

Appendix – Minute No.13

PLANNING APPLICATIONS APPROVED

APP/2011/0301

**Application Recommended for Approval
Proposed external works; new side by side drive thru lane
requiring the removal of 5no. parking spaces; 2no. new
customer order display units and 1no. height restrictor
monolith (gateway sign)
MCDONALDS RESTAURANTS LTD, 1 BURNHAM GATE,
BURNLEY**

**Reason for
Decision:**

The development is generally in accordance with the
Development Plan, in particular the policies listed below, and
there are no other material considerations to indicate that
planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within The Urban Boundary
GP3 – Design & Quality
H12 – Non-Residential uses in Residential Areas
EW4 – Expansion and Improvement of Existing Businesses
E24 - Advertisements

Recommendation: Grant subject to the following conditions.

- Conditions:**
1. The development must be begun within three years of the date of this decision.
 2. The development hereby approved shall be carried out in accordance with drawing No's: **4587/1126/0004 B** and **4587/1126/306**

- Reasons:**
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
 2. For the avoidance of doubt and in the interest of proper planning.

APP/2011/0289

**Application Recommended for Approval
Proposed change of use from (Class A1) retail to (Class A5)**

**hot food take-away
212 COLNE ROAD, BURNLEY**

**Reason for
decision:**

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

CF13 - Restaurants, cafes, public houses and hot food take-aways

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

Recommendation:

Grant subject to the following conditions.

Conditions:

1. The development must be begun within three years of the date of this decision.
2. Notwithstanding the submitted details, a scheme for the collection and dispersal of cooking odours shall be submitted to and improved in writing by the Local Planning Authority before the use starts. The scheme shall be fully implemented before the use of the premises as a hot food take-away starts and shall thereafter be maintained in good working order at all times, in accordance with the manufacturer's instructions.
3. Before the use commences provision shall be made for the storage and disposal of refuse in accordance with a scheme having the prior written approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

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 protect the amenity of the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours, in accordance with Policy CF13 of the Burnley Local Plan Second Review.
3. In the interests of amenity, having regard to policy CF13 of the

Burnley Local Plan Second Review.

APPLICATIONS FOR DELEGATION

APP/2011/0284

Application Recommended for Delegation
Full Planning application for 43 dwellings on land west of Hargher Street, and
Outline planning application for residential development of land east of Hargher Street.
LAND BOUNDED BY ACCRINGTON ROAD/SMIRTHWAITE STREET/HOWARD STREET/PERTH STREET, BURNLEY

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

E21 - Gateways and throughroutes

E22 - Public Art

E6 - Trees, hedgerows and woodlands

E8 - Development and flood risk

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP5 - Access for All

GP6 - Landscaping and Incidental Open Space

GP8 - Energy Conservation and Efficiency

GP9 - Security and Planning Out Crime

H1 - Land for new housing development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H4 - Providing a choice of housing in new development

H5 - Local housing needs

H6 - Housing density

H7 - Open space in new housing development

H9 - Regenerating urban areas and neighbourhoods

TM15 - Car parking standards

TM2 - Transport Assessments (TAs)

TM7 – Cycling Network

Supplementary Planning Documents

South West Burnley Development Brief

Design Guidance for South West Burnley

National Planning Policy

Planning Policy Statement 3 (PPS3) - Housing

Planning Policy Statement 25 (PPS25) – Development and Flood Risk

Conclusion:

That the Head of Planning and Environment subject to agreement on design issues be delegated to grant planning permission for the development subject to the following conditions.

Conditions applying to the Full Planning Permission:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application details and the drawings listed above.
3. Notwithstanding any description of materials in the application, the external materials of the walls and roofs shall be in accordance with samples that shall be submitted to and approved in writing by the Local Planning Authority before their use in construction.
4. Trees on the site shall be protected during construction in accordance with a tree protection scheme details of which shall have the prior written approval of the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.
5. Before any dwelling is first occupied (or before such other time as may be approved in writing by the Local Planning Authority) any highway within the site shall be formed in accordance with a detailed scheme having the prior written approval of the Local Planning Authority. The scheme shall include details of layout

and surface treatment, including texture and colour.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.
4. To ensure the trees are not damaged during construction works and retained in the development in accordance with Policy E6 of the Burnley Local Plan Second Review.
5. To ensure that the highways are formed in a manner suitable for the mix of users of the residential highway in accordance with Policy H3 of the Burnley Local Plan Second Review.

Conditions applying for the Outline Planning Permission:

Conditions:

1. Approval of the details of the access, layout, scale and appearance of the buildings, and the landscaping of the site (the reserved matters) shall be obtained from the local planning authority in writing before any development starts.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
5. The details of layout submitted for the purposes of condition 1 shall be accompanied by a statement that demonstrates that

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provision has been made for the future maintenance of the culvert known as Sep Clough that crosses the site. Unless otherwise approved in writing by the Local Planning Authority no development shall start until that statement has been approved in writing by the Local Planning Authority.

6. No development shall start on site until a scheme showing the layout of the car parking spaces on the former Pollard Street, along with access details if any gates are to be erected, has been submitted to, and approved in writing by, the local planning authority:

Reasons:

- 1-4. Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.
5. To ensure that proper provision is made for the treatment of the watercourse crossing the site, in accordance with Policy E8 of the Burnley Local Plan Second Review.
6. In the interests of highway safety and safe pedestrian access, having regard to policy H3 of the Burnley Local Plan, Second Review.

Conditions applying to the whole site:

Conditions:

1. No development (other than development within the area of the site west of Hargher Street, for which full permission is hereby granted) shall start until a scheme for the provision of Public Open Space in connection with the whole development, whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within two years of the start of the development or as otherwise agreed in writing by the Local Planning Authority.
2. The intended provision for Affordable or Special Needs Housing shown in the details of the proposed development shall be made in the development in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.
3. No development in relation to dwellings fronting Accrington Road

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and Cog Lane, and backing onto Hargher Clough Mill shall be started until a noise assessment which details the likely noise levels in those finished dwellings has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall identify and determine appropriate noise mitigation measures (such as soundproofing) required to protect the amenity of residents of those dwellings. The approved noise mitigation measures shall be implemented in respect of each of those dwellings before it is first occupied.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
5. No operations granted by this planning permission in any phase or part of the development shall be commenced until:
 - a)
 - i. A desktop study has been undertaken (in respect of that phase or part) to identify all previous uses, potential contaminants that might reasonably be expected given those uses and other relevant information.
 - ii. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) An investigation has been designed for that phase or part of the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning

Authority.

The development shall then only proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement (in relation to the site or phase or part of the development as the case may be) a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report which shall be carried out as detailed.

6. All existing redundant vehicle access points in each phase of the development hereby approved should be identified by the developer prior to the start of any works on site. These shall be physically and permanently closed, and the existing verge/footway and kerbs reinstated, in accordance with Lancashire County Council's Specification for Construction of Estate Roads, prior to the occupation of any of the dwellings in that phase.
7. No part of the development (other than development within the area of the site west of Hargher Street, for which full permission is hereby granted) hereby approved shall start until a scheme for the construction of the offsite works of highway improvement has been submitted to, and approved in writing by, the local planning authority. The works shall include:

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- a) Conversion of the Accrington Road pelican crossing to a toucan crossing, with associated footway works and signing;
 - b) The reconstruction of the northerly kerb line of Smirthwaite Street at its junction with Cog Lane;
 - c) Provision of a bus shelter and footway works on Accrington Road to the west of its junction with Hargher Street; and
 - d) Homezone treatments of Cog Street through to Clough Street; Howard Street between Hargher Street & Bruce Street; Tay Street between Clough Street and Elmwood Street; and Smirthwaite Street.
8. No work shall start on the development hereby approved until a method statement for preventing mud and debris being deposited on the public highway during construction, together with a street sweeping option, has been submitted to and approved in writing by the local planning authority.

Reasons:

1. To ensure that adequate provision is made for public open space in connection with the development, having regard to Policy H7 of the Burnley Local Plan Second Review.
2. To ensure provision of Affordable or Special Needs Housing in accordance with Policy H5 of the Burnley Local Plan Second Review.
3. To prevent noise nuisance to adjoining properties in accordance with policy GP1 of the Burnley Local Plan, Second Review.
4. To reduce the increased risk of flooding in accordance with Policy E8 of the Burnley Local Plan Second Review.
5. In accordance with Policies GP7 and E9 of the Burnley Local Plan Second Review:
 - a) To identify all previous site uses potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
 - b) To enable:
 - A risk assessment to be undertaken,
 - Refinement of the conceptual model, and
 - The development of a Method Statement and

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Remediation Strategy.

c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

6. In the interests of highway and pedestrian safety, having regard to policy H3 of the Burnley Local Plan, Second Review.
7. In the interests of highway and pedestrian safety, and to improve the safety and convenience of cycle routes, having regard to policies H3 and TM7 of the Burnley Local Plan, Second Review.
8. In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, in accordance with policy GP1 of the Burnley Local Plan, Second Review.