



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 23rd February, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), S Cunliffe, S Graham, J Harbour, B Horrocks, A Hosker, J Inckle, S Kazmi and M Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Paula Fitzgerald	– Senior Planner
Carol Eddleston	– Democracy Officer

114. Apologies

Apologies for absence were received from Councillors Birtwistle, Hurt and Royle.

115. Minutes

The Minutes of the last meeting held on 8th February 2023 were approved as a correct record and signed by the Chair.

116. Declaration of Interest

There were no declarations of interest in the planning application which was being presented to the committee.

117. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee in relation to FUL/2021/0375 under the Right to Speak Policy:

Pauline Shaliker (against)
Claire Bradley (for)
Philip Elborne (for)

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

118. FUL/2021/0375 - Land At Balderstone Lane Burnley

Town and Country Planning Act 1990

Proposed 152MWh battery storage contained within 38 battery units measuring 10.6m in length and 2.6m in width, associated transformers, electrical equipment, switch room, control room, 2.4m high palisade fencing, 4m high acoustic fencing, site drainage, 8 mounted CCTV cameras on 6m high poles, floodlighting on buildings and access track

Land At Balderstone Lane Burnley

Decision

That authority be delegated to the Head of Housing and Development Control to grant planning permission subject to the following:-

- a) a section 106 agreement to secure off-site ecology mitigation, off-site planting and the improvement of paths; and,
- b) conditions

Conditions and Reasons

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. All materials to be used in the approved scheme shall be as stated on the approved drawings received and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

Drainage

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (S3-P01 / 2 June 2021).The measures shall be fully implemented prior to first occupation of any building and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

5. No development shall commence until a detailed, final surface water sustainable drainage

strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reasons: 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition

of water bodies.

7. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework

Landscaping & Ecology

8. Prior to the commencement of the development a detailed landscape plan shall be submitted to and approved in writing by the local planning authority. The plan shall include; proposals to re use substrates on the site and to re-create some areas of acid grassland, a planting plan, specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers and densities where appropriate, and implementation timetable.

All soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In accordance with policies NE1 of Burnley's adopted Local Plan

9. Prior to the commencement of the development, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved in accordance with policy NE1 of Burnley's adopted Local Plan.

10. Prior to any external site clearance, a construction management plan showing areas where

earth is to be moved from and to, the storage and disposal of soil shall be submitted in writing and approved by the Local Planning Authority.

Reason: In order to avoid retained areas of habitat in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

11. Any vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March- August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981)

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

12. The submitted Ecological Report (Prelim Ecological Appraisal – Feb 2021) shall be updated during the months of April – September only and shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the optimum number of species are survey in line with JNCC 2010 and in accordance with policy NE1 of Burnley's adopted Local Plan.

13. The proposed flood lights shall only be activated in accordance with the details within the planning statement (June 2021) submitted with the application. Any other use of the flood lights would require details of such use to be submitted and approved by the Local Planning Authority.

Reason: In the interest of visual amenity.

14. Prior to any site clearance, a pre commencement survey of the site for the presence of badgers shall be carried out by a suitably qualified person and to appropriate standards and shall be submitted to and approved in writing by the Local Planning Authority. In the event that evidence is found of badgers on any part of the site then no development shall be commenced on the site until a Method Statement to detail the measures to be carried out 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. Once approved, the method statement shall be implemented in full at all times until completion of the development.

Reason: To ensure adequate protection for badgers which are protected under the Protection of Badgers Act 1992, in accordance with Policy NE1 of Burnley's Local Plan and the NPPF. The pre commencement survey is required prior to the commencement of the development to ensure the objective of the condition in protecting badgers can be realised.

Highways

15. 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. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The 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) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii) Details of working hours
 - viii) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

16. No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the local planning authority. The approved wheel cleaning facilities shall then be used by all traffic associated with the construction of the development for the duration of the construction period.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

17. The existing stoned vehicle site access on Balderstone Lane shall be physically closed and any damaged kerbing replaced prior to the first use of the development hereby permitted.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

18. Prior to commencement of development, a scheme shall be submitted to and approved in writing to the local planning authority for the new site access, details to include; the paving, surface water drainage and the relocation of the street lighting column. The works shall than be constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

19. No heavy commercial vehicle traffic, plant, machinery or earthmoving equipment associated with the construction of the development shall enter or leave the site, and no external construction work shall take place on any Sunday, Bank Holiday or public holiday. On any other day, no such traffic, plant, machinery or equipment shall enter or leave the site and no external construction work shall take place except between the following times: Monday to Friday 07.00 and 19.00; and Saturday 08.00 and 17.00

Reason: In the interests of highway safety and residential amenity in accordance with policy SP5 of Burnley's adopted Local Plan

Environmental Health

20. The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards

Reason: In order to protect the amenity of surrounding residential properties in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

21. An operational noise survey is to be undertaken, once the development is fully functional, to affirm the noise levels and impact as predicted by the amended noise assessment dated 20/7/22, and to affirm that the nearest receptors are not significantly adversely affected by air-borne or structure-borne sound.

Reason: In order to protect the amenity of surrounding residential properties in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

Informative

The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service.

Consideration should be given to including in the section 106 Agreement planting more mature trees around the site itself and reviewing the options for locating the meadow creation closer to the application site.