number of vehicular movements that will be generated by the development and assumes B1(c) and B2 are the predominant uses. It demonstrates that the peak car parking accumulation is not expected to exceed 67 vehicles over the day and as such the proposed level of parking (166 spaces) is more than adequate and will operate with spare capacity to accommodate any peaks in demand or varying occupier requirements to be met. Furthermore, the submitted Transport Assessment demonstrates that the site is sustainable in transport terms being accessible by a range of alternative modes of transport including foot, cycling and bus services within an acceptable walking distance which has the potential to reduce parking demand.

In applying the parking standards Policy IC3 allows for the overall merits of the proposal to be considered and allows for local circumstances to be taken into account including the need to encourage sustainable travel; and whether any under-provision would cause or exacerbate congestion, highway safety issues or on-street parking problems.

The Highways Authority accept the findings of the Transport Assessment. They do not raise any objection to the proposal and do not draw attention to any resulting unacceptable impact on local highway safety or on-street parking.

The opportunity for the provision of increased secure cycle parking is recommended to be secured by condition. Linked to this is the requirement for a Travel Plan which would be expected to set out how sustainable modes of transport will be promoted. The combination of these measures should encourage alternative means of travel and as such reduce demand for parking.

For the reasons set out above it is considered that it has been adequately demonstrated that the proposed car parking is sufficient to meet the needs of the development and that the departure from the local plan parking standards would not result in any unacceptable impact upon highway safety or local highway conditions that would be so detrimental as to justify refusal of the application.

Highway and Transport Impacts:

NPPF 108 advises that in assessing applications for development it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be taken up;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.

NPPF 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy IC1 requires development schemes to, amongst others, provide for safe pedestrian, cycle and vehicular access to, from and within the development; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute to the provision or improvement of off-site infrastructure to mitigate any unacceptable impacts on highway safety or efficiency.

As an employment land allocation in the Local Plan, the site has already been through a process of assessment with regards to its locational sustainability and potential cumulative highways impacts. The site is considered to be sustainable in transport terms being accessible by a range of alternative modes of transport including foot, cycling and bus services within an acceptable walking distance. The Local Plan Highways Impact Assessment (2017) assessed the cumulative impacts of developments, including this site, on the Accrington Road (Rosegrove) and Manchester Road signalised junctions. It was found that the planned improvements to the Accrington Road junction would be sufficient to mitigate any impact on the highway but that improvements to the Manchester Road junction would be necessary due to the cumulative impact of all nearby allocations coming forward.

A Transport Assessment and Framework Travel Plan have been submitted in accordance with Policy IC2. The former has examined the impact of additional vehicular movements on the existing highway network and concludes that the site is locationally sustainable and accessible by public transport (bus), walking and cycling. It uses robust data to demonstrate that there are no safety issues presently arising from the operation of the local network. Additionally, an assessment of present and forecasted traffic flows demonstrate that there would be no unacceptable impact on highway safety or the safe and efficient flow of traffic on the surrounding highway network.

The Highways Authority has reviewed the assessment and are satisfied that the access requirements and traffic movements can be absorbed safely into the highway network subject to the provision of off-site highway works, to be secured by way of condition and legal agreements, as follows:

- The provision of a right turn lane on Rossendale Road
- A pedestrian island on Rossendale Road
- A street lighting assessment for the extents of the new junction and implementation of any recommended works as necessary
- Traffic calming measures to reduce downhill traffic speeds approaching the junction (from the south)
- A Traffic Regulation Order may be required to extend the 30mph zone to the south.

The applicant has expressed their acceptance of the provisions to be secured through a Section 278 Agreement. The details of the off-site works have not been finalised or agreed and a pre-commencement condition is recommended to achieve this.

With regards to the potential impact on Manchester Road junction, the Highway Authority consider that there will be an unacceptable demand on capacity and that additional works to improve the efficiency of the junction should also be undertaken as part of a Section 278 Agreement. The most cost effective works being the installation of a MOVA control system to the existing signals which would maximise the operational efficiency of the junction leading to reduced queuing times and delays. The submitted Transport Assessment demonstrates that the scheme would have a low residual impact on queuing, capacity and delay at the Manchester Road junction at peak times. However, it is acknowledged that the Highways

Impact Assessment for the Local Plan finds improvements to the junction are likely to be necessary during the plan period due to the cumulative impact of all nearby allocations coming forward. Accordingly, the applicant has expressed their acceptance to enter into a Section 278 Agreement for the signal improvement works as specified by the Highways Authority.

With regards to promoting sustainable travel, the application is supported with a Framework Travel Plan setting out measures to maximise opportunities for sustainable modes of travel to and from the site. Implementation of the Travel Plan will be secured through condition.

For the reasons set out above it is considered that, subject to the imposition of relevant conditions and legal agreements, safe and suitable access to the site can be achieved and that there will be capacity within the highway network to cater for the additional traffic that will be generated by the proposed development. Adequate connectivity will be provided between the development and its surroundings and the proposed layout would provide a safe and satisfactory environment for all users. The proposal would therefore satisfy Policy IC1 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Accordingly, there are no material reasons to refuse this application on its highway and transport impacts.

Ecological Impacts:

The NPPF advises that developments should contribute to and enhance the natural and local environment by, amongst others, minimising impacts on and providing net gains for biodiversity; and that planning permission should be refused for development that results in any significant harm to biodiversity that cannot be avoided through location to an alternative site, adequately mitigated or compensated for.

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. It requires development to avoid disturbance to protected or priority species as a first preference with the provision of suitable inter-connecting new habitats for the species within the site as second preference; and where this is not feasible suitable alternative habitats should be provided such that there is no net loss of biodiversity across the site. With regards to priority habitats, they should be retained, enhanced or created within the development site or suitable alternative habitat created elsewhere. Where this is not viable, the benefits of the development should clearly outweigh the loss of the habitat concerned. In all cases measure should be taken to safeguard protected and priority species and habitats before any development commences.

The Council's ecology consultant confirms that the site is not designated for any conservation designations, legal or otherwise nor is it adjacent to or likely to have any negative impacts on such sites. It falls within the SSSI impact zone for South Pennine Moors (SSSI, SPA, SAC) however it would be unlikely to impact upon the designated site.

The proposed development involves the loss of semi-improved and marshy grassland which is considered to be relatively species poor and therefore of low ecological value and is noted as forming part of a much larger extent of open grassland in the immediate area. Approximately 250m from the site woodland habitat is present (Habitat of Principle Importance). Although the site does not include Priority Habitat, the large extent of open grassland is however likely to support foraging and commuting habitat for birds, bats, invertebrates and small mammals. The site also contains scattered trees, ditches, hedgerows and scrub that provide habitat for a variety of species. There is the potential for

direct impacts to species (disturbance, injuring or killing) and loss of habitat such that the development would result in a negative ecological impact and loss of biodiversity. Therefore mitigation and compensation measures are required to reduce the risk of these negative impacts.

The application has been supported with an Ecological Survey including a Phase One Habitat Survey (October 2019) and Breeding Bird Survey (June 2020). The findings and recommendations of the surveys are summarised below:

Mitigation and Enhancement Measures (Habitats):

The loss of grassland and open habitat is compensated by the provision of suitable alternative habitats including wildflower grassland planting; species rich hedgerow planting around the whole site and a new woodland belt to the south to enhance habitat connectivity; the creation a pond and wetland area (aquatic habitat) within the new open space to the north of the site; strengthened planting along the roadside; and the retention and widening of the stream with enhanced planting along its banks providing an 8.0m wide buffer around the stream. These measures are considered to result in significant ecological benefits to the site and formal approval of a detailed scheme of landscaping, including sensitive and appropriate planting, would be sought at any reserved matters application. The Ecological Survey also recommends measures to protect retained habitats before, during and after development. Adherence to the recommended measures can be satisfactorily dealt with via condition and/or informative.

Mitigation and Enhancement Measures (Species):

The submitted Ecology Survey finds that the site offers some value as foraging ground for badger; brown hare; common small mammals, amphibians and reptiles; and birds. The site also offers potential nesting habitat for both ground nesting and perching birds; and refuge habitat for common amphibians and reptiles. No suitable bat roost habitat was found within the site and the overall value for foraging and roosting bats was considered to be low. The Ecological Survey recommends measures to ensure no direct or incidental harm to species which may be present during site clearance and construction works. It is also recommended that any external lighting is designed to minimise the impact on nocturnal mammals.

The Survey recommends the incorporation of alternative habitat (a hibernacula) for amphibians and reptiles to mitigate for the loss of remnant dry stone walls. It also recommends suitable mitigation/compensatory measures for the loss of nesting habitat for tree and shrub nesting species by way of additional planting and nest boxes. With regards to ground nesting birds, the submitted Bird Surveys assessed three possible Priority Species as possible breeders including Dunnock, Linnet and Reed Bunting. The Survey finds that although the loss of the habitat will reduce the availability of ground nesting sites there is more favourable habitat in the adjacent grassland such that, subject to works being undertaken outside the nesting period or with pre-clearance bird survey, there will no harm to the species. Adherence to the recommended measures can be satisfactorily dealt with via condition and/or informative.

The loss of the open grassland will reduce the availability of ground nesting sites and it is not proposed to provide any mitigation on the basis that there will be no harm to the species as a consequence; that more favourable ground nesting habitat lies adjacent to the site; and that the proposed enhancement proposals for the scheme as a whole provides suitable alternative habitats such that there would be no net loss of biodiversity across the site in accordance with Policy NE1(6).

The Council's ecology consultant has examined the Ecological Appraisal and makes comments and recommendations for conditions which are detailed in their consultation response, to secure the implementation of the measures recommended within the Ecological

Appraisal and Bird Survey through any reserved matters application. The recommended conditions are considered necessary to safeguard species and habitats before and during the construction phase, and to maintain and actively enhance overall biodiversity as necessary such that there is no net loss across the site. Subject to these conditions, the proposal would not result in any significant harm to biodiversity and would therefore meet with the aims of Policy NE3 and the NPPF. Accordingly there are no material reasons to refuse this application on its ecological impacts.

Other Considerations:

It should be noted that other matters, with the exception of access and layout, cannot form part of the assessment of the current proposal. Notwithstanding this, it is reasonable to consider whether or not the proposal will lead to other matters that are likely to be significantly adverse or constitute grounds why planning permission should not be granted.

Design and Visual Impact

Subject to satisfactory design in terms of scale, massing and materials and detailing, it is considered that the site could be developed for the proposed use in a way that would not result in any unacceptable visual harm to the surrounding character and appearance of the area in accordance with Policy SP5, HS4 and EMP1/1.

Impact on Neighbouring Amenity

With regard to neighbouring amenity, it is considered that the built form could be designed and accommodated within the site without having an adverse impact upon the current level of residential amenity by virtue of a loss of light, privacy and/or overbearing impact. Final detail will be dealt with under reserved matters application. In particular, the potential impact on the amenity of residential properties on Rossendale Road has been addressed by the exclusion of development from the northern corner of the site and enhanced tree planting as required by policy EMP1/1. Furthermore, appropriate landscaping and boundary treatment is proposed to adequately screen the site along its frontage to Rossendale Road to reduce its visual impact.

Noise may affect some properties close to the site and the Council's Environmental Health Officer recommends a condition to require a noise assessment to determine any appropriate mitigation measures that may be required to protect the amenity of adjacent noise sensitive properties.

Environmental Protection

A Phase One Land Contamination Desktop Study and a Coal Mining Risk Assessment have been carried out. The documents make recommendations regarding the need to undertake intrusive site investigations. The documents have been examined by the relevant consultees who have made comments and recommendations for conditions which are detailed in their responses as set out above.

Flood Risk

The site falls within Flood Zone 1 where there is the lowest risk of flooding. The submitted Flood Risk Assessment and Drainage Strategy demonstrates that the likely flood risk potential would be low and the potential residual sources of flood risk to the development and others would be effectively managed through the implementation of recommended mitigation measures including the implementation of a sustainable management strategy which will attenuate to greenfield rates, equivalent to the pre-development situation, and therefore would not increase the risk of flooding on site or elsewhere.

Use Restriction

The site is allocated in the Local Plan as suitable for B1(b), B1(c) and B2 uses. The acceptable uses were identified through the Local Plan process on the basis of the development strategy and the individual characteristics of the sites and their location including likely traffic impacts, their proximity to the town centre, and their ability to satisfactorily accommodate the likely built form into the landscape/townscape. In giving consideration to the above, EMP1(4) states that the Council will consider withdrawing permitted development rights [by means of a condition] to protect allocated sites for the uses proposed.

In order to retain planning control over the use of the site in the interest of safeguarding the amenities of the area; and to ensure that it continues to contribute to meeting the supply of suitable employment uses that are appropriate to the characteristics of the site and its location, it is considered necessary to limit the use of the proposed development to Class B1(b), B1(c) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) by way of condition.

Conclusion:

The proposal seeks to develop a site that is allocated for employment use in the Local Plan. A suitable scheme has come forward that complies with the site specific requirements of the local plan and plan policies insofar as it can at outline stage. Issues relating to the impact of the development on the ecology, highways and traffic, neighbouring amenities, ground conditions have been assessed and can be adequately addressed by conditions. The applicant has also indicated their willingness to enter into a S278 agreement with the Highways Authority to secure off-site highway works to ensure that the access requirements and traffic movements can be absorbed safely into the highway. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding. The NPPF and Burnley's Local Plan therefore indicate that the application should be granted.

Recommendation:

It is recommended that outline planning permission be granted subject to the conditions listed below.

Conditions:

1. Application for approval of the reserved matters shall be made to the council before the expiration of 3 years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline permission (access and layout) hereby approved shall relate to the development as shown on drawings: Proposed Site Plan (Drawing No 003N) received on the 26 May 2020; and Proposed Development with Retained and Newly Created Habitats (Drawing No BOW17/1085) received on the 21 September 2020.

Reason: To ensure the development accords with the agreed general principles in relation to overall layout and arrangement.

3. The layout of the development hereby approved shall include provisions to enable vehicles to enter and leave the highway in forward gear. Vehicular turning space shall be

laid out and be available for use prior to first occupation of any part of the development hereby approved and shall thereafter be retained in perpetuity.

Reason: To prevent vehicles reversing to and from the highway creating a hazard to other road users in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 Agreement, under the Highways Act 1980. Thereafter the site access and off site highway works shall be completed prior to first occupation.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, including the construction phase, in the interests of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

5. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 4 above has been constructed and completed in accordance with the approved details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. No part of the development hereby approved shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

7. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interest of highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

8. The Framework Travel Plan prepared by Mode Transport Planning dated November 2019 shall be implemented in full in accordance with the timetable within it unless otherwise approved in writing by the Local Planning Authority. All elements of the Framework Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policies IC1 and IC2 of Burnley's Local Plan (July 2018).

9. The use hereby approved shall not start until an assessment has been submitted for written approval to the Local Planning Authority which details the levels of internal noise likely to be generated from the proposed use of the site. This assessment shall be used to identify and determine appropriate noise mitigation measures (such as soundproofing) required to protect the amenity of adjacent noise sensitive properties. The approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

10. All external plant and machinery at the development hereby permitted shall be designed so that the rating levels for cumulative noise shall not exceed the existing background noise level (LA90) when measured as an LAeq,15min in any one third octave band at the external façade of the nearest noise-sensitive premises, as assessed in accordance with British Standard 4142 (2014), or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To ensure there is no adverse effect on the health and quality of life of the occupiers of noise-sensitive premises and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

11. The reserved matters shall include a detailed plan for refuse storage enclosures showing the design, location and external appearance. The approved enclosures shall be provided prior to first occupation of the approved development and thereafter permanently retained.

Reason: To ensure adequate refuse and recycling storage in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

12. Prior to first occupation of the development hereby permitted, details of the scheme and programme of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall include details of location, type and intensity of lights; types of masking or baffle at head; type, height and colour of lighting columns; number and size of lighting units per column; and light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

13. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the built has

achieved a minimum BREEAM rating of at least 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

14. No part of the development hereby approved shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Local Plan Policy NE5 of Burnley's Local Plan.

15. The reserved matters planning application shall provide details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

16. As part of reserved matters, a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all hard surfacing; details of all boundary treatments; and details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

17. As part of reserved matters, a Biodiversity Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should provide detailed measures for mitigating against the loss of biodiversity as set out in the approved Ecological Survey (October 2019) and Bird Survey (June 2020), including the compensatory bird boxes, hibernacula and stumperies and their maintenance and

management to secure long term benefits for biodiversity. The approved measures shall be implemented in full prior to the first occupation of the development hereby approved. The whole of the site shall be maintained and managed in accordance with the approved Biodiversity Mitigation Plan at all times.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

18. All planting, seeding or turfing forming part of the approved details of landscaping shall be carried out within the first planting season following the completion of the development or following the first occupancy of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).

19. No works shall occur in the main bird nesting season between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably 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.

Reason: To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).

20. As part of reserved matters, details of the surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to first occupation of the development. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

21. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

22. No development shall take place until a Construction Method Statement and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Storage of plant and materials used in constructing the development
- iv) Periods when plant and materials trips should not be made to and from the site
- v) Routes to be used by vehicles carrying plant and materials to and from the site
- vi) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties
- vii) The erection and maintenance of security hoarding
- viii) Measures to control the emission of dust and dirt during construction

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

23. 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.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

24. 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 08:00 hours and 17:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018).

25. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policies IC1 and IC2 of Burnley's Local Plan (July 2018)

26. The development hereby approved shall be used for Uses B1(b), B1(c) and B2 only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: In order to retain planning control over the use of the site in the interest of safeguarding the amenities of the area; and to ensure that it continues to contribute to meeting the supply of suitable employment uses that are appropriate to the characteristics of the site and its location in accordance with Policy EMP1 of Burnley's Local Plan (July 2018).