

**Lancashire County Council**

**Development Control Committee**

**Minutes of the Meeting held on Wednesday, 8th November, 2023 at 10.30 am in Committee Room 'D' - The Henry Bolingbroke Room, County Hall, Preston**

**Present:**

County Councillor Matthew Maxwell-Scott (Chair)

**County Councillors**

B Yates	S Holgate
J Berry	M Pattison
S Clarke	E Pope
M Salter	P Rigby
A Hindle	D Westley

**1. Apologies for absence**

Apologies were received from County Councillor Dad.

**Temporary replacement**

County Councillor Salter replaced County Councillor Cullens.

**2. Disclosure of Pecuniary and Non-Pecuniary Interests**

No pecuniary or non-pecuniary interests were disclosed.

**3. Update Sheet**

The update sheet was circulated prior to the meeting (copy attached).

**4. Burnley Borough: application number LCC/2023/0024 Demolition of existing building and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley**

The Chair referred to the site visit to Hapton Valley which had taken place on 3<sup>rd</sup> November and reminded Committee about the regulations on site visits, contained within the Protocol of Good Practice on Development Control Matters, which was part of the county council's Constitution. The Chair quoted the following:

'Site visits should be the exception not the rule. They should not be used as an excuse to delay the determination of a planning application. They are expensive and time-consuming and excessive use of the detracts from their true value.'

Where Members of the Committee pass a resolution in favour of undertaking a site visit, it is expected that those Members so voting attend the visit.'

A report was presented on an application for the demolition of the existing building, and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley.

The report included the views of Burnley Borough Council and their Environmental Health Department, Hapton Parish Council, LCC Lead Local Flood Authority, the Environment Agency, LCC Highways Development Control, the Coal Authority, United Utilities and LCC Ecology Service. Forty representations objecting to the application had been received, which were detailed in the Committee report.

Committee's attention was drawn to the Update Sheet which provided a further representation from a neighbouring resident.

The Principal Planner presented a Powerpoint presentation showing the site location plan and nearest residential properties, aerial view of the application site, proposed site layout diagrams, 3D visual illustration, elevations, and photographs showing access to the A679, site entrance, existing building to be demolished and building B in front of the application site.

County Councillor Holgate raised concern that the construction of the development would create noise and stated that the fence should be installed, prior to the works taking place.

Committee were informed that a noise assessment had been carried out and that there would be a further noise scrutiny assessment as required through the Environmental Permit. There was no suggestion there would be a noise impact from this proposed development; the noise issue was in relation to the vehicle movements which already came to the site. The fencing application was as a result of the noise assessment carried out and this application would also be brought to Committee. The noise assessment looked at solutions in improving the noise environment which primarily came from the HGVs on the access road. Planning permission was already in place for the previous application relating to the buildings on the wider site that noise assessments had been carried out for. The developers were required to install a 3m high fence as a requirement of that previous planning permission and if the fence was not installed, then the county council had the powers to take enforcement action.



Committee were reminded of the distinction between the planning system and the permitting system. Committee were required to consider whether there was acceptable land use for this development proposal. Burnley Council had received an application for an Environmental Permit which would scrutinise air quality emissions, noise, etc.

County Councillor Pope pointed out that there were no time restrictions set out within the conditions for vehicles entering and leaving the site on Mondays to Fridays. Committee noted that conditions for the existing, wider site already specified these working times. However, details of the times would be replicated within the conditions for this proposed development.

After a discussion, it was:

**Resolved:** That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, noise and lighting, as set out in the Committee report.

## **5. Urgent Business**

There were no items of Urgent Business.

## **6. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 6th December 2023 at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew  
Director of Law and Governance

County Hall  
Preston





## **Development Control Committee – 8 November 2023**

### **Update Sheet**

#### **Item 4 - Planning Application LCC/2023/0024 – Hapton**

##### **Background**

This application was first presented to the Development Control Committee meeting on 18 October 2023. At that meeting the committee resolved to defer the determination of the application until after visiting the application site and surrounding area. The site visit took place on Friday 3 November 2023.

##### **Representations**

A further representation has been received from a neighbouring resident, which re-emphasises concerns about the existing arrangements at the site and states that the current operations and HGV movements have drastically changed since the waste management site was first established. The resident asks that all previous planning conditions be reviewed to reflect current day time operations before further determination of the current planning application takes place. This should include a robust traffic management plan that now recognises the size and weight of the heavy HGV's, the condition and suitability of the road, and speed restrictions based on the size and weight of the HGV's. Since the last planning application was granted the HGV arrival pattern has dramatically changed and at 7.00am every weekday morning anything between 10 and 20 HGV's enter the site within a 5 minute period followed by further HGV's over a 20 minute period. Conditions should control vehicle speed and movement given residential property windows are 26ft from the road. It is no use leaving it to the operator to police themselves, they won't. The self-imposed 10mph signage just gets ignored by the drivers.

##### **Advice**

The existing site is subject to a number of planning permissions with conditions that were imposed at the time. The current planning application seeks to allow development that would provide an additional means of managing waste that is already delivered to the site. Conditions currently restrict daily vehicle numbers leaving the site and the maximum throughput of waste is controlled by the Environmental Permit. Condition 23 of permission 12/97/479 for the original waste transfer building utilising the former colliery access already requires that the access road is to be kept metalled, free from potholes, drained, and clear of debris. This condition remains in force.

With regard to the speed of vehicles on the access road, the road is relatively short and has a good surface. A condition limiting speeds on the access road is therefore not considered to be necessary and would also present several issues in relation to

the ability to monitor speeds and enforce the condition. The condition would therefore not meet the tests in paragraph 56 of the National Planning Policy Framework.

Planning permission reference LCC/2022/0050 for the construction of three additional waste processing/storage buildings and an office building at the site includes a condition requiring details of further noise attenuation measures to be employed between properties at Valley Gardens and the access road. The site operator, in conjunction with a noise specialist, has been investigating this requirement and has concluded that a 3m high acoustic fence would be the best solution to deliver a significant noise reduction for neighbouring residents. However, as this is a substantial development in its own right, a separate planning application has been submitted and is currently being validated. When valid it will be advertised in due course.