

Appendix – Minute No. 29

PLANNING APPLICATIONS APPROVED

APP/2013/0303

**Full Planning application
Rosehill with Burnley Wood Ward
Erection of 117 no. dwellings, including the demolition of
17 no. properties and Burnley Wood Community Centre,
Glebe Street; formation of new access and car park to
existing Burnley Wood Medical Centre; and provision of
new public footpath serving Burnley Wood School
LAND AT PARLIAMENT STREET, CROWTHER STREET,
BRANCH ROAD, OXFORD ROAD, PARKINSON STREET,
CLARENCE STREET AND DALL STREET, BURNLEY**

Decision:

That planning permission be granted subject to the following conditions:

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 approved plans and details.
3. The recommendation of the Tree Survey Report prepared by Ecus Limited, dated May 2013, reference no. 4584, shall be fully implemented throughout the course of development, in accordance with the Report, to the satisfaction of the Local Planning Authority.
4. All landscape works shall be carried out in accordance with the approved details as set out on Drawing Nos. L4584/05; L4584/06; L4584/07 and L4584/08. The works shall be carried out prior to the occupation of any dwelling or in accordance with a programme submitted to and approved in writing by the local planning authority.
5. In line with the recommendations of the Phase 1 Environmental Desk Study Report by Avie, dated June 2013, reference P1091, intrusive site investigation works shall be undertaken prior to the development starting on each site, in order to establish the exact situation regarding the coal mining legacy issues on the site. In the event that site investigation works confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, the remedial works shall be

undertaken and incorporated into the development as necessary, before any of the houses are occupied.

6. The development hereby permitted shall be carried out in accordance with the Flood Risk and Drainage Impact Assessment for Burnley Wood (Phase 3 & 4) by Avie Consulting Ltd dated June 2013 reference P1091 Rev 01 (the FRA) and subject to the following requirements:
 - a) surface water run off from the site shall be attenuated up to a 1 in 100 year critical storm event (plus an allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b) The mitigating measures detailed in the FRA shall be fully implemented prior to occupation of the development or within any other period as may subsequently approved in writing by the Local Planning Authority.

7. No development approved by this permission (or such other stage in development as may be approved in writing by the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risk associated with the contamination of the site has been submitted to and approved in writing by the local planning authority:
 - a) A site investigation scheme, based on the Phase 1 Environmental Desk Study for Burnley Wood Phase 3 & 4 by Avie Consulting Ltd (dated July 2013; reference P1091), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site.
 - b) The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirement for longer

term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- d) Any changes to these components shall require the express written consent of the Local Planning Authority. The scheme shall be implemented in full, as approved, to the satisfaction of the Local Planning Authority.
8. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in the construction of the development;
 - The erection and maintenance of security hoarding;
 - Wheel washing/road sweeping facilities;
 - Details of working hours, this will be especially pertinent to the development of the site adjacent to the school / medical centre
 - Contact details of the site manager to be made available to the head teacher at the Springfield Community School. Burnley Wood Health Centre and the Highway Authority, to enable the reporting /resolution of any issues associated with the development
9. Any redundant access points shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be re-instated in accordance with the Lancashire County Council Specification for the Construction of Estate Roads (concurrent with the formation of the new access).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain on the land hereby defined any building, wall, fence, hedge, tree shrub or other device.

The visibility splay to be the subject of this condition shall be

the land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed road (named Clarence Court on plan ref 1020) from the continuation of the nearer edge of the carriageways of Dall Street and Glebe Street to points measured 43 metres in each direction along the nearer edge of Dall Street and Glebe Street from the centreline of the access. A boundary treatment consisting of a wall, fence or hedge will be permitted subject to the details being agreed with the planning authority in consultation with the highway authority.

11. All the new estate roads hereby permitted which connect to the public highway shall be constructed in accordance with the LCC Specification for the Construction of Estate Roads to at least base course level before any development takes place.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. In order to maintain a continuation of tree cover in the area; to ensure that trees are protected and not damaged during the course of construction; and that tree work is carried out to a suitable standard, having regard to Policy E6 of the Burnley Local Plan Second Review.
4. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.
5. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the potential risk that the coal mining legacy poses on the site, having regard to Policy GP7 of the Burnley Local Plan Second Review.
6. To ensure that the development does not pose an unacceptable risk of flooding or exacerbate flood risk elsewhere, having regard to Policy E8 of the Burnley Local Plan Second Review.

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
8. To ensure adequate measures are in place to safeguard highway safety.
9. To limit the number of access points to, and to maintain the proper construction of the highway.
10. To ensure adequate visibility at the street junction.
11. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes occupied

APP/2013/0421

**Full Planning Application
Daneshouse with Stoneyholme Ward
Removal of condition 1 on planning permission
APP/2012/0473 to enable the continued use of the
premises as a private hire booking office
11 CROFT STREET, BURNLEY**

Decision:

That planning permission be granted for the removal of Condition 1 relating to the temporary period of use, subject to the variation of Condition 2 to ensure that there is a written contract in respect of the car parking spaces for the period of the use as follows. All other conditions on APP/2012/0473 are still applicable.

Conditions:

A written contract shall be entered into for the use of 6 spaces on the William Thompson car park for the parking of private hire vehicles in connection with the booking office operating from 11 Croft Street, Burnley and this contract shall remain in place at all times the private hire booking office is in operation.

Reasons:

To ensure that appropriate parking provision is available for the use, in the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.

APP/2013/0397

**Full Planning application
Queensgate Ward**

**New pavilion building following demolition of existing;
fences and lighting to all weather pitch; fencing and other
works associated with golf practice range
PRAIRIE FIELD, WINDERMERE AVENUE, BURNLEY**

Decision:

The Committee resolved that planning permission be granted for the development, that the Head of People Law and Regulation be authorised to make an Order under Section 257 of the Town and Country Planning 1990 for the stopping up of Footpath No. 155 (Burnley) and subject to the following conditions:

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 plans and details.
3. Notwithstanding any description of materials in the application, no materials shall be used in the development until precise details have been submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
5. The development shall be carried out in full accordance with the recommendations of the submitted Ground Investigation Report, reference P5869 2012-08-21 GI.let, dated 21st August 2012.
6. The development shall be carried out in full accordance with the recommendations of the submitted Noise Impact Assessment, reference RO7 45-REP01-Drg, dated 22 July 2013.
7. The development shall be carried out in full accordance with the recommendations of the submitted Ecological Survey and Assessment, including Nocturnal Bat Survey, reference RB-13-106 dated 5 August 2013.

8. No demolition or construction work shall take place in connection with the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.
9. The pavilion building hereby approved shall not operate outside the hours of 7 a.m. to 9 p.m. on any day.
10. Within six months of the new pavilion building being brought into use, a Green Travel Plan identifying methods of reducing trips by private car to and from the site shall be submitted to and approved in writing by the local planning authority. Such measures as may be approved, shall be implemented in accordance with the Travel Plan, to the satisfaction of the local planning authority.
11. The new pavilion shall not be brought into use until a scheme for the provision of off-site highway works, to introduce waiting restriction on Windermere Avenue between the traffic lights and the site entrance, has been incorporated into the development in accordance with a programme to be approved in writing by the local planning authority.
12. The ball netting along the Windermere Avenue frontage as detailed in the application, shall be erected before the golf driving range bays are brought into use. It shall thereafter be retained and maintained to the satisfaction of the local planning authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance 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. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.

5. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
6. In the interests of the amenities of the neighbouring occupiers, in accordance with policy GP1 and GP7 of the Burnley Local Plan, Second Review.
7. In order to protect the ecological interests of the site having regard to Policy E4, E5 and E6 of the Burnley Local Plan Second Review.
8. To protect the amenities of nearby residents, in accordance with policies GP1 and GP7 of the Burnley Local Plan Second Review.
9. To protect the amenities of nearby residents, in accordance with Policy GP1 and H12 of the Burnley Local Plan Second Review.
10. To identify measures for reducing traffic impacts of the development in accordance with Policy TM 3 of the Burnley Local Plan, Second Review.
- 11-12. In the interests of highway safety, having regard to Policy GP1 of the Burnley Local Plan Second Review.

Decision

(2) That the Head of People, Law and Regulation be authorised to make an Order under Section 257 of the Town and Country Planning 1990 for the stopping up of Footpath No.155 (Burnley).

APP/2013/0266

**Full Planning Application
Briercliffe Ward
Erection of single turbine development to 22.02m tip height and associated infrastructure
LEE GREEN FARM, TODMORDEN ROAD, BURNLEY**

Decision:

That planning permission be granted subject to the following conditions:

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 drawings listed above.
3. The external finished colour of the wind turbine shall be non-reflective and shall be a light grey colour (as illustrated in the application) unless details of another colour are submitted to and approved in writing by the Local Planning Authority.
4. Any cables for grid connection or other purpose relating to the turbines shall be placed underground.
5. This permission shall expire after 25 years following the date that electricity generated from the turbine is first connected to the grid. The Local Planning Authority shall be notified of such date in writing not later than one month from the making of such connection. After this 25 year period, the structure hereby authorised shall be removed from the site and the land reinstated to its former condition. unless a further permission for this development has been granted by the Local Planning Authority. Specific details of the restoration of the landscape shall be submitted to, and approved in writing, by the Local Planning Authority prior to the decommissioning of the turbine.
6. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35 dB (A) at the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at rotor centre height. Any measurement shall be made at a minimum height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.
7. Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections, submitted to and approved in writing by the local planning authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and to ensure that the development remains in accordance with the development plan.
3. To minimise any intrusive appearance in the landscape, in the interests of visual amenity, in accordance with policy E31 of the Burnley Local Plan Second Review.
4. To safeguard the character and local distinctiveness of the landscape in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan Second Review.
5. To ensure the long-term protection of the character of the rural landscape, in accordance with Policy E31 of the Burnley Local Plan Second Review.
6. In the interests of the amenities of any nearby occupiers, in accordance with Policy E31 of the Burnley Local Plan Second Review.
7. In order to protect birds from disruption during the nesting period and in accordance with policy E5 of the Burnley Local Plan Second Review.