

Appendix – Minute No.110

**PLANNING APPLICATIONS APPROVED**

**APP/2012/0508**

**Full Planning Application  
Proposed installation of a single micro scale wind turbine  
(14.97m to hub, 5.6m  
diameter blades)  
1 ROBIN COTTAGES, ROBIN HOUSE LANE, BRIERCLIFFE,  
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

E31 - Wind Farms  
E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt  
GP2 - Development in the Rural Areas  
E5 – Species protection

National Planning Policy

National Planning Policy Framework - March 2012  
National Policy Statement for Renewable Energy Infrastructure (EN-3) - July 2011  
Overarching National Policy Statement for Energy (EN-1) – July 2011

**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. Any cables for grid connection or other purpose relating to the turbines shall be placed underground.

THURSDAY, 07/03/2013

4. The wind turbines shall be removed and the landscape restored to its original state if or when the wind turbine becomes non-operational, or at the expiration of a period of 25 years from the date of first operation, whichever is the earliest date.
5. The wind turbine shall not be operated when noise emitted exceeds the levels set out in the application.
6. Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect the nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

**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 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.
4. 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.
5. In the interests of the amenities of any nearby occupiers, in accordance with Policy E31 of the Burnley Local Plan Second Review.
6. In order to protect birds from disruption during the nesting period.

**APP/2012/0531**

**Full Planning Application  
Briercliffe Ward  
Proposed garage  
29 WALVERDEN ROAD, BRIERCLIFFE**

**Reason for  
Decision:**

The garage is generally in accordance with the Development Plan, in particular the policies listed below, and there are no

THURSDAY, 07/03/2013

other material considerations to indicate that planning permission should not be granted.

**Relevant Policies:**

**Burnley Local Plan Second Review**

E27 – Landscape Character and Local Distinctiveness in Rural Areas and the Green Belt  
GP2 - Development in the Rural Areas  
GP3 - Design and Quality

**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 garage hereby approved shall be carried out in accordance with the approved drawings.

- 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 policies of the Burnley Local Plan, Second Review.

**APP/2012/0512**

**Outline Planning Application  
Proposal to redevelop site to promote a mix of townhouses and an apartment block (117no. residential units) to include sports pavillion, ecology park, childrens play area, vehicular access and manoeuvring space and hard and soft landscaping including details of access (all other matters reserved for future approval); (to replace an extant planning permission APP/2008/0830)  
WATERSIDE MILL, LANGHAM STREET, 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**

E22 - Public Art  
E4 - Protection of other features of ecological value  
E7 - Water bodies and water courses  
E8 - Development and flood risk  
EW7 - Redvelopment of Existing Employment Land and Premises for Non Employment Uses  
GP1 - Development within the Urban Boundary  
GP5 - Access for All  
GP6 - Landscaping and Incidental Open Space  
GP7 - New Development and the Control of Pollution  
GP8 - Energy Conservation and Efficiency  
GP9 - Security and Planning Out Crime  
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  
TM15 - Car parking standards  
TM2 - Transport Assessments (TAs)  
TM5 - Footpaths and walking within the urban boundary  
TM7 - Cycling network

National Planning Policy Framework (NPPF)

**Decision:**

That the Committee be minded to grant permission for the development and that, provided a deed of variation of the Section106 agreement is duly completed, the Head of Housing and Development Control be authorised to issue a decision notice granting permission subject to the conditions set out in the main and additional reports.

**Conditions:**

1. Approval of the details of the 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 layout, scale and appearance of any buildings to be erected and the landscaping of the site,

THURSDAY, 07/03/2013

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 five 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. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The Landscape Management Plan shall be carried out as approved.
6. Before any development starts a scheme for the provision of Public Open Space in connection with the development whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within one year of the start of the development or as otherwise agreed in writing by the Local Planning Authority. The future maintenance of the public open space shall be secured either by the involvement of a Management Company or by an agreement with the Council's Green Spaces and Amenity Services, including a bond for the maintenance. Details of the method to be used shall be submitted to and approved in writing by the local planning authority before work starts on the development hereby approved and shall be implemented in accordance with the approved scheme before substantial completion of the development.
7. Full details of the design and provision for the management and maintenance of the proposed eco-park (whether included or not included within the public open space referred to in Condition 6) shall be submitted to and approved in writing by the Local Planning Authority before construction of the eco-park commences.

THURSDAY, 07/03/2013

8. The development shall be drained on separate systems for foul and surface water unless approved otherwise in writing by the Local Planning Authority. Full details of the design and provision for the management and maintenance of any ponds or other areas of water within the site shall be submitted to and approved in writing by the Local Planning Authority before the start of construction thereof.
9. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not start until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

- a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to;
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets,
  - woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,

THURSDAY, 07/03/2013

- ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the start of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

In the event that contamination is found at any time

THURSDAY, 07/03/2013

when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition

- a. a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition
- b. b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).
- e. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

10. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant and experienced and specialising in the assessment and evaluation of Landfill Gas migration.

The investigation report shall:

1. describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final



THURSDAY, 07/03/2013

conclusions and recommendations to the results and findings of tests and investigations

2. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.
11. If remediation measures are recommended as a result of the investigations required by Condition 10 above, these measures shall be incorporated into the development, before any buildings are occupied.
12. Provision shall be made for Affordable or Special Needs Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.
13. Before the development is commenced a scheme for the construction of the site access points and off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The scheme shall (except as may otherwise be approved) include provision for traffic calming, one – way traffic flow, waiting restrictions, on Havelock Street, Langham Street and the part of Lockyer Avenue between Lowerhouse Lane and Sycamore Avenue. The scheme shall be implemented as approved before the first occupation of any dwelling hereby permitted or before such other date approved in writing by the Local Planning Authority. The scheme shall include provision for all highway users.
14. No works shall start in connection with the development hereby granted, until a survey has been conducted by a person who is registered by English Nature to investigate whether the site is utilised by bats or other protected species (including water voles) and the survey results shall be submitted in writing to the local planning authority. If such a use is established a scheme for the protection of the species or habitat shall be submitted to and approved in writing by the local planning authority. Such scheme as may be approved shall be implemented before any work starts, or in accordance with a programme approved in writing by the Local Planning Authority.
15. Within 6 months of the start of the development hereby granted a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

THURSDAY, 07/03/2013

specify a date for implementation and the scheme be implemented as approved.

16. No construction work shall take place on 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 unless other days or times are approved in writing by the Local Planning Authority.
17. No development shall take place, including any works of demolition, until a construction 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. It shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. HGV routing to and from the site
  3. The loading and unloading of plant and material
  4. The storage of plant and material used in construction of the development
  5. The erection and maintenance of security hoarding, wheel washing facilities and deployment of a road sweeper
  6. Measures to control the emission of dirt and dust during construction
  7. A scheme for the recycling/disposing of waste resulting from the demolition and construction works
  8. Details of working hours
  9. Contact details of the Site Manager, updated throughout the construction period.

**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 the long term landscape management of the site, in accordance with policy GP6 of the Burnley Local Plan, Second

Review.

6. To ensure that adequate provision is made for public open space in connection with the development, and that it is well maintained and remains usable and easily accessible, in accordance with policy H7 of the Burnley Local Plan, Second Review.
7. In the interests of the amenities of development and its surroundings in accordance with policy H7 of the Burnley Local Plan, Second Review.
8. To minimise flood risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review, and in the interests of the visual amenities of the area generally in accordance with policy H3 of the Burnley Local Plan Second Review.
9. 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 policy GP7 of the Burnley Local Plan, Second Review.
- 10-11. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which may be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
12. To ensure provision of Affordable or Special Needs Housing in accordance with Policy H5 of the Burnley Local Plan Second Review.
13. In order to ensure that the final details of the works are acceptable before work starts, In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway works, and in order to make provision for a range of modes of transport (including pedestrian, cycle and horse), in the interests of highway safety, sustainability, recreational opportunity, and in accordance with policy GP1 of the Burnley Local Plan, Second Review.

14. To ensure that species/habitats protected by the Wildlife and the Countryside Act 1981 are protected, in accordance with policy E5 of the Burnley Local Plan, Second Review.
15. To ensure that provision is made for public art in the development, in accordance with policy E22 of the Burnley Local Plan Second Review.
16. To protect the amenities of nearby residents, in accordance with Policy GP7 of the Burnley Local Plan, Second Review.
17. In the interests of highway safety and the amenity of nearby occupiers.