

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 21st February 2012

Present: Councillor Robertson (in the Chair)
Councillors L Barnes, Graham, Pilling (sub for Cllr Nuttall), Oakes,
Roberts and Stansfield.

In Attendance: Neil Birtles, Principal Planning Officer
Stephen Stray, Planning Manager
Sarah Doherty, Solicitor
Michelle Hargreaves, Committee and Member Services Officer

Also Present: 50 members of the public
1 member from the Press
Councillor Driver
Councillor Eaton
Councillor Lamb
Councillor MacNae
Councillor Marriott

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor Nuttall (Councillor Pilling sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on 24th January 2012 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

PLANNING APPLICATIONS

5. Application Number: 2011/0363
Erection of 4 wind turbines (32.4m high) and associated track
At: Land to East of Scar End Farm, Off Burnley Road, Weir.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek

permission for four 50 Kw wind turbines with a 30 year design life. The turbines were originally to have a height of 37m to the hub and 47.5m to the blade tip. The scheme had been amended so they would now have a height of 24.6m to hub and 34.2m to blade tip.

Access to the wind turbines would be from A671 Burnley Road, Weir. This was a single track tarmaced road which would depart from Burnley Road, approximately 75m south of the settlement boundary and would descend over the River Irwell. The existing footpath would be improved and a new length of road would be finished in local stone which would be compacted.

The turbines would stand in a line and would have 80m-105m gaps between them, each of the turbines would have 3 blades and be mounted on a free standing column, which would be coloured in a non-reflective off-white.

Comments which had been received were set out in the main body of the report, initially 340 objections had been received for the original proposal. Following receipt of the amended plans showing the turbines at a reduced height at 34.2m, the Council had re-consulted and 242 letters of objection had been received in relation to the amended plans, which were outlined in the update report.

Statutory consultations had taken place; details of these were highlighted in the report. Officers and Members had undertaken a site visit from a number of view points.

In relation to neighbour amenity, noise and shadow flicker, documentation had been sent to environmental health who confirmed that they had no concerns about noise or shadow flicker from the turbines.

LCC (Highways) had no objection to the proposal subject to condition. Objection to the initial scheme had been overcome by a proposed system of signal control at the junction / along the access road for all crane and artic movements.

With regards to wildlife and ecology, LCC (ecology) had objected to the proposals due to a lack of adequate site specific ecological information in support of the application. Officers were of the view that such concerns could be overcome by the imposition of a condition requiring the further information before the development commenced.

The applicant was willing to offer a community benefit of £750 per turbine per annum and also 1kW of solar pv for a village hall or school or other suitable community building.

Officers recommendation was for approval subject to a Section 106 Agreement along with the additional requirement of a bond to be in place for the removal of the turbines in the event that they ceased operation which had been included within the update report.

Mr Law, Ms Hamner and Mr Pilling all spoke against the application. Mr Amnar spoke in favour of the application.

Councillors Driver, Eaton and MacNae also spoke on the application.

In determining the application the committee discussed the following:

- Clarification on noise and ice flicker calculation
- Amount of electricity generated for the national grid
- Reasons applicant changed height of the turbines
- Previous LCC (Highways) concerns
- Lack of consultation with the community
- Ownership of land
- Whether the bridge was suitable for heavy machinery
- Views of the turbines for local residents
- Closeness of the turbines to nearest property
- Solar energy
- Promotion of tourism

The Planning Manager and Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to refuse the application contrary to the Officers recommendation for reasons of visual amenity, noise impact, cumulative impact, ecological impact and location of wind farm in relation to properties.

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application is refused for the following reasons of visual amenity, noise impact, cumulative impact, ecological impact and location of wind farm in relation to properties.

6. Application Number 2011/0625

Erection of detached double garage (retrospective)

At: Land to rear of Lee Road, Stacksteads, Bacup, OL13 0EA.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek retrospective permission for the erection of a detached double garage. The garage would be used for purposes ancillary to the residential property 2 Lee Road.

Six objections had been received, details of which were highlighted in the report.

In relation to visual amenity, the garage was slightly larger than most domestic garages, however where the garage was positioned, officers were of the view, it did not appear oversized and was acceptable having regard to scale, materials and position. With regards to neighbour amenity, the land was previously used for car parking therefore there would be not be any additional vehicular movements.

Officers' recommendation was for approval subject to the condition outlined in the report.

Ms Crompton spoke in favour of the application and Councillor MacNae also spoke on the application.

In determining the application the committee discussed the following:

- Ownership of land
- Reasons an application in 2006 was refused

The Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to approve the application subject to a condition highlighted in the report.

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
4	3	0

Resolved:

That the application be approved, subject to a condition highlighted in the report.

7. Enforcement Report Q3

The Planning Manager outlined the report to the committee which was to provide elected members with an update on current enforcement activity.

The report focused on updating members with details relating to the current number of open planning enforcement files, the different stages of any enforcement action paying particular attention to any details relating to enforcement notices issued, appeals and details of any court hearings pending for the third quarter of this year.

Following this information, members discussed the following:

- Nature of most enforcement reports
- Individual premises relating to the appendix

It was noted that The Planning Manager would update members on advertising signage and other individual cases which were not discussed at the meeting.

Resolved:

That the report be noted.

8. RBC Tree Preservation Order (TPO) No. 4 (Land adj to 191 Edgeside Lane Waterfoot) 2011

The Principal Planning Officer introduced the report, outlined the relevant background details which had related to a TPO in the grounds of 191 Edgeside Lane, Waterfoot.

Officers were concerned that trees on the site may be felled. An emergency TPO was made to afford immediate protection to them on the basis that they made a valuable contribution to the visual amenities of the area.

An objection had been received, which had caused Officers to carry out a fuller inspection of the trees.

In light of the additional information from the inspection regarding the condition of each of the trees and the importance to public visual amenity it was considered appropriate to amend the TPO to:

- Reduce the number of trees afforded the protection of the TPO (by excluding a cluster of 3 Limes in the side-garden fronting to Edgeside Lane and from the rear garden a much-pollarded Lime and 2 Sycamores).
- Identify the 15 trees to continue to be afforded the protection of the TPO individually (including a cluster of 4 trees on the Edgeside Lane frontage and 15 trees on the perimeter of the rear garden).

In determining the report, the committee discussed the following:

- T9 needed to be trimmed due to overhanging branches

A proposal was moved and seconded that the TPO be confirmed with amendment.

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the TPO be confirmed with amendment.

The meeting commenced at 6.30pm and concluded at 8.05pm

Signed:

(Chair)