



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 27th July, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Vice-Chair, in the Chair), C Briggs, M Brindle, T Ellis, D Fleming, S Graham, J Harbour, T Harrison, L Khan, T Porter, A Raja and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Alison McEwan	– Democracy Officer

22. Apologies

Apologies for absence were received from Councillors Cant, Johnstone, Mottershead and Payne.

23. Minutes

The Minutes of the last meeting held on 29th June were approved as a correct record and signed by the Chair.

24. Declaration of Interest

Cllr Briggs declared a prejudicial (other) interest in item APP/2017/0276 – Land east of Turf Moor, Burnley. He left the room and took no part in the debate or vote on this matter.

25. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

Cllr Alan Hosker	APP/2016/0263 Land south of New Barn
Cllr Jean Cunningham	APP/2016/0263 Land south of New Barn
Alex Cowling	APP/2016/0263 Land south of New Barn
Cllr Jean Cunningham	APP/2017/0262 22 Church Street, Padiham

RESOLVED That the list of deposited plans be dealt with in the manner shown in the minutes below.

a. APP/2017/0200 - Land at Brownside Road & Lennox Street, Worsthorne

Withdrawn Application

The application was withdrawn.

b. APP/2016/0263 - Land South of New Barn, Billington Road, Hapton

Full Planning Application

Proposed erection and operation of 3 wind turbines measuring up to 100m in height, access tracks and associated infrastructure on land to the south and south east of the existing Hameldon Wind Farm

LAND SOUTH OF NEW BARN BILLINGTON ROAD HAPTON 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 hereby permitted shall be carried out in accordance with the following approved plans: 1513601c (1:2500 Proposed site plan), HS Map Rev No. 1 Example of Standard Crane Platform, HS Map Rev No. 1 Example of access/jib roads, Example Candidate Turbine (Drawn CC, Nov 2015 at 1:200) and 12097005 (Proposed wind turbine substation elevations and plan), received on 18 May 2016; and, 1513602a (1:5000 Proposed site plan), received on 27 July 2016.
3. Prior to the commencement of development, a revised Traffic Management Plan to include additional mitigation works to facilitate access for construction purposes (to accommodate the swept path of delivery vehicles) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Traffic Management Plan.

4. No development shall take place 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. 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) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - viii) Contact details for the site manager.
5. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays.
6. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall include a formal watching brief and the evaluation and recording of any encountered remains and be carried out by an appropriately qualified professional. A record of any findings shall be submitted to the Local Planning Authority and to an appropriate historic archive within a period of three months following the completion of the recording and evaluation.
7. The Local Planning Authority shall as soon as practicable be notified in writing of the date when electricity from the development is first supplied to the grid.
8. The approved wind turbines shall cease to operate on or before 25 years following the date that electricity was first supplied by the development to the grid.
9. No later than the end of the 24th year of the supply of electricity from the development, a scheme for the decommissioning, removal of the wind turbines, sub-stations, control boxes and associated infrastructure including any hard surfacing and access tracks, traffic and de-construction management and the restoration of the land, together with timescales for the carrying out of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed in accordance with the approved timescales.
10. Prior to the erection of any of the approved wind turbines, details of their type, appearance and colour finish shall be submitted to and approved in writing by the Local Planning Authority. No part of the turbine structure shall display any logo or lettering unless otherwise previously approved in writing by the Local Planning Authority.
11. The approved turbines shall all rotate in the same direction which shall match that of the direction of the existing 6no. adjacent turbines at Hameldon Hill.

12. Any wind turbine that ceases to generate electricity for the grid for a continuous period of 12 months shall, unless otherwise approved in writing by the Local Planning Authority, be removed in its entirety from the site. This shall include removal of any above ground structure and underground structure (to a depth of one metre) relating solely to that respective turbine. The site of the respective turbine and structure shall be restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the expiration of the 12 month period. The scheme shall be implemented as approved within 12 months of the date of such approval.
13. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints relating to shadow flicker from the approved development that are made to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
14. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
15. The approved turbines shall be installed and operated at all times only in accordance with the parameters of the noise assessment within the Environment Statement submitted with this application.
16. No development shall be commenced until the precise siting and height to blade tip of the turbines up to a maximum of 100m above ground level within a 50m distance of the following co-ordinates have been submitted to and approved in writing by the Local Planning Authority:-

Turbine/Structure number	Easting (X)	Northing (Y)
T1	381188	429706
T2	381260	429430
T3	381414	429884

The development shall thereafter only be carried out in accordance with the approved details of siting and height for each turbine.

17. No development shall be commenced unless and until a Radar Mitigation Scheme to address the impact of the development on air safety has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not become operational unless and until all the measures contained within the approved Radar Mitigation Scheme have been implemented. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme at all times.
In this condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the Air Traffic Control Radar at Warton Airfield ("the Radar") and the air traffic operations of the MOD which are reliant

upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

18. No development shall be commenced until a Primary Radar Mitigation Scheme to mitigate the impacts of the development on the M10 Primary Radar at Manchester Airport and associated air traffic management operations has been submitted to and approved in writing by the Local Planning Authority. No part of the any approved turbine shall thereafter be erected above ground level until the approved Primary Radar Mitigation Scheme has been fully implemented and the development shall at all times be operated in accordance with that approved Scheme.
19. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Specific measures for mitigating potential harm to, and loss of, peat substrates.
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons and lines of communication.
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - i) Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
20. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for a procedure for the investigation and handling of any degradation of television or telecommunication reception quality resulting from the approved development. The submitted scheme shall include remedial measures and actions that will be taken to resolve any identified degradation and timescales for the implementation of such measures and actions. The approved scheme shall be implemented as approved.
21. No development shall take place (including demolition, ground works, vegetation clearance) until updated badger surveys have been carried out on the site and a Method Statement (which shall be informed by the updated badger surveys) detailing measures and precautions to avoid any possible harm to badgers during the course of development have been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall thereafter be implemented in full at all times thereafter.

22. No site clearance, removal of trees or other vegetation shall take place on the site between the months of March to August inclusive unless written evidence of the absence of nesting birds has been first submitted to and accepted in writing by the Local Planning Authority.
23. Prior to the commencement of development, a detailed Landscape and Ecological Restoration and Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the submitted LEMP shall include the following:-
 - a) Description and evaluation of habitats and features to be restored, created or managed.
 - b) Ecological trends and constraints on site that might influence restoration, creation or management.
 - c) Aims and objectives of management.
 - d) Appropriate restoration, creation and management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) How contingencies and remedial action will be identified, agreed and implemented in the scenario that monitoring shows that the conservation aims and objectives are not being met. The approved LEMP shall thereafter be implemented in full at all times.
24. The approved turbines shall not at any time be illuminated other than the following:-
 - lighting that is necessary for the duration of the construction period;
 - lighting that is necessary during maintenance or emergencies; or,
 - a PIR-operated external door light on substation doors to allow safe access.
25. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification), the access tracks, other hard surfaced areas, substation and turbines shall remain unfenced/ungated once they have been constructed, unless otherwise approved in writing by the Local Planning Authority.
26. All cabling between the turbines and between the turbines and the substation, shall be located underground, unless otherwise approved by 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. To ensure adequate access arrangements are put in place for large construction vehicles, in the interests of highway safety, in accordance with the National Planning Policy Framework. The revised Traffic Management Plan is required to be submitted prior to the commencement of development to ensure that the Plan can be implemented from the start of the construction phase of the development.
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006). The Construction Method Statement is required prior to the commencement of development to ensure that provision can be made for its implementation at the appropriate stage of the development process.
5. To protect the amenities of nearby residents, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
6. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To confirm the start date of the operational life of the proposed turbines to allow a period of 25 years to be correctly calculated.
8. To ensure the wind turbines are brought out of use following their operational life, in accordance with the details of the application and to allow for appropriate decommissioning, in the interests of visual and local amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
9. To ensure the effective removal of redundant apparatus and the restoration of the affected land, in the interests of the visual amenities of the landscape and the ecology and biodiversity of the site, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
10. To ensure these details are satisfactory and minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
11. To minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
12. To ensure that the turbines and their associated equipment are removed at the end of their operational life, in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
13. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
14. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).

15. In the interests of the amenities of nearby occupiers, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
16. To ensure that the final micro-siting and height details of the approved turbines take fully into account the constraints placed upon it by its proximity to the Hameldon Hill Met Office Meteorological Site and the need to ensure that the development safeguards the operation of its radar system, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document, July 2017. The details are required to be submitted prior to the commencement of development to ensure that the development is constructed in accordance with the approved details.
17. To ensure the wind turbines can operate without adversely affecting air traffic radar systems, in the interests of air traffic safety, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document - July 2017 and the National Planning Policy Framework. The Radar Mitigation Scheme is required to be submitted prior to the commencement of development to ensure that any measures contained within it can be implemented from the start of the construction phase of the development.
18. To ensure the wind turbines can operate without adversely affecting air traffic radar systems, in the interests of air traffic safety, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document - July 2017 and the National Planning Policy Framework. The Radar Mitigation Scheme is required to be submitted prior to the commencement of development to ensure that any measures contained within it can be implemented from the start of the construction phase of the development.
19. To minimise and mitigate the impacts of the development on the biodiversity of the site, in accordance with Policies E4, E5 and E6 of the Burnley Local Plan, Second Review (2006). The CEMP is required to be submitted prior to the commencement of development to ensure that it can be implemented from the start of the construction phase of the development.
20. To safeguard the amenities of occupiers of properties within the local area that may be potentially affected by a reduction in the quality of television/telecommunication reception, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document, July 2017.
21. To ensure adequate protection for badgers which are a protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
22. To avoid harm to birds that may be nesting within the site, in order to give adequate protection to wildlife, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
23. To ensure adequate compensation for any losses to habitat and to protect and enhance biodiversity, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

24. To prevent light pollution within an open and exposed location in the rural area, in the interests of visual amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
25. In the interests of the visual amenities of the area, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
26. In the interests of the visual amenities of the area, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).

c. APP/2017 0247 - 54 Burnley Road, Briercliffe

**Full Planning Application
Re Submission - Proposed single storey extension and porch
54 BURNLEY ROAD BRIERCLIFFE**

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 hereby permitted shall be carried out in accordance with the following approved plans: *Drwg No.BR 54/4, B.R 54/1A, received 12 May 2017*

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

d. APP/2017/0262 - 22 Church Street, Padiham

**Full Planning Application
Retention of a non-illuminated, automated teller machine including associated alterations to shop front.
22 CHURCH STREET PADIHAM**

Recommendation: That planning permission is 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 hereby permitted shall be carried out in accordance with the amended D&A Statement received 6th July 2017 and the following approved plans: location plan received 17th May 2017 and plan reference number NM-GA-F1-N1 received 6th July 2017.
3. For the avoidance of doubt, the ATM shall be non-illuminated.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the development is implemented in accordance with the approved plans to avoid ambiguity, and to protect the character and setting of the Conservation Area and the surrounding buildings.

e. APP/2017/0276 - Land east of Turf Moor, Burnley

Full Planning Application Formation of memorial park LAND EAST OF TURF MOOR 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 hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), Sit1 (1:200 proposed site plan, dated 28/04/2017), Sit2 (1:200 proposed site plan with legend, dated 05/02/2017), Land1 (1:200 proposed site plan with planting schedule, dated 28/04/2017) and Illus 1 and Illus2 (coloured illustrations), received on 19 May 2017.
3. No external lighting shall be installed at any part of the application site other than low level lighting to illuminate the central memorial unless otherwise agreed 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To avoid excessive illumination, in the interests of the residential amenities of adjacent properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

26. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 5th June 2017 to 2nd July 2017.