

**Lancashire County Council**

**Development Control Committee**

**Minutes of the Meeting held on Wednesday, 1st March, 2023 at 10.30 am in  
Committee Room 'A' - The Tudor Room, County Hall, Preston**

**Present:**

County Councillor Matthew Maxwell-Scott (Chair)

**County Councillors**

P Rigby	M Pattison
S Clarke	S Rigby
M Dad BEM JP	J Berry
A Hindle	S Hind
S Holgate	S Whittam
A Kay	

**1. Apologies for absence**

No apologies for absence were received.

**Temporary replacements**

County Councillor Hind replaced County Councillor Yates.

County Councillor Whittam replaced County Councillor Pope.

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

County Councillor Green declared a non-pecuniary interest in Item 5 as the application was in his electoral division and he was a Cabinet Member.

County Councillor Dad declared a non-pecuniary interest in Item 6 as he was a Hyndburn Borough Councillor.

**3. Minutes of the last meetings held on 7 December 2022 and 21 December 2022**

**Resolved:** That the minutes of the meetings held on 7<sup>th</sup> and 21<sup>st</sup> December 2022 be confirmed and signed by the Chair.

**4. Update Sheet**



The Update Sheet was circulated prior to the meeting (copy attached).

**5. South Ribble Borough: application ref LCC/2022/0048 Proposed cricket facility comprising 2 no. cricket ovals and associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days), and realignment of public rights of way. Land at Woodcock Estate, Stanifield Lane, Farington, Leyland**

A report was presented on an application for a proposed cricket facility on land at Woodcock Estate, Stanifield Lane, Farington, Leyland. The proposals comprised 2 cricket ovals and associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days), and realignment of public rights of way.

The report included the views of South Ribble Borough Council including Environmental Health, Farington Parish Council, National Highways, LCC Highways, the Environment Agency, Lead Local Flood Authority, United Utilities, Sport England, Jacobs UK Ltd (Ecology comments), the LCC Landscape Officer and LCC Historic Environment Service. Sixteen representations objecting to the application had been received along with three representations in support.

Committee's attention was drawn to the Update Sheet which included an amendment to the Recommendation to refer the application to the Secretary of State, due to the floorspace of the building exceeding the 1000 sq metres threshold outlined in the legislation, and various amendments to the conditions proposed in the Committee report.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, detailed location plan of the nearest residential properties, an air photograph, general layout plan, views of the site looking south with and without the development, visualisation of the pavilion and cricket ovals looking south east, visualisation of the pavilion building, car park and nets facility, and section through the pavilion/nets area. Photographs were also shown of the view looking north across the application site, view across the site towards Fowler Avenue, view from Fowler Avenue towards the proposed pavilion/nets area, view across the site from no.6 Fowler Avenue and view northwards along Stanifield Lane towards the site access.

The Chair drew Committee's attention to an error on page 33 of the Committee report on the first bullet point of South Ribble Borough Council's comments which should have read:

- 'The development should **not** result in inappropriate development within the Green Belt and consideration as to whether the pavilion would be exempt under National Planning Policy Framework (NPPF), and Local Plan policies.'

Mr Peter Francis, a local resident, addressed the Committee and made the following points:



'The law states that Green Belt land and openness should be maintained and the building of the pavilion, raised bungs and viewing sites do not support these principles. It is highly likely that a function venue/restaurant/public house would not have received planning permission on Green Belt land and the developers have indicated they will be seeking to use the venue for a minimum of 50 days per year, on top of the 20 days per year for cricket reasons. I have just heard a further amendment to that for further events and this does not meet Green Belt criteria at all; the pavilion is not conducive with Green Belt planning laws. We have submitted alternative plans for re-siting the pavilion to face east, rather than west. The building could be moved to the other side of the oval pitches and adjacent to the car parking areas, moving it further away from properties on Fowler Avenue, whilst maintaining a good distance from the Woodcock Estate. This would negate the reason for service roads and maintenance roads. The English County Cricket Board concerns around safeguarding children would be addressed in this instance. The parents would be using the main car park sited off Stanifield Lane and the location of the practice nets would be within sight. A further point on safeguarding is if Lancashire County Council or the Cricket Club are saying that children are not safe unless they are up against the pavilion, then they should not be anywhere on site if their safety cannot be guaranteed. Noise and light pollution are a particular concern; noise levels created by 5,000 spectators will be vast. The developers report states that noise levels will be acceptable, acceptable to whom? The constant use of the practice nets by the community will also bring excessive noise levels. Use of the car park alongside the pavilion will create a situation where vehicles are travelling down the service road with headlights shining directly into properties; no control measures are in place on the service road. At no point have residents said that we do not see the benefits of this community development but consideration of various things have been refused, e.g. triple glazing to be installed on affected properties at minimal cost, given the cost of the development. A number of properties have conservatory roofs directly facing the ovals which creates a risk to people using them, especially children.'

Ms Mary Bamber, a local resident, addressed the Committee and made the following points:

'The service road should have dry stone walls between the road and the properties affected. Practice nets to be re-sited to the originally proposed position, alongside the public car park. The bins to be repositioned to underground or the other side of the pavilion, alongside Lancashire County Council's property. Consideration to be given to lower the height of the spectator embankments or to deny public access at the top of these embankments; people stood on the top could look directly into my bedroom. A concrete agreement was needed to say that a public address system and floodlights will not be allowed either temporarily or permanently in the future. Reasonable opening hours at the pavilion for non-cricket reasons were needed. Limited access to the pavilion car park – players and staff only via a barrier system. The road surface of Fowler Avenue to be re-laid and maintained if access is agreed for a service entrance from Fowler Avenue, to be used for the farm buildings owned by Lancashire County Council at 3 Fowler Avenue. A turning point at the top of Fowler Avenue for vehicle access from the A582. Noise levels to be set at a maximum of 10 decibels above current levels. Landscaping and tree planting to be agreed with residents. Properties to be cleaned or painted externally after the



building work is completed. Consideration to be given to protect Fowler Avenue, an unadopted road, from traffic, which could be achieved by a barrier system. If planning permission is granted, no work should commence until all avenues of appeal are exhausted, including submissions to the Secretary of State and legal challenge including judicial review. Although it is within planning guidelines to cut down the trees in the area, to cut down 100 year old trees protected by preservation orders before the appeal process is exhausted would be legal but immoral.'

The legal officer read out a written representation from Mr Tony Willetts, a local resident:

'Tony & Diane Willetts owners of 2 Fowler Avenue. Our property will be opposite and only 30/40 metres away from the proposed development especially the pavilion, practice nets and the refuse bin will be opposite our living room. We have lived at our home for over 36 years, during that time we have only ever been surrounded by the natural greenbelt; a home to cows and sheep including all the wildlife especially hedgehogs and rabbits. We have been very lucky so we were shocked to hear of the proposed cricket pitch and clubhouse. Having said that, we are not opposed to the development as we are aware that it is possibly a good thing for Farington Moss and surrounding areas including young children and the youth of today.

For us, it's about damage limitations as to how it will affect our lives in the future so we would like to reach out to you, the committee, to take on board the comments which we have listed, and hope you can help to alleviate our concerns, and with your help make things better because at the moment nobody seems to be listening or helping in any way.

The pavilion/clubhouse will be the closest to us and will produce noise seven days a week, and will not only host the cricket games there will be all sorts of events weddings, funerals, birthday parties etc carrying on seven days a week all year long.

The practice nets are another major concern as regards disturbance and noise; this again will be used on a daily basis. It has to be stated and was also mentioned in the environmental report the fact that it will be surrounded in acoustic sound proofing; the developers are aware of the noise levels it will create. These nets need to be moved as far away as possible from all residents. The Cricket Association says they have to be there for safety reasons regarding the children - if that's so, are we to assume the rest of the site is not safe?

The refuse bin located opposite our living room is totally unacceptable as regards smells and vermin, never mind the noise of bottles etc being tipped in at all hours of the day. We propose that it is moved to the opposite side of the pavilion at the end of the road network opposite the farm owned by Lancashire County Council. We think it's only fair that Lancashire County Council have some of the burden which this development is going to descend on all residents of Fowler Avenue.

The access road which will be built crossing all our properties is also totally unacceptable as that too will bring noise and pollution. It is stated in the plan that it will only be used by staff; well it will be used also by refuse and draymen providing drinks and removing rubbish, never mind parents picking up and dropping children



off for practise at the nets, and last but not least the amount of taxis bringing and picking up people for the events at the clubhouse. We appreciate the clubhouse needs access by some sort of service road but it must be at an acceptable level and some things have to be addressed - noise and pollution levels including lighting and car headlights intruding into residential properties, these things cannot be overlooked and ignored.

The surrounding mounds on which people will stand to watch the cricket are as high as the second storey on all residents properties.'

County Councillor Green, local councillor for the application site, addressed the Committee and made the following points:

'I am, in principle, in favour of the development, but raising some concerns on behalf of the local community. The development of a new county level cricket facility is significant for the local community in Farington and for the whole of our county, providing a second centre of excellence for Lancashire County Cricket Club. In particular, it will create a regional centre for women's cricket and an opportunity for young people in the area to develop their skills in first class facilities, and there would be opportunities for residents of all ages to get involved by playing or watching, which will assist in promoting healthy and active communities. The first test for this development to pass, however, is that the facilities are to be located in the Green Belt. I personally believe that our Green Belt is of significant importance, as I'm sure all members of the committee will agree, any potential harm to the openness of the Green Belt must therefore be clearly outweighed by other considerations. The points which I've made above, together with the centre location, good access to public transport and the Strategic Highway network, are all considerable benefits, and I note that the planning officers concluded that very special circumstances are demonstrated to justify the location of the development in the Green Belt. Nevertheless, I do welcome the matter now being referred to the Secretary of State for comments subsequent to this meeting, if it is approved. A big issue with this application is the siting of the practice nets and the proximity to residents on Fowler Avenue. This is a regrettable change to the original proposal put forward and is stipulated by the cricket authorities in order to ensure adequate safeguarding for young people. Noise attenuation measures have been put in place and are welcome. I also welcome the recent strengthening of the noise management control condition to carry out the testing at the outer perimeter of 6 Fowler Avenue. Nevertheless, I have discussed possible ways to increase the distance between the nets and the residents, including moving the car park to the other side of the nets. However, I've been advised that would not have been helpful as it would have actually result in noise attenuation measures being less effective in stopping noise from the practice nets. I therefore asked for the times the nets could be used to be reduced further, and I'm pleased that the applicant has now agreed to the end time being 8:00pm.

The bin store has the potential to create noise as well, as we've heard from neighbouring residents, and would also ask for that to be restricted from 9.00pm to 8.00pm. Conditions regarding the use of the pavilion will need to be enforced rigorously, in order to protect residential amenity and access to the car park to the West of the pavilion needs to be dealt with. I'm pleased that we've got a new condition now to look at stopping people coming down there and that needs to be



done by either physical barrier or automatic number plate recognition, or some means to actually control it so that we don't have people coming in and out, taxis in and out, and having an impact on residents. With regard to highways, I welcome the addition of the pedestrian crossing on Stanifield Lane; I would encourage this to be signalised and I welcome the new footway to the north. With regard to construction commencing at 7:00am, I would ask you to consider whether that is too early.'

Mr Paul Allott, supporting the application, addressed the Committee and made the following points:

'I've been involved with Lancashire cricket as a player and more recently as Director of Cricket for over 45 years. Lancashire Cricket are working with Lancashire County Council to deliver a much needed, elite quality facility to complement and alleviate capacity issues that we now experience at Emirates Old Trafford. We are now duty bound to provide playing and practice facilities for all our senior men's and women's teams, our Academies, England test and one day matches and for the four week long 100 tournament; Old Trafford can no longer accommodate this. Because of these added demands, all our teams are in desperate need of a high quality first class training and playing facility away from Old Trafford. Farington, with its two grounds, nets and practice area, would provide the ideal centre for much of Lancashire cricket, increasing requirements and much more besides. The cricket complex at Farington will also become a centre of excellence for women's cricket in the North West, which will be a trailblazer for women's and girl's cricket in this country. Additionally, the ground will be used by youth teams, both boys and girls, disability and community teams, amongst other community use. The facility also has the backing and support from the England and Wales Cricket Board. This two ground complex at Farington with its centrally situated main pavilion to the west has been carefully designed to give all round visual access to both grounds, and it's close proximity to the net area is essential in order to conform to England and Wales Cricket Board safeguarding, with particular reference to the junior and disabled users of the facility. The design and positioning of the pavilion is fundamental to the successful operation and appeal of the complex. The new facility will also help our Lancashire Cricket Foundation, the charitable arm of Lancashire cricket, deliver a number of the England and Wales Cricket Board's nationwide cricket programmes, such as All Stars, cricket and Dynamos, to the aspiring youth of the local Lancashire community. Herein lies the aim of increasing participation in the game of cricket, with the associated benefits for health, fitness and well-being that will come from this. Lancashire Cricket are highly experienced at staging major events with minimal disruption to the local communities. This is especially relevant to our current outground matches staged within the residential areas of Liverpool, Blackpool, Southport and Sedbergh venues, that are finding it much harder to provide the necessary infrastructure and support for the modern game. We have implemented at Farington, to recognise our responsibility to protect the amenity of neighbouring residents, the restrictions of use which have been agreed in terms of the number of ticketed match days, and the hours of operation for the pavilion and the nets, will also assist in this respect. We have also successfully operated a neighbour involvement and notification scheme. Whilst this facility would undoubtedly benefit Lancashire cricket, it is also notable that there are a number of wider local and community benefits, which the council and their agents will no doubt elaborate on separately.'



Ms Susie Stephen, agent for the applicant, addressed the Committee and made the following points:

'This application represents an exciting opportunity to deliver a high quality sports facility which provides a much needed second home for Lancashire cricket within Central Lancashire, whilst also providing a valuable community resource in an area where there is no deficiency from a planning perspective. As Mr Haine explained, the proposal needs to be very carefully considered, given the site's position within the Green Belt, an area of separation and the adjacencies of nearby residential dwellings. In relation to the Green Belt, the use proposed is generally allowed within Green Belt locations. Furthermore, the approach to the design and layout of the facility has sought to maintain openness across the site and minimise visual impact. For example, sinking the pavilion building into the landscape, so that only the upper view floor appears visible from the majority of views, and likewise the proposed nets also sit at a lower level relative to Fowler Avenue to the west. Having regard to residential amenity, various options for how the site could be laid out were considered, in seeking to minimise potential impacts on neighbouring residents, particularly along Fowler Avenue, the Woodcock Estate and Sherdley cottage. Having regard to the site's own constraints alongside the very specific requirements of the England and Wales Cricket Board, the proposed layout represents the only feasible layout option. Impacts have been appropriately mitigated where necessary, either through the design of the scheme or via a range of operational conditions. These include a limitation on the number of high attendance events, limitations on the hours of operation of both the pavilion building and the adjacent net facility, and the use of management plans on match days and the management of noise levels within the pavilion. The application has been subject to detailed pre-application engagement with Lancashire County Council's planning officers, Lancashire County Council as highway authority and Highways England. There are no sustained objections from statutory consultees and the proposals have been found acceptable on all planning policy grounds, including Green Belt, highways, nature conservation, flood risk, drainage and amenity considerations. Overall, the proposals represent a rare opportunity to deliver a number of very important benefits, not just limited to those derived by Lancashire cricket, but also including enhance access to cricket and high quality facilities, including for schools and community use, which will lead to greater levels of participation in the sport; education and community events; multiple benefits to individual health and well-being associated with increased levels of participation in sport and leisure induced by the facility; a valuable community resource and job creation at both the construction and operational stages; an improved image for the county arising from the investment by and presence of a major elite sporting brand; increased tourism to Central Lancashire with associated economic benefits for the tourism industry and related sectors and substantial planting of trees and enhancements and the local biodiversity within the site, with net gains across all habitat areas, including a substantial 58% net gain in area units. Consistent with the officers views, the significant benefits of the proposal are considered to outweigh any perceived harm.'

The Chair reported that the Committee had undertaken a site visit on 24<sup>th</sup> February and that all papers, including any objections and comments in support of the



application, had been carefully read and that Committee Members took their duties very seriously.

The Chair agreed with County Councillor Green's comments around the use of the bins being restricted to 8.00pm.

Following a lengthy discussion, it was reported that the ovals would be below current ground level and therefore the top of the banking would not be much higher than ground level, so the overlooking onto residential properties should not be an issue. Extra landscaping would be provided on the back edge of the banking, to try to limit where people could stand and their views into the back of properties. Committee were assured that these concerns could be addressed through the conditions in detail at a later stage. Furthermore, part J of Condition 33 required for revised details for boundary treatment and landscaping to the rear of nos. 5 and 6 Fowler Avenue.

In relation to restricting bin use, it was noted that the bin store was quite close to no.6 Fowler Avenue. The applicant had confirmed that the store would be enclosed within fencing and was at a lower level to the ground. Although Condition 21 stated that the bins should not be used after 9.00pm, in order to reduce the noise impact on residents, this time could be brought forward to 8.00pm.

The Committee were informed that the distance from the central wicket to the boundary of the houses would be approximately 140m, so the potential for cricket balls hitting properties and outbuildings was unlikely, due to both the distance and the difference in elevation.

County Councillor Holgate referred to the 1000m of hedgerow needing to be removed and stated that, as applicants were encouraged to include biodiversity net gain within any proposals, there needed to be a specific condition for the hedgerows to either be replanted on site or planted off site, with a commitment to replace the whole 1000m. County Councillor Holgate raised concerns in relation to Condition 34 on the Update Sheet which proposed to exclude trees T21 and T22 from the tree protection condition, and asked if these trees could be retained and made part of the feature of the cricket ground.

It was reported that there was a major issue of impact on the site in terms of biodiversity loss as the hedgerows and trees have wildlife linked to them. In terms of policy, at the current time, the only obligation was to seek biodiversity net gain, where this was appropriate. However, it was noted that this would change in November 2023 when the Environment Act would come into place, where obligation would be to seek a minimum of 10% biodiversity net gain. The applicant had carried out a full biodiversity assessment and their conclusion was that, in terms of losses and benefits of the landscaping scheme, there would be a significant biodiversity net gain which officers considered sufficient for this to achieve at least 10%. There would be some diverse habitats on site which would seek to offset some of the impacts of this development.

In terms of the trees T21 and T22, these were right on the edge of the embankment so the applicant had said it would be very difficult to retain these in practice, given the change in land levels in that area. The trees could be de-stabilised as the land





would be lowered to create the ovals which may affect the provision of a safe and quality playing surface. The applicant had sought to increase the amount of planting, by planting on the boundaries and would seek to replace some of the existing vegetation. Furthermore, Condition 32, required provision for bird nesting boxes, bat boxes, hibernacula, log piles and wildflower seed mixes and Condition 33 required a revised landscaping to be submitted to the County Planning Authority for approval in writing, which included a number of provisions including a planting plan for trees, shrubs and hedgerows and translocation of existing hedgerows. Between Conditions 32 and 33, officers were confident there would be significant biodiversity net gain over time.

In relation to a question about changing places toilets, it was confirmed that the toilets on the ground and first floors of the pavilion building would comply with the obligation within the Disability Discrimination Act requirements to provide toilets for those with disabilities.

It was confirmed to Committee that there would be no floodlighting on the pitches; the only lighting would be on the pavilion building and the covered nets area, to allow for winter use, and bollard lighting on the access road and car park.

Following the discussion, it was Proposed and Seconded:

"That planning permission be **granted** subject to the application being referred to the Secretary of State and it being confirmed that the application will not be called in for determination, and subject to the conditions set out in the Committee report and the Update Sheet, with an amendment to Condition 34 to include the protection of trees T21 and T22".

Upon being put to the Vote, the Motion was carried.

It was further Proposed and Seconded:

"That Condition 21 be amended to restrict the use of bins to the hours of 10.00am to 8.00pm and that a roof structure be provided for the bin store".

Upon being put to the Vote, the Motion was carried.

### **Resolved:**

That planning permission be **granted** subject to the application being referred to the Secretary of State and it being confirmed that the application will not be called in for determination, and subject to the conditions set out in the Committee report and the Update Sheet, with the following amendments:

- (i) Condition 34 to read:  
*" No felling of trees or removal of vegetation shall take place until the trees numbered T59, T60, T61, T21 and T22 together with the hedgerows edged in green on drawing UG-1016-ARB-TRP-01rev 05 within the amended Arboricultural Impact Assessment have been*



*protected by fencing or other means or demarcation which shall be retained in position throughout the duration of construction works."*

- (ii) Condition 21 to read:  
*"Any waste or recycled materials shall not be emptied into the refuse bins located to the west of the pavilion building before 10.00 hours and after 20.00 hours on any day, and a roof structure should be provided for the bin store."*

**6. Hyndburn Borough: application number LCC/2021/0028 Erection of building for metal storage and processing, Unit 3E, Bolton Avenue, Huncoat Industrial Estate, Accrington**

A report was presented on an application for the erection of a building for metal storage and processing at Unit 3E, Bolton Avenue, Huncoat Industrial Estate, Accrington. The application site was currently used for scrap metal processing outdoors. The proposal would allow for the metal processing and recycling facilities to take place in a fully enclosed environment.

The report included the views of Hyndburn Borough Council, the Environment Agency, LCC Highways, United Utilities and the Lead Local Flood Authority. Seven representations objecting to the proposal had been received.

Committee's attention was drawn to the Update Sheet which included details of a further letter of objection received and the officer's response to those concerns.

The Development Management Officer presented a Powerpoint presentation showing a site location plan with the nearest residential properties, an aerial view of the application site and existing site, site layout plan, swept path analysis and cross sections, proposed elevations and photographs of the proposed site entrance off Bolton Avenue, views of the current condition of the site and the view from Whinney Hill Road.

Mr Sproston, agent for the applicant, addressed the Committee and made the following points:

'The site is currently used to process scrap metal and lies within the Huncoat industrial estate, with the applicant owning the adjoining site to the north. As detailed in the officers report, the applicant received planning permission in March 2020 for the erection of a metal storage and processing building by Hyndburn Borough Council although, due to the nature of the application, the application should have been dealt with by Lancashire County Council. A number of comments were received from local residents once the site was operational, due to the noise issues from the works associated with the site. The Environment Agency were involved in investigating the activities at the site and, wanting to resolve this issue, the applicants met with Hyndburn Borough Council to discuss the preferred method forward, whereby it was suggested that the works could be enclosed within a building to reduce the noise impacts. As such, HML Recycling Ltd then submitted this application to Lancashire County Council. As also alluded to, Hyndburn Borough



Council have expressed their support in favour of this when consulted, during this live application. The submitted noise impact report further shows that the building will allow the activities to be continued at the site enclosed within this building, without causing adverse noise and disturbance impacts to the local residents. The Environment Agency are in agreement with the findings of the report and supportive of the proposals. Therefore, in my opinion, the main concern and reason for this application has been addressed through this submission. The officers report also notes that the remaining consultees do not object to the proposals, subject to a number of conditions being imposed, including both drainage and highways matters, and the applicant is happy to accept all of the conditions as proposed with any pre-commencement conditions discharged in due course. Overall, this application has addressed the primary concerns of local residents, thoroughly encasing the works within the building. There are no other issues that cannot be adequately addressed via planning condition.

After a discussion, it was Proposed and Seconded:

"That the Recommendation in the report be approved, subject to the hours of working in Condition 3 being amended to a start time on Saturdays of 8.00am rather than 7.00am."

**Resolved:** That planning permission be **granted** subject to:

- (i) conditions relating to working programme, highway safety, hours of working, impacts on neighbour amenity and surface water drainage, as set out in the Committee report.
- (ii) The hours of working in Condition 3 being amended to a start time on Saturdays of 8.00am.

## **7. Fylde Council: application number LCC/2022/0007 Creation of a bund. Moss Farm, Salwick Road, Preston**

A report was presented on an application for the creation of bund at Moss Farm, Salwick Road, Preston. The application was for the construction of a screening bund adjacent to the M55 motorway. The applicant had planning permission to carry out various building works to the original farmhouse and to convert an adjacent barn to a residential dwelling. The bund was proposed in order to reduce noise levels from the M55 motorway at these proposed dwellings.

The report included the views of Fylde Borough Council, LCC Highways Development Control, Newton with Clifton Parish Council, Treales, Roseacre and Wharles Parish Council, the Canal and Rivers Trust, LCC Ecology, the Environment Agency, National Highways, the Lead Local Flood Authority and the Ministry of Defence. No representations objecting to the proposal had been received. Two letters of support from neighbouring schools had been submitted.

County Councillor Jones had confirmed that he agreed with the comments expressed by the Borough Council and both Parish Councils.



Committee's attention was drawn to the Update Sheet which provided additional comments from Newton with Clifton Parish Council and the Canals and Rivers Trust and the officers response to these comments.

County Councillor Stewart Jones, the local county councillor for the application site, addressed the Committee and made the following points:

'This application had previously gone through the planning process and was withdrawn by the applicant because it was too high. The applicant has since made some changes to the area and tried to deal with the concerns of the River Trust in relation to the bridge not being damaged. From a Fylde point of view, it actually is in the countryside and there are pictures that the Treales, Wharles and Roseacre sent in of a big HGV vehicle that takes up most of the narrow country lane and there are concerns in relation to that. I think it is out of keeping with the area and it does not justify the creation of a bund for those two properties that are being converted for this application to go ahead. I know there are conditions attached to try and mitigate this but the people that it's affecting in Newton, Clifton, Treales and Roseacre agree with what Fylde have said, and I understand that it meets national planning guidelines and to do with waste, but I do believe that this should be denied planning permission because it is not in keeping. It is far too big and is not necessary as far as we can see, and we just go back to what the parishes have said, who it is actually going to directly affect. I think that this should be denied.'

The legal officer read out a written representation from Councillor Ian Millichamp, Chair of Treales, Roseacre & Wharles Parish Council.

'Thank you for the opportunity to reinforce and amplify with local knowledge the fundamental material issues that led Treales, Roseacre and Wharles Parish Council to object to this application.

1. On Impact on the Character of the Area - the proposed bund structure is higher than a two-storey house, wider than an aircraft carrier and as long as the entire covered concourse of Preston Railway Station. This is unnecessarily and unacceptably enormous. The bund structure, therefore, is considered to have an excessive size and scale in a prominent rural location. The proposal does not respect the local landscape and character of the area and would cause a significant and harmful impact, creating a visual intrusion which would not be softened by planting schemes. There is no rural equivalent in the local landscape, nor is it in accord with the character of the area. This is in conflict with Fylde Local Plan policies GD4 and GD7.

2. On Highways Safety - this application relies on access via Salwick Road and Dagger Road. Two Secretaries of State concluded in Appeals that the introduction of additional HGVs onto these same access roads would be unsafe. Secretary of State, James Brokenshire, wrote in 2019 that "The proposed development would have a serious and very significant adverse impact on the safety of people using the public highway." "It is not possible to conclude that the demonstrable harm associated with that issue would be eliminated or reduced to an acceptable level." The result, on Highways Safety grounds alone, both Appeals were refused.



Like in the Appeals, this application fails to provide any mitigation for the severe traffic conflict safety issues at the junction of Salwick Road and Inskip Road; in addition, you will note that no mitigations have been offered by the applicant to avoid severe conflicts along Dagger Road.

In contrast, the Secretaries of State even considered passing places and traffic light controls along Dagger Road and still that was not considered to be safe. You will see in the appended photograph of a standard width HGV in Dagger Road, how dangerous it could be on this narrow the road.

In the two Appeals, the Secretaries of State concluded that cyclists, horse riders and pedestrians were material users of these lanes. Despite this, we note that there is no mitigation provided in this application to protect these vulnerable users.

In the two Appeals which were refused on highways safety grounds, there was an average of 17 HGV movements across each of the three routes to be used. This Application actually forecasts an even larger 24 HGV movements (12 in and 12 out) per day. These are over a similar multi-month extended time period. It is very important to note that if limiting additional HGV movements was a factor in making the route safe, then that could have been conditioned in either of the Appeals. The Secretary of State concluded that was not possible.

The application recommendation before you shows no mitigation of the same issues and the Officer's report shows no evidence that this has been explicitly assessed or addressed, as is required to protect all road users.

Together, this application is in conflict with the Joint Minerals & Waste Plan policy DM2, Fylde Local Plan policies GD4 and GD7 and the NPPF paragraphs 108 & 109.

For these reasons, the application should be refused.

If an acceptable noise abatement system for future householders is required for Moss Farm then this should be raised with Fylde Borough Council.

Thank you for your consideration.'

The legal officer read out a written representation from Councillor Peter Collins, Newton with Clifton Parish Council:

'I am unable to attend today and I am grateful for the opportunity to have this representation read out.

There is no mention of the objections of Newton with Clifton or Treales, Roseacre and Wharles Parish Councils in the officers report. The two parish councils fully support Fylde Council in their recommendation that this unwelcome, unnecessary and unjustified development be refused. All three councils are united in their opposition to this scheme. Furthermore, no clear reason has been given by officers why this application is being determined by Lancashire County Council and not Fylde Council.



This is not an application for waste disposal or mineral extraction but an application for a development - the construction of a bund, and as such the parish council are of the opinion that this application should be determined by Fylde Council.

The inert material that would be dumped in the Fylde countryside should not be considered as waste when it is being used as construction material - construction material used to create a bund 224m long, 8m high and up to 40m wide – all on gentle undulating farmland. The bund, by reason of its size and excessive scale, in combination with its prominent unsympathetic siting, would appear as a dominant, incompatible and unnatural feature that would have a detrimental impact on the open rural character and landscape context of the locality. It would be obtrusive and contrary to policies of the Fylde Local Plan and the National Planning Policy Framework as rehearsed in Fylde Council's objections to this application.

There is no justification for this development in the open countryside – it fails to achieve the level of noise attenuation set out in the Acoustic Assessment, as its height would not reach that referred to in paragraphs 3.7, 4.3 and Appendix A of that assessment. Quite bluntly it serves no purpose, and would set a precedence for any similar applications in the future.

The introduction of this dominating and obtrusive feature would require the planting of 2,500 trees, such is the harmful visual impact of this development. These trees do not require the construction of a bund to be planted. There is nothing to stop the applicant planting them if this application is refused.

Fylde Council did not have an up to date Local Plan until the new plan was adopted in 2018, and was therefore unable to resist many unwelcome developments in the countryside. This development is an unwelcome development in gentle rolling farmland and contrary to the policies of Fylde Council.

I ask this Committee to recognise the opposition to this application and to be mindful of the policies in Fylde Council's adopted local plan. I ask this committee to refuse this application.'

It was confirmed to Committee that the 'before' and 'after' photographs of the site had been provided by the applicant and that it would be some time before the trees reached maturity as shown in the 'after' photographs.

Committee Members expressed concern about the road not being fit for the transportation of HGVs and the construction and validity of the proposed bund.

After a discussion, Committee were informed that, should they be minded to refuse the application, compelling reasons would be required as to the impact the bund caused, which must be able to be defended at appeal.

It was Proposed and Seconded:

"That the application be Refused, due to the adverse impact on the landscape."



Upon being put to the Vote, the Motion was Lost.

**Resolved:** That planning permission be **granted** subject to conditions controlling bund construction, landscaping details, implementation and management, highway safety, ecological mitigation measures, arboricultural matters and surface water drainage, as set out in the Committee report.

**8. Burnley Borough: application number LCC/2022/0050 Construction of three additional waste processing/storage buildings and an office building at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Hapton, Burnley**

A report was presented on an application for the construction of three additional waste processing/storage buildings and an office building at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Hapton, Burnley.

The report included the views of Burnley Borough Council, Hapton Parish Council, LCC Highways Development Control, the Coal Authority, the Environment Agency, LCC Lead Local Flood Authority and United Utilities. Two representations objecting to the application had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the site (from 2020) with the nearest residential properties, existing and proposed layout plans, elevations, location of the mine shafts and treatment proposal, and photographs of access to the A679, site entrance, office, and Buildings B and C.

It was noted that three of the buildings had already been constructed and that retrospective approval was requested for these. Committee were informed that the applicant had erected these buildings, presumably due to business need, to manage the waste and to comply with their contractual arrangements with 3<sup>rd</sup> parties. It was noted that works could be carried out prior to receiving planning permission, although this was at the applicant's own risk.

After a discussion, it was:

**Resolved:** That planning permission be **granted** subject to conditions controlling working programme, hours of working, highway matters, ground investigation, sustainable drainage and access road noise attenuation review, as set out in the Committee report.

**9. Ribble Valley Borough: application number LCC/2022/0057 Variation of condition 2 of planning permission 03/06/0095 to allow mineral working to continue until 31 December 2023 and final restoration to be completed by 31 December 2024 at Waddington Fell Quarry, Slaidburn Road, Waddington**

A report was presented on an application for the variation of condition 2 of planning permission 03/06/0095, to allow mineral working to continue until 31 December 2023, and final restoration to be completed by 31 December 2024, at Waddington Fell Quarry, Slaidburn Road, Waddington.



The report included the views of Waddington Parish Council, the Environment Agency and LCC Highways Development Control. No comments had been received from Ribble Valley Borough Council, Newton-in-Bowland Parish Council and LCC Lead Local Flood Authority. Two representations objecting to the proposal had been received.

Committee were reminded that planning permission had been granted on 21 December 2022, for a revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct Resilience Programme, namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington (ref. LCC/2021/0015).

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the site (from 2020) with the nearest residential properties and remaining mineral reserves, current approved final restoration plan, and photographs of the site including the site entrance, Slaidburn Road heading down to Waddington, Waddington village, Slaidburn Road at the top of Waddington Fell and heading towards Newton and Hallgate Hill rising up from Newton.

After a discussion, it was:

**Resolved:** That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, pollution control, highway matters, restoration and aftercare, as set out in the Committee report.

#### **10. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation**

It was reported that, since the meeting of the Development Control Committee on 21<sup>st</sup> December 2022, ten planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted.

#### **11. Urgent Business**

There were no items of Urgent Business.

#### **12. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 26<sup>th</sup> April 2023 at 10.30am in Committee Room A – The Tudor Room, County Hall, Preston.

H MacAndrew  
Director of Law and Governance





County Hall  
Preston





## Development Control Committee – 1 March 2023

### Update Sheet

#### Item 5 – Application LCC/2022/0048 – Farington Cricket Facility

**Advice** – page 57. The report details the need to refer the application to the Secretary of State. On a further reading of the Town and Country Planning (Consultation) (England) Direction 2021 and analysis of the floor space of the proposed building, it is concluded that the application should now be referred. This is because the floorspace of the building exceeds the 1000 sq metres threshold in the legislation. It will therefore be necessary to amend the recommendation as follows:

#### **Recommendation**

That subject to the application being referred to the Secretary of State and it being confirmed that the application will not be called in for determination, planning permission be granted subject to the following conditions:-

#### **Conditions**

##### *Condition 10 – Hours of use of nets facility*

The applicant has now agreed that the finishing time for use of the nets facility will now be 20.00 hrs rather than 21.00 hrs as drafted in the report.

*Condition 14 - Sustainable transport measures* – An additional requirement is suggested to assist in ensuring that the car park to the rear of the pavilion is not used by general visitors to the site.

##### *Additional requirement e)*

e) *Details of the measures to be employed on the access road to control access to the car park to the west of the pavilion building.*

*Condition 15 – Access construction.* This condition includes a tailpiece (on page 63) which controls the phasing of access construction in relation to other parts of the development. The applicant has requested that the condition be reworded so that the access has to be constructed prior to the development being brought into use and not before any other development occurs as currently drafted.

Lancashire County Council (LCC) Highways consider that such a change is possible subject to an additional condition being imposed to deal with the design of a temporary construction access and traffic control during this period.

*Proposed additional condition 15A:*

*No development except for site clearance works shall commence until a construction traffic management plan has been submitted to and approved in writing by the County Planning Authority. The plan shall include details of the following:*

- a) Details of the construction access including location, design and surfacing.*
- b) Wheel cleaning measures to be employed.*
- c) Control of heavy goods vehicle (HGV) movements in relation to peak hour traffic on Stanifield Lane.*

*The temporary access shall be constructed in accordance with the approved construction traffic management plan prior to any other development commencing on the site.*

*Reason: In the interests of highway safety and to conform with Policy G17 of the South Ribble Local Plan.*

It is also proposed to reword condition 15 to incorporate additional requirements that have been received from Lancashire County Council Highways: - (changes are shown in bold).

*No works to construct the site access from Stanifield Lane shall commence until a scheme and programme for the design of the access has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall be based upon the highway layout shown on drawing ref FCR-WSP-ZZ-XX-DR-C-0011 Rev B and shall contain details of the following: -*

- a) the layout of the new junction including splitter island and dropped kerbs, visibility splays to be provided and construction details of the new road pavement.*
- b) the relocation of the existing traffic sign on the northbound carriageway of Stanifield Lane.*
- c) **details for the creation of a new footway alongside the northbound carriageway of Stanifield Lane including lengths of footway to be provided and construction details.***
- d) the design of a **formal** pedestrian crossing to be located across Stanifield Lane.*
- e) details of any signage to be erected at the site entrance including location, size and design.*
- f) details for the hard surfacing of the emergency access at its junction with the A582.*
- g) details of the turning radii **and additional carriageway** from the site access road into the overflow car park.*
- h) **localised carriageway widening to satisfy the access and also towards and at Stanifield signalised junction.***

***The access provisions contained in the approved scheme shall be implemented in full prior to the development being brought into use.***

*Condition 20 - Use of pavilion building* – The applicant has requested that the pavilion building be made available for certain non-cricket related uses outside of the 50 occasions per year level quoted in the condition. This would be to facilitate the use of the building for certain 'low impact' events.

It is considered that such use would be acceptable provided that such events are contained within the building and are also subject to the noise management measures required by condition 23.

The following should be added to the condition:

*The provisions of this condition shall not apply to any such events that take place wholly within the building. Any such events that use amplification equipment shall use the noise control measures required by condition 23.*

Condition 23 Proposed rewording:-

23. *The building shall not be brought into use until a noise management plan has been submitted to and approved in writing by the County Planning Authority. The noise management plan shall contain the following information:*
- a) *The control measures to be fitted to any amplification equipment. The control measures to be fitted shall ensure that noise from the site shall not exceed the background level by more than 5 dB(A) LAeq (15 mins) at the curtilage of no. 6 Fowler Avenue when measured in accordance with the methodology in BS4142.*
  - b) *The procedure to be followed in the event that noise complaints are received including a review of the noise control measures approved under part a) of this condition.*

*The measures contained in the approved noise management plan shall be used at all times when amplification equipment is being used within the pavilion building.*

*Condition 34 – Tree protection*

This condition requires certain trees on the site to be protected and not felled as part of site preparation works. This includes trees T21 and T22 which are located on the southern edge of the south oval. The applicant has commented that retention of these trees would cause significant issues for the construction of the pitch. Whilst the loss of these two trees is regrettable, the construction implications are acknowledged and therefore it is proposed that condition 34 be amended so that it only refers to the trees numbered T59, T60 and T61:-

34. No felling of trees or removal of vegetation shall take place until the trees numbered T59, T60 and T61 together with the hedgerows edged in green on drawing UG -1016-ARB-TRP-01 rev 05 within the amended Arboricultural Impact Assessment have been protected by fencing or other means of demarcation which shall be retained in position throughout the duration of construction works.

*Condition 35 Landscaping* – the reference to condition 30 should read 'condition 33'.

## **Item 6 – Application LCC/2021/0028 – Unit 3E, Bolton Avenue, Huncoat**

### **Consultations**

A further letter of objection (from an existing respondent) has been received. It makes the following comments:

- There was never any intention to use the car park as a car park.
- Why have they been able to continue business for over two years flouting planning laws?
- How will conditions be policed?
- It will be impossible for vehicles to enter and exit in forward gear, vehicles currently reverse into the yard. You have to go down a ramp into the yard and it will be impossible to turn in the building.
- There is blatant disregard for their neighbours.
- The noise assessment is flawed. The test was carried out on a north blowing windy day. The noise was measured at a height of 1.5m on the footpath; however Oak Bank is at least 3m above the road. There is a conflict of interests as the company applying for permission is paying for the noise survey.
- Original buildings in the area 40 years ago were all approximately 5m in height and had no impact on residents.
- Vehicles frequently park on Bolton Avenue, and it is a busy road. It is a major bus route and is one of the main roads to Lancashire's largest landfill site. The surface of the road is in poor condition.
- The proposed hours of operation are unacceptable. We will get no peace.
- There is now nowhere for rain to be naturally absorbed into the ground as there are now massive buildings and concrete everywhere.

In addition to the information set out in the report, it should be noted that the hours of operation proposed are the same as those permitted under planning approvals 11/07/0709 and 11/08/0191.

It has been demonstrated through the submission of a swept path analysis that a 16.5m length vehicle can enter the building in a forward gear, turn and exit in a forward gear. It is considered that it would be difficult to support a refusal of the application on highway grounds as the Lancashire County Council (LCC) Highways have not objected to the proposals.

The neighbours' concerns regarding the potential for the proposed development to operate in breach of the planning conditions to be imposed is noted. However, the proposed planning conditions are considered to meet the tests set out in the National Planning Policy Framework.

## **Item 7 – Application LCC/2022/0007 – Moss Farm, Salwick Road, Preston**

### **Consultations**

The following additional comments have been received:

Newton with Clifton Parish Council: Query why the application is being determined by Lancashire County Council. This is not a waste issue. The inert material us being used as a construction material in the formation of the bund and as such should be determined by Fylde Borough Council. Newton and Treales Parishes have both objected, as has Fylde as the application is not in line with planning policies.

County Councillor Jones: has reiterated his concerns with the proposals.

Canals and Rivers Trust: Our understanding for the revised construction route (via Dagger Lane and Salwick Lane west of the site entrance to access and exit the site) is that the original proposed route would have seen loaded vehicles crossing the canal at the listed Salwick Bridge with empty vehicles leaving over Kellet Bridge. The revised routing would see construction traffic approaching and leaving the site from that part of Salwick Road to the west of Moss Farm (ie via Kellet Bridge) with empty and loaded trucks crossing the same bridge west of Moss Farm – ie Kellet Bridge. If this interpretation is correct, then this route is probably better for the Trust with only one bridge being crossed, although double the vehicle movements.

The parapet rails on Kellet Bridge were replaced last year so should now be in a perfect condition. It will be important that these are not damaged as part of the works. Any sort of temporary traffic calming measures on the approach to highlight/protect the parapets would be welcome to reduce the potential damage to the bridge. Having a banksperson available to control traffic on entering/leaving the site would also assist. These protection measures should be incorporated as part of the condition. The Canals and Rivers Trust would not want to see a situation where the parapets get damaged.

### **Advice**

In response to the comments of Newton with Clifton Parish council it is considered appropriate for Lancashire County Council to deal with the application as the proposals involves the importation of waste and is therefore considered to fall within the definition of waste development.

The applicant has indicated that they are happy to consider an alternative routing for vehicles travelling to and from the site. Proposed condition 10 requires the submission and agreement of the details of the vehicle routes and any necessary passing places would be finally agreed under the terms of this condition. Lancashire County Council Highways have confirmed that they can support either route and are satisfied that a vehicles can safely pass to the west of the Kellett Lane Bridge. The applicant has demonstrated that a number of passing places can be accommodated on that part of Salwick Road west of the Kellett Lane Bridge, which would be required for either vehicle route.

Consideration to the inclusion of operating measures such as banksman on Kellett Lane Bridge can be addressed through the discharge of condition 10.