

## Lancashire County Council

### Development Control Committee

Wednesday, 4th September, 2013 at 10.00 am in The Diamond Jubilee Room  
(Formerly Cabinet Room 'B') - County Hall, Preston

#### Agenda

##### Part 1 (Open to Press and Public)

##### No. Item

1. **Apologies for absence**
2. **Disclosure of Pecuniary and Non-Pecuniary Interests**  
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
3. **Minutes of the last meeting held on 17 July 2013** (Pages 1 - 8)  
The committee are asked to agree that the Minutes of the last meeting held on the 17 July 2013 be confirmed and signed by the Chair.
4. **Lancaster City: Application ref 01/13/0700** (Pages 9 - 18)  
**Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth**
5. **Fylde Borough: Application ref 05/13/0431** (Pages 19 - 26)  
**Change of use from general industrial unit (Class B2) to metal recycling site.**  
**Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.**
6. **Rosendale Borough: Application 14/13/0239** (Pages 27 - 58)  
**Extension to building at waste transfer station and erection of a screen wall**  
**Waterbarn Mill, Newchurch Road, Stacksteads, Bacup**

- 7. Ribble Valley Borough: Application 03/12/1059** (Pages 59 - 74)  
**Demolition of part of the school buildings and construction of a 2/3 storey building, external walkway, glazed link roof, remodelled caretaker building, and reconfiguration of parking and external play areas at Bowland High School, Sawley Road, Grindleton**
- 8. Ribble Valley Borough: Application No. 03/13/0650** (Pages 75 - 90)  
**Single storey detached building to provide sixth form teaching accommodation, associated landscaping and the provision of 11 additional car parking spaces to provide a total of 60 parking spaces. Hillside Special School, Ribchester Road (B6245), Hothersall.**
- 9. Preston City: Application ref 06/13/0517** (Pages 91 - 96)  
**Construction of a three storey youth zone building including outdoor sports provision with floodlighting and a 4m high ball stop fence, external storage facilities and construction of a new highway to facilitate access. Bow Lane, Preston.**
- 10. Preston City: Applications 6/13/0527 and 6/13/0528** (Pages 97 - 104)  
**Renewal of Planning Permission 6/06/0589 for Construction of the Broughton Bypass and improvements to existing highways. (Application 6/13/0528)**  
**Renewal of Planning permission 6/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by Broughton Bypass including bat roost, bat box and ponds. (Application 6/13/0527). Land at Broughton, Preston.**
- 11. South Ribble Borough Council 07/13/0469** (Pages 105 - 110)  
**Formation of a pedestrian access gate within the existing fence. Leyland Learning Centre, Redwood Avenue, Leyland.**
- 12. Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.** (Pages 111 - 114)
- 13. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**14. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 16 October 2013 at 10.00 a.m. in The Queen Elizabeth II Diamond Jubilee Room (formerly Cabinet Room B), County Hall, Preston.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston





# Agenda Item 3

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 17th July, 2013 at 10.00 am in The Diamond Jubilee Room (Formerly Cabinet Room 'B') - County Hall, Preston**

#### **Present:**

County Councillor Kevin Ellard (Chair)

#### **County Councillors**

T Aldridge	M Johnstone
P Buckley	A Jones
C Crompton	P Rigby
M Dad	K Sedgewick
M Green	R Shewan
P Hayhurst	B Yates
D Howarth	

#### **1. Apologies for absence**

None notified

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

None declared.

#### **3. Minutes of the last meeting held on 5 June 2013**

That the Minutes of the meeting held on 5 June 2013 be confirmed and signed by the Chair.

#### **4. Rossendale Borough: Application 14/13/0239 Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup**

A report was presented on an application for an extension to a building at a waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

The report included the views of Rossendale Borough Council, the County Council's Assistant Director (Highways), the Environment Agency and details of 36 letters of representation received including one from County Councillor Jackie Oakes.

The committee visited the site on the 15 July 2013.

The case officer, Catherine Lewis, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the building and the proposed elevations together with photographs of the site and surrounding residential streets.

It was reported that a further 4 letters of representation had been received. Three of these made further reference to an infestation of flies affecting the adjacent residential properties on Brandwood Park; the fourth raised concerns about health issues.

The committee was advised that the matters raised were addressed in the report and had been referred to the Environment Agency as permitting authority.

It was also reported that a presentation by four local residents objecting to the proposals was received on Monday 15<sup>th</sup> July 2013. The issues raised were summarised as follows:

- 36 letters of objection had been received relating to the application.
- Residents were extremely concerned that the extension would not improve the current operations of the site that were intolerable for the local residents.
- Slides and video clips of the site and the issues that affected the residents in terms of noise and dust were displayed.
- House bound residents who lived a few yards from Waterbarn Mill were affected by vermin - a rat in the garage, dead mice in the loft and plagued by flies. A container of collected dead flies was circulated. All windows and doors had to be kept shut due to contaminated air, and issues of dust causing health and stress concerns necessitating visits to the doctors.
- Rossendale Council were sympathetic to the residents' concerns; LCC were requested to adopt a similar approach.
- The proposed extension would have a negative impact on the amenities of residential property.
- The applicant advertises that they are experts in managing asbestos waste leading to concerns of health and safety.
- Search lights impact upon the rear of residential properties.
- The residents experience smells and rats and are plagued by flies due to household waste being piled too high.
- There had been issues of horse manure and that a Planning Contravention Notice had been served by county council.
- The application if approved would mean that the rubbish dump would expand and that there would be unacceptable levels of noise from the machinery.
- The existing tree planting/screening belt located to the rear of 9 Brandwood Park would not help to mitigate against the impact of the extension.
- The residents were subject to vibrations from the operations associated with the waste transfer station which caused lack of sleep and cracks were starting to appear in the nearest houses.

- Questions were raised about the purpose of the screen wall and that operations would continue out of doors irrespective of the extension being built.
- In 2004 LCC concluded that the buildings on the site and the site itself were unsuitable for their own proposed waste management operations.
- The application should be refused as the building was of a poor design with no acoustic measures incorporated into the design.
- The extension would bring the building closer to residents; the County Council has a statutory duty to protect the amenity of residents.
- A 25% increase in building size would not accommodate a 50% expansion of this business.
- The building extension was not necessary as it was not a waste storage facility.
- The extension would result in further loss of amenity to residents and would not achieve the objective to process all waste within the building.
- Conditions should not be applied if they are not enforced. Conditions cannot and will not be enforced.
- The proposed wall was of a poor design, had no acoustic properties and would be lower than the large skips and machinery. It would channel noise to the other part of the site.
- Planning Policy 10 states that waste management facilities should be well designed and that poor design is undesirable.
- The application would not improve the issues associated with dust, vibrations, smell and flies.
- The application should be refused in order to protect residents.

It was confirmed the photographs circulated at the presentation had been taken from the old railway track which would form part of the Valley Way located to the rear of Waterbarn Mill site and the video clip of the noise had been recorded at 13 Brandwood Park.

During and after the presentations, photographs, a leaflet and a CD were presented to the committee.

The committee was advised that the issues raised in the further letters of representation and at the presentation were addressed in the report.

The committee was advised that the recommendation summary should be amended to exclude reference to 'dust' and that conditions 4 and 10 should be amended as follows, with the reasons to remain unchanged:

4. No development involving the construction of the extension to the building or construction of the screen wall shall commence until a scheme and programme detailing the location, design, materials to be used, height and colour of the screen wall have been submitted to and approved in writing by the County Planning Authority. The wall shall be erected in accordance with the approved details prior to the extension hereby approved being brought into use.

10. No skips, waste or recycled materials or skips containing waste recycled materials shall be stored outside the building shown on drawing entitled Waste Transfer Station - proposed working arrangements Rev A received 28 June 2013.

The following additional conditions were proposed:

'The area identified for skip storage within the extension to the building hereby approved and shown on drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A received 28 June 2013' shall only be used for skip storage and for no other waste management or recycling operations or activities.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy 2 of the Lancashire Minerals and Waste Local Plan. '*

No development involving the construction of the extension hereby approved shall commence until details of noise attenuative materials to be incorporated in the design of the building have been submitted to and approved in writing by the County Planning Authority. The attenuative materials shall ensure that the rating level of the noise emitted from the extension to the waste transfer station building shall not exceed the existing background noise level by more than 5Db. The noise levels shall be determined at Brandwood Park adjacent to house numbers 9 and 10 (NGR: 845 216). The measurements and assessments shall be made according to BS 4121 1997.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy 2 of the Lancashire Minerals and Waste Local Plan. '*

Mr I Swingewood, a local resident, Rossendale Borough Councillor C Lamb and County Councillor J Oakes addressed the committee. They reiterated several of the concerns summarised in the report and raised at the presentations on the 15 July. Councillor Lamb also maintained that the application was contrary to Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan due to the unacceptable adverse impacts on local residents and the environment in terms of noise, dust and vibration. Concerns were also raised with regard to the type of waste being stored on the site and that the site was being used for the storage of waste rather than as a waste transfer station. The committee was urged to listen to the concerns of the residents and Rossendale Borough Council and refuse the application.

Mr C Jones, the applicant, addressed the committee. Mr Jones acknowledged that he was in breach of planning controls but claimed they were only minor breaches. He informed the committee that the proposed development would ensure waste transfer operations would take place inside and would therefore assist in mitigating the impact of those activities currently carried out outside the

existing building. He also claimed that the proposed development would be of benefit to all concerned.

During lengthy debate, the Committee raised concerns in respect of:

- The design and condition of the current building;
- The design of the proposed extension;
- The noise, dust and odours associated with the site;
- The accumulation of waste materials on the site;
- The breaches of planning control on the site; and
- Compliance with the European Union Waste Directive.

Following further discussions, it was Moved and Seconded that;

'The application be deferred to allow further consideration and discussions with the applicant regarding an amended building design to address potential impacts associated with the use of such on nearby residential properties'.

On being put to the vote the Motion was Carried whereupon it was:

**Resolved:-** The application be deferred to allow further consideration and discussions with the applicant regarding an amended building design to address potential impacts associated with the use of such on nearby residential properties.

**5. Lancaster City: Application ref 01/13/0608  
Re-grading of part of the River Lune Cycle Way to allow a temporary diversion of the cycle path during construction of the Heysham to M6 Link Road. River Lune Cycleway, Lancaster**

A report was presented on an application for the re-grading of part of the River Lune Cycle Way to allow a temporary diversion of the cycle path during construction of the Heysham to M6 Link Road.

The report included the views of the Environment Agency. The committee noted that no letters of representation had been received.

The Group Head, Development Management, presented a PowerPoint presentation showing the location of the site.

The Group Head reported orally that Lancaster City Council had raised no objection to the proposal subject to a condition being imposed relating to the existing cycle way being reinstated within six months of the diversion being no longer required. It should be noted that the existing cycle way had flooded in the past and which had caused wash out of the base of the path.

It was also reported that the County Council's Assistant Director (Highways) had also raised no objection.

The committee was advised that Condition 5 required the reinstatement of the cycleway once construction of the Lune West Bridge was completed. The problem of flooding and wash out had been referred to the applicant.

**Resolved:** That planning permission be granted subject to the conditions set out in the report to the committee.

**6. Preston City: Application 06/13/0355  
Proposed trim trail with six pieces of play equipment at Harris  
Primary School, Wychnor, Fulwood, Preston**

A report was presented on an application for a proposed trim trail with six pieces of play equipment at Harris Primary School, Wychnor, Fulwood, Preston.

The report included the views of Sport England and details of one letter of representation received.

The case officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed play equipment and a photograph of the site.

It was reported orally that a further letter of representation had been received objecting to the proposal for the following summarised reasons:

- This location had been chosen rather than an alternative location closer to the school hall due to noise impact on school activities. Therefore there was concern about the impact of noise given the proposed location upon residential amenity as both the occupiers worked from home.
- The route of the trail would run only a few feet from the kitchen window and as such the development would invade resident's privacy.
- The existing trees were deciduous and the impact upon residential amenity would be more significant in the winter.
- The equipment would lead to unwanted use out of hours and would result in antisocial behaviour.
- There would be an encroachment of the trees and bushes that currently screen the residential properties.
- There had been no impact study on drainage and water runoff and the trail location and construction posed a risk to the properties
- The equipment was not essential to staged pupil learning.
- The development presented a noise and behaviour risk and would have a significant privacy impact.

The committee was advised that most of these issues were addressed in the report. Given the nature of the proposed ground surface materials it was

considered there was no requirement for an impact study on drainage and water run-off or that the trail location and construction posed a risk to the properties.

**Resolved:-** That planning permission be **granted** subject to the conditions set out in the report to the committee.

**7. South Ribble Borough: Application ref 07/12/0454/1  
Scheme and programme to comply with condition 2 of permission  
07/12/0454 (barriers and fencing). Preston to Bamber Bridge  
Greenway, Leyland Road, Lower Penwortham, Preston**

A report was presented on an application for a scheme and programme to comply with condition 2 of permission 07/12/0454 (barriers and fencing). Preston to Bamber Bridge Greenway, Leyland Road, Lower Penwortham, Preston

The Group Head presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed barriers and fencing.

**Resolved:** That the scheme and programme of details submitted pursuant to condition 2 of planning permission 7/12/0454 be approved.

**8. Planning Applications determined by the Executive Director for  
Environment in accordance with the County Council's Scheme of  
Delegation.**

It was reported that since the last meeting of the Development Control Committee on 5 June 2013, ten planning applications had been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation:

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

**9. Urgent Business**

There were no items of urgent business.

**10. Date of Next Meeting**

It was noted that the next meeting of the committee would be held on Wednesday 4 September 2013 at 10.00 a.m. in Cabinet Room B at County Hall, Preston.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston



# Agenda Item 4

## Development Control Committee

Meeting to be held on 4<sup>th</sup> September 2013

Electoral Division affected: Lancaster Rural East
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### Lancaster City: Application ref 01/13/0700

**Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth**

Contact for further information:

Jonathan Haine, 01772 534130, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth

### Recommendation – Summary

Subject to the applicant first entering into a Section 106 agreement restricting the occupation of the building to the operator of the adjacent limestone quarry, planning permission be granted subject to conditions relating to time restrictions, removal of the buildings, maintenance of the access visibility splays, maintenance of the colour of the building and restoration of the site and a review of staff travel plan.

### Applicant's Proposal

Planning permission is sought to vary condition 2 of planning permission 1/13/0700 to allow an existing office block to be retained until 7<sup>th</sup> March 2030.

Planning permission for the siting of the office block was granted in 2004 (ref 1/03/1591). However, condition 2 of the permission restricts the life of the office building to a temporary period of 10 years from the date of occupation. The office was occupied on 7<sup>th</sup> March 2005 and therefore under the terms of the current permission the office has to be removed from the site by 7<sup>th</sup> March 2015.

The office building is of modular two storey design and has a ground floor area of 40m x 15m together with an adjacent area of car parking. The office building is used as a regional management and sales base by the operating company of the adjacent Back Lane Quarry.

### Description and Location of Site

The office block and car park is located within the Back Lane Quarry complex, a large limestone quarry situated 2.5 km south east of Carnforth. It is sited on an area of land south east of the quarry immediately adjacent to a C class road (High Road)

between Nether Kellet and Over Kellet from where access to the office building is gained. Between the office building and High Road is an area of landscaping / hedgerow and a footpath. Land on all other sides of the office is open countryside.

The nearest residential property is located 130m to the east of the site with the Hawthornes Caravan Park located 300m to the west.

## **Background**

### History

The application falls within the permitted boundary of Back Lane limestone quarry, the permission for which allows mineral extraction until 2048 (ref 1/03/1186).

Planning permission for the construction of an office building on a site close to the application site was refused in 2003 (ref 1/02/0688)

Planning permission for the siting of a modular office building and associated car parking was granted in 2004 (ref 1/03/1591). This permission was implemented and for which an extension of time is now sought.

## **Planning Policy**

### National Planning Policy Framework (NPPF)

Paragraphs 6 – 17, 18, 28 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy and supporting a prosperous economy.

### Lancaster City Local Plan

Policy E4 Development within Countryside Areas.

### Lancaster City Core Strategy

Policy SC1 Sustainable Development

Policy SC2 Urban Concentration

Policy E3 Rural Communities

Policy E1 Environmental Capital

### Lancashire Minerals and Waste Local Plan

Policy 75 Plant and ancillary development (on site)

## **Consultations**

Lancaster City Council: No observations received.

Nether Kellet Parish Council: No observations received

Over Kellet Parish Council: No observations received.

LCC Assistant Director (Highways): No objection.

LCC Specialist advisor (Ecology): The office is adjacent to a Biological Heritage Site (BHS) but it is unlikely that the retention of the offices would result in any impacts on the BHS.

Environment Agency: No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

### **Advice**

Director of Transport and Environment – Observations

The applicant company operates the adjacent Back Lane limestone quarry together with a number of other aggregate quarries and added - value plants (such as ready mixed concrete and asphalt plants) throughout the north of England. The office building to which this application relates is used as a base for the sales and business management functions of these operations. Approximately 50 staff are based at the office.

Planning permission was originally sought for the construction of a new permanent office building to house these functions on a site close to the current office building (ref 1/02/0688). The building was to be of a permanent stone built construction with a generally high quality of design. However, the policies of the Development Plan pertaining at that time restricted development in the countryside to that relating to agriculture, forestry or other uses appropriate to a rural area. In particular office development was directed towards town centre sites. The applicant was therefore advised that the proposal was contrary to development plan policy and could only be supported if it was subject to a condition restricting the life of the building to a temporary period. The applicant was not willing to accept such a condition and therefore planning permission was refused.

A further application was submitted for an alternative type of office development involving a modular building (ref 1/03/1591). This type of building had a lower capital cost and therefore the applicant was prepared to accept that any permission should be subject to a condition restricting the life of the office building to a temporary period. The development of an office building in this location was still considered to conflict with the policies of the Development Plan. The developer therefore collated evidence to demonstrate that there were no other suitable existing premises or sites within the main urban area that would suit the company's requirements. This evidence was accepted at the time and planning permission was granted for the modular office building subject to a condition restricting the life of the building to 10 years from the date of its occupation on the basis it was not considered to be acceptable as a permanent form of development and to enable the applicant to identify more suitable alternative accommodation that would not be contrary to

policies of the development plan. The permission was also subject to a Section 106 agreement restricting the occupation of the building to the operating company of the adjacent limestone quarry in order to prevent the building from being used by a business with no relationship to the adjacent mineral working activities. The modular offices were constructed and then occupied on 7<sup>th</sup> March 2005 meaning the 10 year permitted temporary period expires on 7<sup>th</sup> March 2015.

The applicant has been using the offices for over eight years and is of the view that they have provided a very effective regional base for the company's operations and that due to the significant investment that went into the construction and landscaping of the offices, the company wish to retain the offices until 2030 (the permitted life of the current adjacent mineral operations extends until 2048). The applicant maintains that this would retain the existing employment of 50 staff in Lancashire and would provide certainty in allowing the company to plan ahead for the medium term.

The main issue to consider relates to whether there have been any material change in circumstances since the last application was determined, including changes to policy and whether it would be appropriate to allow the building to be retained in this location for a further temporary period.

When the previous application was considered the main policies in relation to the location to office development were contained in the Joint Lancashire Structure Plan and the Lancaster City Local Plan. These policies had regard to the national planning policy guidance which existed at the time in PPG4 and PPG7. The policies in the Lancashire Structure Plan restricted development and land uses in the countryside to that appropriate to a rural area such as those associated with agriculture, forestry or farm diversification. Office development was normally directed to sites in the main urban areas.

Since the planning permission was granted for the office building, the planning policy context has changed. National planning policy guidance that was contained in PPG's has been replaced by the NPPF and the Lancashire Structure Plan no longer forms part of the development plan. The Lancaster City Local Plan is still extant but has been replaced in part by the Lancaster Core Strategy.

The policies of the Core Strategy and the NPPF support the presumption in favour of sustainable development, building and supporting a strong competitive economy, supporting a prosperous economy and proactively driving and supporting economic growth to create jobs and prosperity. However, they also state that developments that generate significant traffic movements should be located where the need to travel will be minimised and that the use of sustainable transport modes can be maximised but that such requirements need to take account of policies elsewhere in the respective plans particularly in rural areas.

The Lancaster City Core Strategy used the former Regional Spatial Strategy as its context with urban concentration as its preferred option. The policies of the Core Strategy therefore seek to ensure that development is located where it can be accessed by foot, cycle or by public transport. The policies setting the broad development strategy require that 95% of new employment floorspace should be

located within the main urban area. For rural areas, the Core Strategy states that development outside certain settlements will require exceptional justification.

The Core Strategy was adopted prior to the publication of the NPPF. However, the consideration and determination of planning applications must be assessed against the policies of the Core Strategy unless material considerations indicate otherwise. The NPPF is such a consideration. It is therefore necessary to attach appropriate weight to the interpretation of policies of the Core Strategy and the NPPF particularly where there is some conflict with the policies

The overall development strategy within the Development Plan supports the presumption in favour of sustainable development, building and supporting a strong competitive economy, supporting a prosperous economy but still directs the majority of office development to the main urban areas.

The office development to which this application relates is located in a rural area where office developments would not normally be supported. Whilst some of the functions undertaken within the office relate to the adjacent limestone quarry, others relate to the management of the operator's business over the region including outside Lancashire and are not directly linked to the local area. As previous, there is therefore no exceptional justification for the site to be located in a rural area. In addition, the site is not well served by public transport and whilst the site is subject to a travel plan, most journeys are by necessity made by private car given the primary purposes of the offices being regional. It is therefore concluded that the location of this office whilst being supported in economic terms conflicts with the policies of the Development Plan in that it falls within a rural area and does not conform to the respective policies. Planning permission should therefore only be granted for a time extension if it can be demonstrated that there are other policies which support the development or there are other material considerations which outweigh the harm to policy.

Planning permission was previously granted to the applicant on the basis of exceptional circumstances including the fact there were no alternative premises available at the time that met the applicants requirements. The applicant has recently researched the current availability of alternative sites in Lancaster district and is of the view that the available premises are either too small for their requirements, only offer short term licences or are only available on a leasehold basis, none of which meet their requirements. Whilst the applicant has not demonstrated that a review of alternative premises has been carried out since the planning permission was granted, a review of the applicant's assessment and conclusions of the availability of alternative premises that meets their requirements has been undertaken and are accepted.

In the absence of alternative premises, the applicant is proposing that the office building be retained until 2030, a further 15 years from the current permitted life of the existing offices. It would therefore still be a temporary structure; following its removal, the site could be restored in accordance with the overall restoration requirements for the quarry and to a condition reflecting its rural location. The applicants are willing for the offices to be time limited to the period they have applied for and for any decision to continue to be the subject of a Section 106 agreement

tying occupation of the building to the operator of the adjacent quarry. The agreement was entered into to prevent the building being occupied by a user who has no relationship with the adjacent mineral working and is considered to still be necessary given developments of this nature would not normally be considered acceptable in this location other than with exceptional justification.

Landscaping works undertaken following the construction of the office including the erection of new dry stone walls and tree / hedgerow planting have been very successful. The office building is now well screened from the adjacent highway and footpath and from the nearest residential property. It is therefore considered that the office building has a very limited visual impact on the visual amenities of the countryside and that its retention for the further period applied for would not lead to any greater impact on the landscape or visual amenities of the area.

However, currently there are no alternative premises available that would meet the requirements of the applicant, and which was the case when the application for the offices was initially considered. The offices provide an employment base for 50 employees which the applicant advises are based in Lancashire and are associated with the adjoining mineral operations or other operations within the control of the applicant in the region. Consequently the offices maintain employment and which would contribute to the economy, albeit not the rural economy. The landscaping has become well established and the offices are well screened from surrounding areas. The operator has implemented a travel plan but it must be recognised that the nature and purposes of the offices mean they remain heavily dependent on vehicle usage.

The question therefore must be asked whether there is exceptional justification to support the proposal when it does not meet all the policies of the development plan or the NPPF. Clearly the retention of the proposal would offer significant benefits to the applicant. It would retain the offices in the region, maintain employment, offer security to the applicant by retaining the existing premises for an extended period of time without additional costs of relocation and which would make some contribution to the local economy if not the rural economy and which could be supported by certain policies of the development plan and the NPPF which support a strong prosperous and competitive economy and proactively drives economic growth to create jobs and prosperity. The building has now been in place for a number of years and is screened by vegetation which is becoming increasingly established and reduces views of the building when seen from the public highway and nearest residential property. The building could continue to be restricted to use by the operator of the adjoining quarry.

In conclusion it is considered that whilst the proposal would conflict with some of the policies of the development plan and the NPPF, it would be consistent with others. On balance it is considered that there would be no unacceptable impact on the environment or the rural location and that there are economic benefits that would support the proposal for a further temporary period of time subject to a Section 106 agreement tying the occupation of the building to the operator of the adjacent quarry. Conditions are proposed restricting the life of the building to that applied for by the applicant, requiring the building to be removed by March 2030 and for a review of the existing staff travel plan to be undertaken to ensure that the building is accessed by sustainable modes as far as is possible.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

Subject to the applicant first entering into a Section 106 agreement restricting the occupation of the building to the operator of the adjacent limestone quarry, planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The building authorised by this permission including all foundations and services shall be removed from the site by 7th March 2030, or within six months of the cessation of mineral working at the adjacent Back Lane Quarry or when the building has not been occupied for a period of six months whichever is the earlier. The site shall thereafter be restored within a further period of one year in accordance with the restoration scheme for Back Lane Quarry approved under the requirements of condition 41 of permission 1/03/1186.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy 75 of the Lancashire Minerals and Waste Local Plan Plan and Policy SC1 and SC2 of the Lancaster City Core Strategy.*

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application ref 1/13/0700 and supporting statement received by the County Planning Authority on 2nd July 2013.
  - b) Submitted Plans and documents to planning permission 1/03/1591:
    - 9120/13 - Proposed Offices
    - 9120/11a - Proposed Offices
    - H22 - Elevations
  - c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy 75 of the Lancashire Minerals and Waste Local Plan and policies SC1 and SC2 of the Lancaster City Core Strategy.*

3. The visibility splays at the junction of the site access road and High Road shall be retained free from obstruction above a height of one metre until the building is demolished in accordance with the conditions of this permission.

*Reason: In the interests of highway safety and to conform with policy 75 of the Lancashire Minerals and Waste Local Plan.*

4. The external finish of the building shall be retained in its existing colour (Moorland Green BS colour code 12B21) until the building is demolished in accordance with the conditions of this permission.

*Reason: In the interests of local amenity and to conform with Policy 75 of the Lancashire Minerals and Waste Local Plan.*

5. Within six months of the date of this planning permission, a revised staff travel plan shall be submitted to the County Planning Authority for approval in writing. The travel plan shall contain the following information:
  - a) A survey of staff to assess means of travel to the development
  - b) Measures to be implemented to increase the proportion of staff travelling to the development by sustainable means including by public transport, car sharing, walking or cycling.
  - c) Details of measures to be used in the operation of the development to reduce need to travel including use of technology
  - d) Details for the review of the staff travel plan at 10 yearly intervals.

The measures within the approved travel plan and any subsequent review shall be implemented until the building is no longer required or is demolished in accordance with the conditions of this permission.

*Reason: In the interests of securing sustainable development and to conform with Policy SC1 of the Lancaster Core Strategy.*

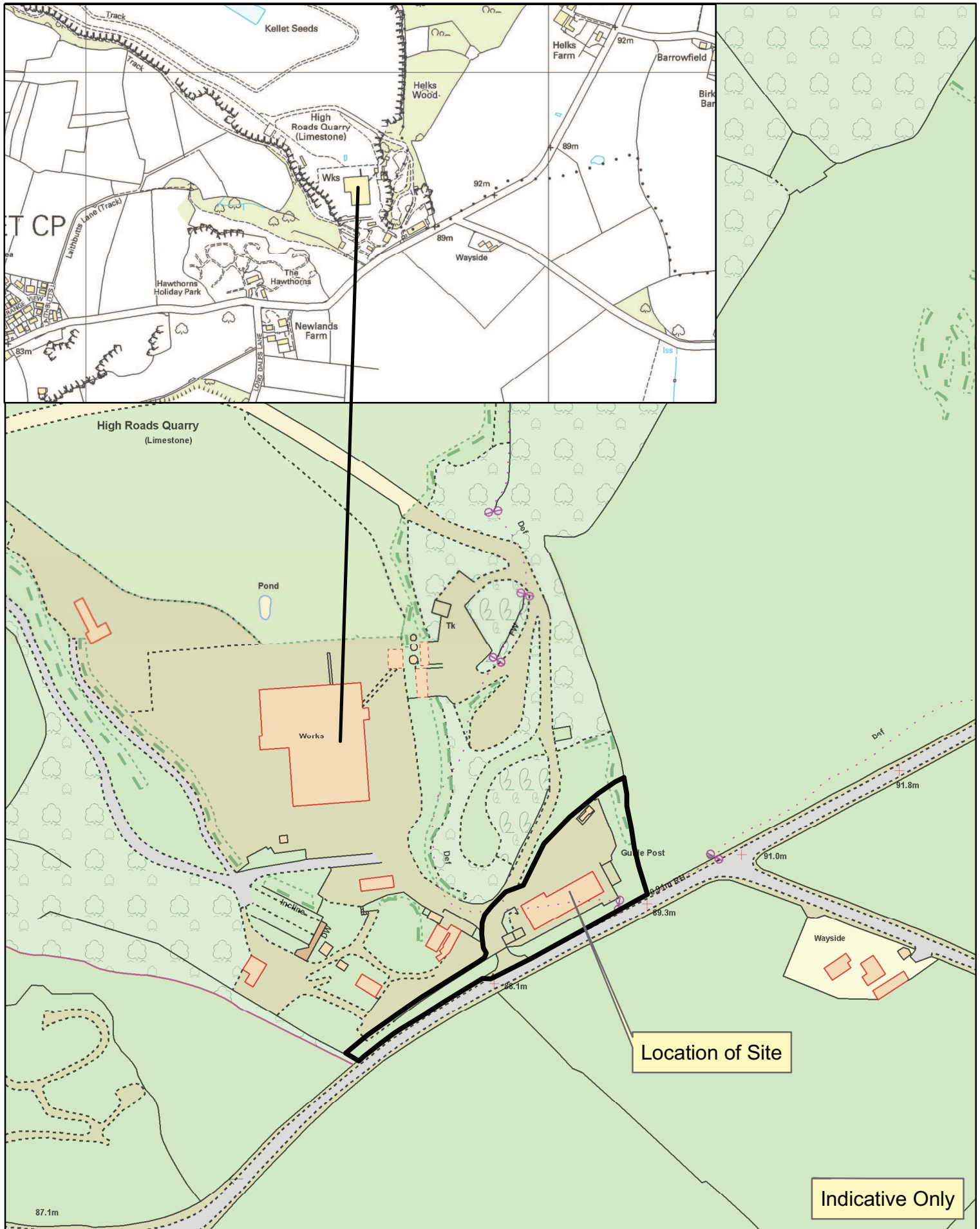
#### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
01/03/1591		
01/13/0700	2nd July 2013	Jonathan Haine/Environment/534130

Reason for Inclusion in Part II, if appropriate

N/A





APPLICATION 01/13/0700 VARIATION OF CONDITION 2 OF PLANNING PERMISSION 01/03/1591 TO RETAIN EXISTING OFFICES UNTIL 7 MARCH 2030. BACK LANE QUARRY, NETHER KELLET, CARNFORTH



# Agenda Item 5

## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected:  
St Annes North

### Fylde Borough: Application ref 05/13/0431

**Change of use from general industrial unit (Class B2) to metal recycling site.  
Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.**

Contact for further information:

Jonathan Haine, 01772 534130, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application - Change of use from general industrial unit (Class B2) to metal recycling site. Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, control of noise and storage activities and hours of operation.

### Applicant's Proposal

Planning permission is sought for the change of use of an existing industrial unit and associated yard to a waste transfer station involving the receipt, sorting and segregation and bulking up of waste metals prior to onward delivery to metal reprocessing facilities.

The unit would primarily accept scrap non ferrous metals from local tradesmen such as plumbers and builders. The materials would be delivered into the building where they would be sorted into different metal types with any cable being stripped of its plastic coating and larger items of waste such as boilers being broken into constituent parts. A skip would be provided outside the building for the storage of ferrous metals with any sorted non ferrous metals being stored within bins within the building. The site would accept approximately 2 tonnes of materials each day, which would be delivered to the site in light goods vehicles (approximately 15 per day) with recycled metals being collected by HGV (approximately 1 vehicle per day).

The proposed use would operate between the hours of 08.00 -17.00 hours Monday to Friday and 08.00 – 13.00 hours on Saturdays.

### Description and Location of Site

Unit 2 is located on the Queensway Industrial Estate approximately 2km north east of St Annes town centre. The Industrial Estate is comprised of a number of small

business units used mainly for storage and distribution and general industrial uses, which are accessed from the B5261 (Queensway) via Kilnhouse Lane and Everest Road.

The unit to which the application relates measures 32m x 20m and includes a building measuring 18m x 20m. The adjacent units are used for vehicle parts distribution or are presently vacant. The nearest houses to the unit are located on Walter Avenue, the rear elevations of which face the industrial estate approximately 46m from the application site.

## **Background**

### History

There is no relevant planning history.

## **Planning Policy**

### National Planning Policy Framework

Paragraphs 11 – 16, 17 and 18 – 22 of the NPPF are relevant with regard to the definition of sustainable development, core planning principles and building a strong competitive economy.

### Planning Policy Statement 10 – Planning for sustainable waste management

### Lancashire Minerals and Waste Local Plan (LMWLP)

Policy 2	Quality of Life
Policy 37	Strategic Road Network
Policy 88	Recycling Sorting and Transfer of Waste

### Lancashire Minerals and Waste Development Framework

Policy CS7	Managing our waste as a resource
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### Fylde Borough Local Plan

Policy SP1	Development within settlements
Policy EMP 2	Development within the defined business and industrial areas

## **Consultations**

Fylde Borough Council: No observations received.

St Annes on the Sea Parish Council: No observations received

LCC Assistant Director (Highways): No objection.

Environment Agency: No objection. The development will require an environmental permit unless a waste exemption applies.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations have been received from residents on Walter Avenue objecting to the proposal in view of the likely noise and traffic impacts of the development. A further representation has been received from a metal recycling business located on Snowdon Road expressing concern to the prospective loss of trade and increased competition.

## **Advice**

### Director of Transport and Environment – Observations

The proposal is for the change of use of an existing industrial unit to a waste transfer station for the receipt, sorting and segregation and bulking up of metals. The unit is currently vacant but was last used as a storage facility / warehouse by a garden furniture retailer. The proposed use would accept waste metals and metal goods from local tradesmen such as plumbers and builders following which they would be dismantled, sorted and segregated into different metal types. The operation would include equipment to strip plastics from cables and to cut metals but no other mechanised processing would occur. All the processing activities would be undertaken within the existing building and the external yard area would only be used to locate a skip for the storage of ferrous metals and for car parking. Sorted metals would be bulked up prior to collection and moving on for further reprocessing at other sites.

Planning Policy Guidance Note 10, which represents Central Government planning policy on waste management, states that the overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a renewable resource whenever possible. Policy CS7 of the Lancashire Minerals and Waste Core Strategy sets out targets for the recycling and recovery of industrial and commercial wastes. The proposal would help to meet such targets and objectives as it would provide a facility for local tradesmen to dispose of waste metals in a way that would maximise the recovery and reuse and such materials. The development therefore complies with the overall waste policies as set out in PPS10 and the Lancashire Minerals and Waste Core Strategy.

Policy 88 of the LMWLP sets out policy for the location of development for the transfer and recycling of household, commercial or industrial waste. The policy provides that such development will be supported where it is located on appropriate industrial areas or in other appropriate locations and that all operations should be carried out within buildings where they would otherwise give rise to harm to amenity, not give rise to unacceptable adverse impacts on people or the environment and the highway network and site access can safely accommodate the traffic generated.

The unit is located on an existing industrial estate. Policy EMP2 of the Fylde Borough Local Plan allocates this site as an existing business and industrial area and states that such sites will be retained for uses falling within Class B of the Use Classes Order. Development for the recycling of waste metal is considered to be a

*sui generis* use – one that does not fall within a particular use class. However, the development is small in scale and would have a similar light industrial nature to many of the other uses located on this industrial estate. Other waste uses have also been permitted on the industrial estate including a scrapyards and household waste centre. The development is therefore considered to be acceptable in terms of policy EMP2 of the Fylde Borough Local Plan and the site is therefore in an appropriate industrial area as required by policy 88 of the Lancashire Minerals and Waste Local Plan.

Three representations have been received from residents on Walter Avenue. The rear elevations of these properties overlook the industrial estate and are approximately 40m from the application site. The waste would be sorted on site, mainly by hand, with the only mechanised equipment being two machines to strip insulation from cable, a shear to cut metal and a bailer. Such operations would be undertaken within the building and the only operations undertaken in the external yard area would be the loading / unloading of vehicles and storage of ferrous metals in a skip. Given the layout and nature of the operations, it is considered that the development would not result in unacceptable harm to the amenities of local residents. However, conditions are proposed relating to the use of the external yard area, hours of working and silencing of plant to protect the amenities of the area.

One further representation has been received from the occupier of a nearby unit on the industrial estate who operates a similar business who is concerned about loss of trade. However, it is considered that this is not a material consideration.

The development would not generate large numbers of heavy goods vehicles. The site is served by a purpose built access serving the remainder of the industrial estate which does not require traffic to pass the front of any residential properties. Subject to the imposition of conditions referred to above, the proposed use is considered acceptable in relation to Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan and can be supported.

In view of the scale, nature and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

## **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application and supporting statement received by the County Planning Authority on 24th June 2013.
- b) Submitted Plans and documents:

Drawing no Scar/001

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies 2 and 88 of the Lancashire Minerals and Waste Local Plan.*

3. No receipt or export of metals, waste processing, bulking up and loading activities shall take place outside the hours of:

08.00 to 17.00 hours, Mondays to Fridays (except Public Holidays)  
08.00 to 13.00 hours on Saturdays

No receipt or export of metals, waste processing, bulking up and loading activities shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan.*

4. All metal processing activities shall be undertaken within the building shown on Drawing no Scar/001.

*Reason: To protect the amenities of the area and to conform with Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan.*

5. No metals apart from ferrous materials shall be stored outside of the building. Any storage of ferrous metals shall only be within purpose designed skips or storage containers which shall be located within the area shown by a dashed line on drawing Scar/001.

*Reason: In the interests of the visual amenities of the area and to conform with policies 2 and 88 of the Lancashire Minerals and Waste Local Plan.*

6. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the operation of the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan.*

### **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

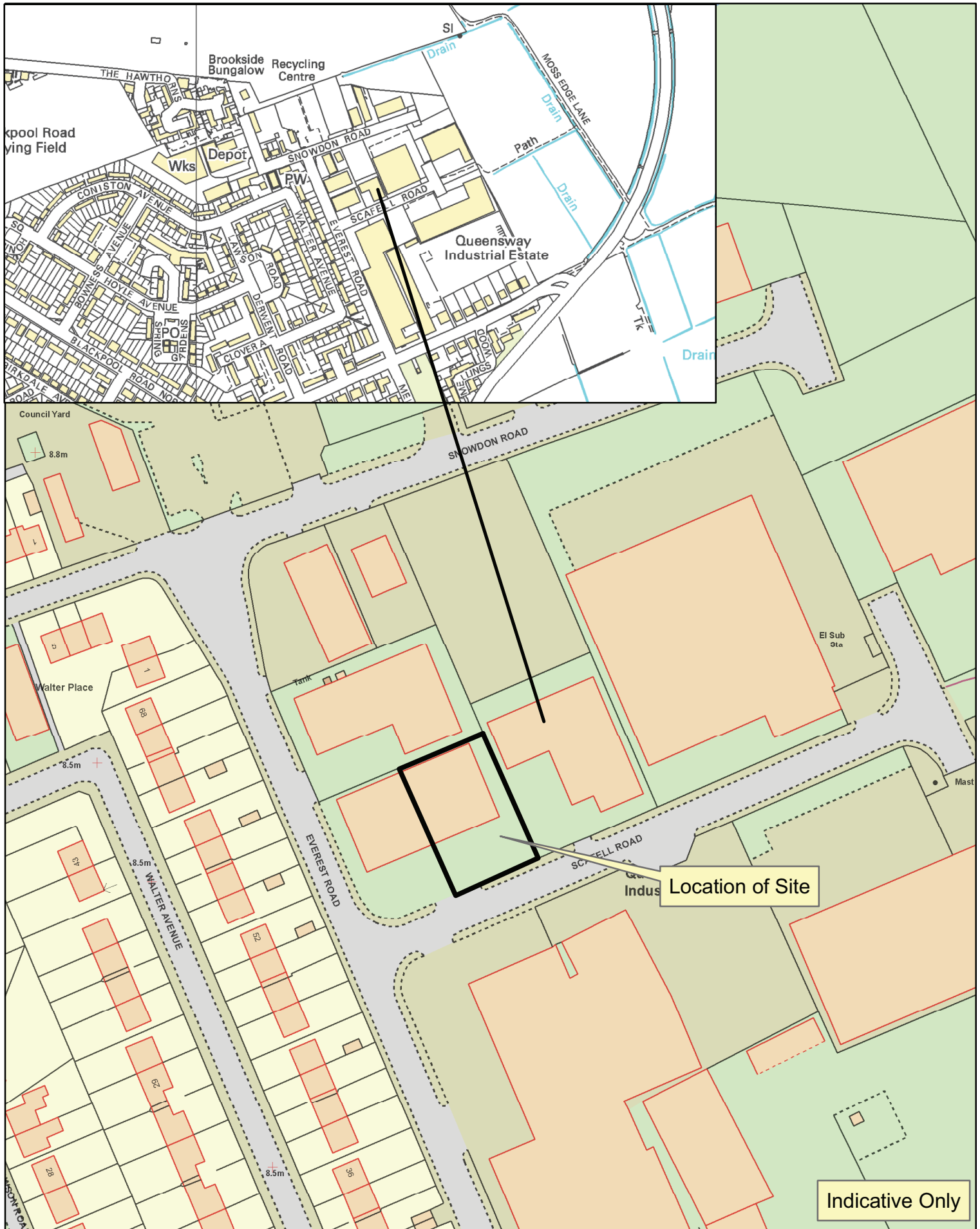
### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
5/13/0431	24/5/13	Jonathan Haine/Environment/534130

Reason for Inclusion in Part II, if appropriate

N/A





APPLICATION 05/13/0431 CHANGE OF USE FROM GENERAL INDUSTRIAL UNIT (B2) TO METAL RECYCLING PROCESSING UNIT CENTRE. UNIT 2 , SCAFELL ROAD, QUEENSWAY INDUSTRIAL ESTATE, ST ANNES



# Agenda Item 6

## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Rossendale East
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### Rossendale Borough: Application 14/13/0239

**Extension to building at waste transfer station and erection of a screen wall  
Waterbarn Mill, Newchurch Road, Stacksteads, Bacup**

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

Appendix A – Application 14/13/0239 – Report to Development Control Committee  
17<sup>th</sup> July 2013

#### Executive Summary

Application: Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit, working programme, noise attenuation measures for the extension and screen wall, site operations, hours of working, dust, lighting and highway matters.

#### Background

The application was presented to the Development Control Committee meeting of 17 July 2013. The Committee resolved to defer the application and requested the applicant to consider redesigning the building in a way that would attenuate noise and provide dust suppression. The report previously presented to the Development Control Committee is attached as Appendix A. This report incorporates a summary of the site visit attended by members of the Committee in advance of the meeting, a summary presentations received in advance of and to the Committee at the last meeting, an update on proposed changes made by the applicant to address the concerns of the Committee, an assessment of the proposed changes and an updated recommendation incorporating the proposed additional conditions reported to the Committee on the update sheet.

#### Site Visit

Members of the Committee visited the site on Monday 15 July 2013. Operations on the site were observed and the wider environs of Waterbarn Mill, Brandwood Park and the sheltered accommodation at Glen Crescent were visited.

## Resident Presentations

A presentation by four local residents objecting to the proposal was made to members of the Committee on Monday 15 July 2013. The issues raised were reported on the update to Committee and are summarised as follows:

- 36 letters of objection to the application residents were extremely concerned that the extension would not improve the current operations of the site that were intolerable for the local residents.
- Slides and video clips of the site and the issues that affected the residents in terms of noise and dust were displayed.
- House bound residents who live a few yards from Waterbarn Mill were affected by vermin - a rat in the garage, dead mice in the loft and plagued by flies. A container of collected dead flies was circulated. All windows and doors had to be kept shut due to contaminated air, and issues of dust causing health and stress concerns necessitating visits to the doctors.
- Rossendale Council are sympathetic to the residents' concerns; LCC are requested to adopt a similar approach.
- The proposed extension would have a negative impact on the amenities of residential property.
- The applicant advertises that they are experts in managing asbestos waste leading to concerns of health and safety.
- Search lights impacted upon the rear of residential properties.
- The resident's experience smells and rats and are plagued by flies due to household waste being piled too high.
- There had been issues of horse manure and that a Planning Contravention Notice had been served by LCC.
- The application if approved would mean that the rubbish dump would expand and that there would be unacceptable levels of noise from the machinery.
- The existing tree planting/screening belt located to the rear of 9 Brandwood Park would not help to mitigate against the impact of the extension.
- The residents are subject to vibrations from the operations associated with the waste transfer station which causes lack of sleep and cracks were starting to appear in the nearest houses.
- Questions were raised about the purpose of the screen wall and that operations would continue out of doors irrespective of the extension being built.
- In 2004 LCC concluded that the buildings on the site and the site itself were unsuitable for their own proposed waste management operations.
- The application should be refused as the building is of a poor design with no acoustic measures incorporated into the design.
- The extension would bring the building closer to residents; LCC has a statutory duty to protect the amenity of residents.
- A 25% increase in building size would not accommodate 50% expansion of this business.
- The building extension is not necessary as it is not a waste storage facility.
- The extension would result in further loss of amenity to residents and would not achieve the objective to process all waste within the building.

- Conditions should not be applied if they are not enforced. Conditions cannot and will not be enforced.
- The proposed wall is of a poor design, has no acoustic properties and would be lower than the large skips and machinery. It would channel noise to the other part of the site.
- Planning Policy 10 states that waste management facilities should be well designed and that poor design is undesirable.
- The application would not improve the issues associated with dust, vibrations, smell and flies.
- The application should be refused in order to protect residents.

The residents confirmed their photographs had been taken from the old railway track located to the rear of Waterbarn Mill and which it is proposed to form part of the 'Valley Way' and the video clip of the noise had been recorded at 13 Brandwood Park

During and after the presentations, photographs, a leaflet and CD were handed to those present.

### **Committee Presentations**

Three presentations were made to the Committee at the meeting of 17<sup>th</sup> July opposing the proposal for the following summarised reasons:

- Concern was expressed to the power point presentation made by officers as it omitted to mention that Lancashire County Council (LCC) had looked at the site previously and discounted it.
- The site is not a well established industrial site.
- LCC has failed to protect the amenity of the local residents.
- The site is not a well planned development. The building is lightly fabricated and which contributes to the issue of noise.
- The site is in a sensitive area surrounded by elderly people
- The operator has previously been prosecuted by the Environment Agency. On the basis of the community's experience of the company and how it manages its operations, the Committee should reject the application.
- The application is contrary to policy 2 and 88 of the Lancashire Minerals and Waste Local Plan (LMWLP).
- There needs to be a balance between the needs of industry and residential amenity when it is side by side. The operator has blatantly disregarded the conditions set by the committee to the original application which sought to balance those needs.
- The site accepts fortnightly deliveries of manure and the residents continue to experience an infestation of flies
- Any increase in size of the building would result in the applicant taking on more work rather than address the issues; the application should be refused.
- It was disappointing that the original application was approved.
- There have been consistently fundamental problems with the site. Four different agencies are investigating the site operations and this demonstrates the issues of balancing the industrial use with protecting residential amenity.

Whilst the site is a source of employment this needs to be carefully balanced against the impact and harm to residential amenity. The main reason to refuse the application is the loss of residential amenity.

The applicant spoke in support of his application:

- Over the past 3 years he has supported three businesses from the site providing employment for 32 people with 15 associated with the waste transfer station.
- He maintains the opposition to his operations are a malicious campaign orchestrated by a few people.
- He accepts that there has been a breach of planning conditions but in his view these have been of a minor scale and the current application would address these issues: all operations would be within inside the building, and the screen wall would protect the visual amenities of the area.
- All officers including Rossendale Borough Council and the Environment Agency are in support of the application.

## **Resolution**

The Committee resolved that the application be deferred to allow further consideration and discussions with the applicant regarding an amended building design to address potential impacts associated with the use of such on nearby residential properties.

## **Applicant's Proposal**

Planning permission is sought for the construction of an extension to an existing waste transfer station (WTS) building. The proposed extension would measure 20m x 14m with a maximum roof height of 7.5m. The extension would be rectangular in shape and would be located on the eastern elevation of the existing WTS building. It would include a single pedestrian door and sliding doors that would enable vehicles to enter and leave the proposed extension and existing WTS building.

To address the concerns of the Committee the applicant has proposed amendments to the application whereby the walls and roof to the proposed building extension, and the 2.5m screen wall would be constructed from a double skin cladding material, with sound insulation capability, such as Kingspan KS1000RW/80 panels, with the aim of maximising noise attenuation. He has also repaired the roof of the existing building.

The applicant has advised that repairs to the roof of the existing building, combined with the extension and screen wall should also address concerns about dust migration from the building and on the site.

## **Planning Policy**

In law all EU regulations and Directives apply and all government guidance and policy statements must be taken into account. The following are particularly relevant to this proposal.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England. Although it does not contain specific waste policies, waste planning authorities must have regard to the policies in the Framework so far as relevant when taking decisions on waste applications. Relevant sections include:

- Section 1 Building a strong competitive economy
- Section 7 Requiring Good Design
- Section 10 Meeting the challenge of climate change.
- Section 11 Conserving and enhancing the natural environment

#### Planning Policy Statement 10 – Planning for Sustainable Waste Management

#### Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

- Policy CS7 Managing our Waste as a Resource
- Policy CS9 Achieving Sustainable Waste Management

#### Lancashire Minerals and Waste Local Plan (LMWLP)

- Policy 2 Quality of Life
- Policy 5 Environmental and Other Benefits
- Policy 23 Water Resource Protection
- Policy 37 Strategic Road Network
- Policy 88 Recycling, Sorting and Transfer of Waste
- Policy 112 Standards of Operation

#### Rossendale Core Strategy DPD (2011)

- AVP 2: Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations & Principles
- Policy 10 Provision for Employment
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

#### **Advice**

Director of Transport and Environment – Observations

#### **Policy context**

When considering applications for waste development a local planning authority must have regard to the EU Waste Framework Directive, which has been made part of domestic law by the Waste Management Licensing Regulations 1994. This legislation provides that the local planning authority must have regard to the 'relevant objectives', which are ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods that could harm the environment and, in particular, without risk to water, air, soil, plants or animals; or

causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

Government policy on waste management (PPS10) establishes key sustainable waste management principles and considers that proposals should be assessed in terms of their contribution towards driving waste management up the waste hierarchy in a manner which safeguards human health, does not harm the environment, and enables waste to be disposed of in one of the nearest appropriate installations (proximity principle). PPS10 stresses that the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining planning applications.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, the saved policies of the Lancashire Minerals and Waste Local Plan 2006, and the Rossendale Borough Council's Adopted Core Strategy Development Plan Document (DPD). The Lancashire Minerals and Waste Local Plan was prepared, and the Lancashire Minerals and Waste Development Framework is being prepared with regard to the EU Waste Framework Directive and Paragraph 4 of Part 1 of Schedule 4 of the Waste Management Licensing Regulations 1994. The 'relevant objectives' are referred to in the plans and the policies were prepared to reflect the intentions of such.

To address the concerns of the Committee, the applicant has undertaken a further noise assessment (dated 16 August 2013) including noise measurements from the rear garden of No 9 Brandwood Park, clarification of the nature of operations, and noise attenuation associated with building construction. The assessment concludes that the existing operations if undertaken within the existing building and proposed extension building with a basic steel frame construction along with the construction of the screen wall with open doors would not generate noise levels above recommended guideline values. Nevertheless, to further mitigate potential noise, the applicant has confirmed that he is willing to construct the proposed extension building and screen wall with materials that feature additional noise attenuating properties. The noise assessment has concluded that it would be unreasonable to require additional noise attenuation within the existing building and which is accepted.

The applicant has acknowledged that operations have taken place outside the building and this is not permitted by the existing planning permission. The applicant has sought to address these issues through the current application. The noise assessment makes it clear that the extension and screen wall would result in an



improvement in the current noise environment for the local residents and would meet the levels previously specified.

It was previously considered unnecessary to impose a specific condition requiring the doors to be closed on the original application as the initial noise assessment concluded that with doors open or closed the operations from the waste transfer station would not exceed recommended guidance noise limits. The applicant has advised that for operational reasons, in particular the effective and safe movement of vehicles, it would not be practicable to operate the Waste Transfer Station with the doors closed. In view of the findings of the noise assessment, it is considered that a condition that seeks to secure operations behind closed doors would be unreasonable, particularly given the proposed additional condition to restrict the uses within the building.

With regard to the issue of dust, all operations are proposed to be restricted within the building. Such a restriction in conjunction with the provision of the 2.5m high screen wall would prevent the migration of dust associated with the waste management operations. Day to day waste management operations would also be controlled by the Environment Agency through its Environmental Permitting regime.

## **Human Rights**

Concern has been raised that although the site has an historic industrial use, residents now have basic human rights to peaceful enjoyment of their homes. However, providing the site is regulated in accordance with statutory controls, it is considered that there would be no unacceptable adverse impact on the amenity of local residents and therefore no Convention Rights as set out in the Human Rights Act 1998 would be affected to such an extent that would warrant refusal of planning permission. The applicant also has Convention Rights and those rights can only be taken away when necessary in accordance with the provisions of the Act, such as when necessary in the public interest, and when such interference would be proportionate to the rights, which it is necessary to safeguard. In the circumstances it is considered that no such interference could be justified here.

## **Conclusion**

The additional noise assessment has sought to demonstrate that the proposed building extension and screen wall would contribute to the reduction of noise from the site. The assessment has concluded that noise would be acceptable within recommended guideline levels even with buildings constructed with standard portal frame design and operations taking place within. Nevertheless, in view of the concerns raised, the applicant is willing to provide further noise attenuation within the building extension and screen wall construction. It is considered that the proposed development with the additional measures to insulate the extension and 2.5m screen wall would seek to address the Committee's concerns about noise and dust attenuation and would meet the aims of Policies 2, 5, 88 and 112 of the LMWLP, Policy CS9 of the JLMWDF and Policies, 1, 10 and 24 of the Rossendale Core Strategy DPD.

The proposed development would assist in providing enhanced facilities to contribute towards the diversion of waste materials away from landfill, reduce reliance on landfill and move the management of waste up the waste hierarchy. The site has a long history of industrial use and a thermoplastics recycling plant. The proposed building extension and screen wall would be acceptable in terms of size, design and location.

It is considered that conditions controlling all operations within the building, noise attenuation measures to the walls and roof of the extension and screen wall, the use of white noise reversing alarms, lighting, hours of working, highway matters and protection of watercourses would ensure that the amenity of the local residents would be sufficiently protected. It is considered that the proposed development complies with the policies of the Development Plan and can be supported.

### **Recommendation**

That planning permission be **granted** subject to the following conditions

#### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

2. Written notification of the date of commencement of the construction of the building extension shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.*

#### **Working Programme**

3. The building extension and screen wall subject of this permission, and all operations carried out on the site (as defined in this permission) pursuant to this permission and those approved under permission 14/10/0452 shall be carried out in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 09.05.2013 and the additional information from:

Mr.Metcalf dated 16.08.2013

Mr.McCann dated the 16.08.2013

- b) Submitted Plans and documents:

Drawing entitled 'Waste Transfer Station as existing'

Drawing entitled 'Application Site edged in red'

Drawing entitled 'Waste Transfer Station proposed'  
Drawing entitled 'Waste Transfer Station-existing elevations'  
Drawing entitled 'Waste Transfer Station-proposed elevations East'  
Drawing entitled 'Waste Transfer Station proposed elevations -South'  
Drawing entitled 'Waste Transfer Station -proposed working  
arrangements Rev A received 28 June 2013  
Drawing entitled Waste Transfer Station –proposed elevations- North  
Rev A received 3 July 2013.

- c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Building Materials**

4. Notwithstanding the details shown on the approved plans, the extension and screen wall hereby approved shall be constructed from double skin cladding materials to the specification set out in the Acoustics Assessment report dated 16th August 2013 before the building is brought into use.

*Reason: To protect the amenities of the area and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

5. Within one month of the commencement of construction of the building extension a scheme and programme for the external lighting of the site (as defined in this permission) shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of:
- a) Type, location and intensity of lights
  - b) Types of masking or baffle at head
  - c) Type, height and colour of any lighting columns
  - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.
  - e) Details for the control of the times of illumination of the lighting.

The lighting at the site (as defined in this permission) shall be carried out in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Hours of Working**

6. No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place outside the hours of:

0800 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1400 hours on Saturdays

No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site (as defined in this permission).

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Site Operations**

7. No hazardous or putrescible waste shall be brought onto, stored or deposited at the site (as defined in this permission).

*Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

8. No unloading, depositing, sorting, segregation and processing of waste, and no loading of waste and recycled materials into skips/containers shall be undertaken outside the building shown on the drawing entitled 'Waste Transfer Station -proposed working arrangements Rev A' received 28 June 2013. The whole of any vehicle loading or unloading skips or materials shall be located in its entirety within the building at the time of any loading or unloading operation.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

9. Where reversing alarms are employed on site (as defined in this permission) only broadband multi-frequency sound alarms (white sound) shall be used.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 of the Lancashire Minerals and Waste Local Plan.*

10. No skips, waste or materials shall be stored outside the building shown on Drawing entitled 'Waste Transfer Station -proposed working arrangements Rev A' received 28 June 2013.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Highway Matters**

11. All vehicles transporting waste/recycled materials from the site (as defined in this permission) shall be securely sheeted.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 88 of the Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

12. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site (as defined in this permission) to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan.*

13. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site (as defined in this permission) completely.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan.*

14. Any chemical, oil or fuel storage containers on the site (as defined in this permission) shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the

bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan.*

## **Definitions**

'**The site**' shall mean the area of land edged red as shown on the Drawing entitled 'Application Site edged in red'

**Director of Transport and Environment:** means the Director of Transport and Environment of the County Planning Authority or any successor position to that post.

## **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
14/13/0239	09.05.2013	Catherine Lewis/Environment/30490
14/10/0452	09.08.2010	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A

## Appendix A

**Development Control Committee**  
Meeting to be held on 17 July 2013

Electoral Division affected: Rossendale East
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**Rossendale Borough: Application 14/13/0239**  
**Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup**

Contact for further information:  
Catherine Lewis, 01772 530490, Environment Directorate  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application: Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit, working programme, site operations, hours of working, dust, lighting, highway matters and protection of water resources.

### Applicant's Proposal

Planning permission is sought for the construction of an extension to an existing waste transfer station (WTS) building. The proposed extension would measure 20m x 14m with a maximum roof height of 7.5m. The WTS falls within a larger former mill site which includes a number of industrial buildings. The extension would be rectangular in shape and would be located on the eastern elevation of the existing WTS building. It would include a single pedestrian door and sliding doors that would enable vehicles to enter and leave the proposed extension and existing WTS building. The extension would be constructed of profiled metal sheeting similar to the existing WTS building.

Currently the yard area to the WTS and proposed extension is demarcated by heavy duty concrete blocks to define separate access to a commercial vehicle company located to the west of the WTS within the former mill area. It is proposed to construct a screen wall in place of the block wall, which would measure 2.5m in height, for a length of 33m and would be constructed of metal sheeting.

The current WTS operations involve a throughput of approximately 400/500 tonnes of primarily inert waste materials a week including sand, rock, glass, building waste,

plastics, non hazardous metals, timber and rubble. Specific wastes and volume limits are controlled by an Environmental Permit issued by the Environment Agency and no changes are proposed in this respect.

The proposed extension would operate within the permitted hours of the WTS which are between 08:00-18:00 hours Monday to Friday, and 08:00-14:00 hours on Saturday, with no working on Sundays and Bank Holidays

Revised plans have been submitted that identify car parking spaces that would be used by the WTS located on land adjacent to Newchurch Road and within the applicant's ownership.

The boundary to the planning applications encompasses the existing WTS operations.

### **Description and Location of Site**

The application site is located within the site of the former Waterbarn Mill in the Rossendale Valley, between Rawtenstall and Bacup, south of Newchurch Road at Waterbarn. The River Irwell flows along the northern boundary of the majority of the former mill site and mature woodland is located to the south and east which forms a buffer strip between the site and the nearest residential properties. The application site includes an existing block work and steel clad building with a large roller shutter door, and a concrete yard area currently used as a WTS with the benefit of planning permission. The nearest residential properties are located approximately 25m from the former mill site boundary and approximately 50m from the existing waste transfer building and proposed extension. The site has a history of industrial use. Land to the north and further south is designated as Green Belt. Access to the site is taken from Newchurch Road (the A681 Rawtenstall to Bacup Road) via a tarmac road across a bridge in private ownership which has no designated weight limit. Residential properties are located along Newchurch Road adjacent to the site access.

### **Background**

The County Council has received complaints from local residents relating to alleged breaches of planning control associated with the existing WTS. Investigations have identified some operations being carried out contrary to the planning conditions to the planning permission, most particularly the storage of skips and waste materials outside the waste transfer station building. Investigations have also identified instances of sandblasting and processing stone outside the permitted waste transfer site but within the former mill complex. The operator was advised in writing on 13 August 2012, 16 October 2012 and 7 February 2013 that the storage of skips and waste materials outside the building constituted a breach of planning control and requested this to cease to avoid the risk of enforcement action being pursued.

The operator's business appears to have become more successful than the existing WTS permission can accommodate. Consequently, the operator has now submitted the planning application subject of this report for an extension to the existing waste transfer building, with associated screen wall, as a means of seeking additional



internal storage space and avoid the need for outside storage and the loading and unloading of skips onto vehicles.

Although this planning application seeks to address the issue of outside storage, it is recognised that a continued breach of the requirements of the existing planning permission would be unacceptable where harm to local amenity is occurring.

However, if the County Council is to pursue enforcement action it must be satisfied that non-compliance with the requirements of the planning permission is causing measurable harm to amenity in the locality of the site. Investigations are continuing to establish any sustainable reasons to pursue enforcement action particularly as this planning application has yet to be determined.

## **History**

Planning permission for the erection of an industrial building for plastic waste reclamation was granted in 1979 (ref.14/79/279).

Planning permission for the 'Phased development of an industrial thermoplastic recycling plant' at Waterbarn Mill was granted in 1993 (reference 14/93/484).

In 2004 Lancashire County Council as Waste Disposal Authority submitted a request for a screening opinion for the development of the site as a waste transfer facility in accordance with the Town and Country Planning Act (Environmental Impact Assessment) (England & Wales) Regulations 1999. The proposed development was for a green waste transfer plant, recycled handling plant, a residual waste reception and transfer building, provisions for external vehicle parking, manoeuvring areas and ancillary buildings including offices, weighbridge and staff facilities. The site would have provisionally handled a maximum of 40,000 tonnes of waste per annum and would have formed part of a network of facilities for the management of municipal waste across the County. A screening opinion was adopted in 2004, which concluded that the proposal for a waste transfer station would not give rise to environmental impacts of a magnitude to warrant an Environmental Impact Assessment as set out by the Regulations.

Following a site visit planning permission for the change of use from industrial thermoplastic recycling plant to waste transfer station was granted November 2010 (ref. 14/10/452).

At the Development Control Committee meeting of 5 June 2013 the committee resolved to visit the site prior to determining this application. The site visit took place on 15 July 2013.

## **Planning Policy**

In law all EU regulations and Directives apply and all government guidance and policy statements must be taken into account. The following are particularly relevant to this proposal.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England. Although it does not contain specific waste policies, waste planning authorities must have regard to the policies in the Framework so far as relevant when taking decisions on waste applications. Relevant sections include:

- Section 1 Building a strong competitive economy
- Section 7 Requiring Good Design
- Section 10 Meeting the challenge of climate change.
- Section 11 Conserving and enhancing the natural environment

#### Planning Policy Statement 10 – Planning for Sustainable Waste Management

#### Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

- Policy CS7 Managing our Waste as a Resource
- Policy CS9 Achieving Sustainable Waste Management

#### Lancashire Minerals and Waste Local Plan (LMWLP)

- Policy 2 Quality of Life
- Policy 5 Environmental and Other Benefits
- Policy 23 Water Resource Protection
- Policy 37 Strategic Road Network
- Policy 88 Recycling, Sorting and Transfer of Waste
- Policy 112 Standards of Operation

#### Rossendale Core Strategy DPD (2011)

- AVP 2: Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations & Principles
- Policy 10 Provision for Employment
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

### **Consultations**

Rossendale Borough Council – Object to the proposal as it would cause unacceptable detrimental impact on the amenity of local residents, most particularly those on Brandwood Park. It would result in an expansion/intensification of the use of the site which would exacerbate existing problems with noise, dust, lighting, odour and the activity on the site which would unacceptably harm the amenity of local residents. The Borough Council is of the view that the site has been/is currently operating in breach of conditions attached to its existing consent based on complaints received by local residents, which have been substantiated by evidence. The regulatory authorities need to ensure they work closely in monitoring and ensuring compliance with conditions attached to the existing consent.

LCC Assistant Director (Highways) – No objection on highway grounds.

Environment Agency – No objection in principle. The proposal will not require any modifications to the existing Environmental Permit for the site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. A total of 36 letters of representation have been received objecting in relation to the following summarised points.

- Properties on Brandwood Park have suffered from flies, mice, and rats since Shadlock skips took over.
- The noise associated with the lifting and dragging of the skips is shaking the foundations of properties and is generally excessive. Foul language associated with the workforce is unpleasant.
- Light pollution from night lights is affecting existing health problems.
- The noise during the day is affecting sleep due to working nights.
- Suggest the need for unannounced visits to assess the problems.
- Odour issues and vermin issues due to the waste being poorly managed and hoarded. Windows of residential properties have had to be kept closed due to flies.
- An increase in dust and pollution has affected residents with Parkinson's Disease, asthma and other lung related illnesses.
- The new building is not necessary if the site is managed properly. The extension would create more storage space and allow increased hoarding of waste enabling the operator to wait until materials can be sold/disposed of at a more profitable price. Giving the operator an unfair advantage over other businesses.
- The site is totally unsuitable for this type of business located in a mainly residential area. The existing use should be compensated so that it can move to an industrial estate or over the Moors towards Todmorden.
- The activities cause distress and encroach on privacy which adversely affects residential amenity.
- The proposed extension would place the building literally on top of the residents at 9 Brandwood Park denying them of light during the evening period the only time that Shadlocks are not meant to be working.
- There is concern that the new building would not accommodate all waste operations and that they would spill in to other areas of the site.
- Noise and diesel fumes equating to air pollution from the site has reduced the ability to enjoy the back gardens of nearby residential properties.
- There would be an increase in traffic on to Newchurch Road which is already busy.
- The committee is urged to take the views of the residents in to account. Both county and local councillors are objecting to any further development on this problematic site. There have been issues of the operator breaching the conditions associated with operating hours.
- The introduction of a screen fence would not prevent any form of dust and noise from travelling over onto the properties on Brandwood as the vehicles, machinery and many of the containers are higher than the proposed wall.

Further, it would look like a carbuncle during the winter months and would lead to more processing of waste outdoors.

- Contradictions exist within the application form. The application would provide for current breaches to allow all the work to be carried out inside the building. However, the extension relates to an expansion of the business - an increase of 6-9 employees coupled with an increase of 50% in throughput (10,000 tonnes per annum original application and increasing 15,000 tonnes per annum on the current application form).
- The accompanying acoustic assessment report should be discredited as it was carried out with the prior knowledge of the applicant and no noise figures have been obtained adjacent to numbers 9 and 10 Brandwood Park as per the original planning conditions.
- The proposed extension would not stop dust or odour issues as work would continue to be carried out with the door open.
- Smells are currently emitted from the site because waste is left outside and waste materials are hoarded within the building. Unauthorised municipal waste arrives at the site which has led to flies, smells and vermin.
- The development does not accord with the Development Plan.
- LCC are legally obligated to protect the rights of residents under Protocol 1, Article 1 of The Human Rights Act which seeks to protect residential amenity.
- Objective 11 of the Core Strategy must promote high quality design and working practices in waste management facilities to minimise harm. The application is required due to the applicant's poor working practices, which have caused detriment to the local wildlife. Residents no longer see evidence of badger, fox, owls and bats.
- The application form falsely states that the site is not visible from any road, footpath or bridleway. This is incorrect as the old train line, a designated public footpath runs to the rear of the land. As this is currently being upgraded to make it part of 'The Valley Way' the rights of Rossendale Borough Council to decide its own strategies and area vision plans should not be compromised by a planning decision made at County level.
- Horses using the proposed bridleway may become distressed and throw their riders resulting in injury.
- A certificate from a structural engineer should have been provided to certify that the bridge is able to cope with the increase in the amount of waste that would be handled.
- The new extension is acoustically unsuitable to contain the noise generated by the application.
- There is no reference in the applicant's statement about the area vision for Bacup and Stacksteads which states that the area is to be the focus of intensive tourist development.
- Breaches in hours of working before 0800 and also at Bank holidays.
- An internal enquiry should be instigated as to why the planning conditions imposed upon 14/10/0452 have not been rigorously enforced.
- Beeping of vehicle reversing alarms causes disturbance.
- The site is being used as a dump and if the extension is granted the site will just become a bigger dump.

CCL Oakes Rossendale East

- Requests that photographs sent by the residents of Waterbarn Mill are sent to members of the Development Control Committee in advance of the meeting on 17 July 2013. Although residents will be able to present their case at a special meeting on the 15 July some members of the committee may not hear the residents case and it may not be possible to hand the photographs round at the meeting.

#### Chair of Waterbarn Community Group

- LCC looked at the site and rejected it as it was unsuitable due to the close proximity of residential properties in particular accommodation for the elderly.
- LCC stated that if the site were to be used for a WTS the old buildings would need to be demolished.
- Noise from the building is excessive due to the construction of the building. Unloading, loading and sorting of skips in the yard.
- The present occupiers have consistently broken planning and environmental conditions relating to dust, noise, smoke, and violation of the water transfer processing. LCC has served a Breach of Condition Notice. The owner of the site has previously been prosecuted by the Environment Agency (EA) for a similar facility in Rochdale. The Rossendale Borough Council Enforcement Officers have to constantly visit the site to tell them to stop the pollution and noise.
- The appearance of the site is appalling. The building is in a derelict state with holes in the roof of the main building used by processing which can be seen from Newchurch Road.
- Whilst previous uses may have been compatible with a light industrial use as residents we now have basic human rights and that is to have peaceful enjoyment of our homes. These rights are being degraded by this Waste Transfer site.
- The Council has failed in their obligation to enforce the law and as residents we are suffering accordingly.
- There has been a violation of waste processing restrictions by hoarding and storing waste.

#### **Advice**

Director of Transport and Environment – Observations

#### **Policy context**

When considering applications for waste development a local planning authority must have regard to the EU Waste Framework Directive, which has been made part of domestic law by the Waste Management Licensing Regulations 1994. This legislation provides that the local planning authority must have regard to the 'relevant objectives', which are ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods that could harm the environment and, in particular, without risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

Government policy on waste management (PPS 10) establishes key sustainable waste management principles and considers that proposals should be assessed in terms of their contribution towards driving waste management up the waste hierarchy in a manner which safeguards human health, does not harm the environment, and enables waste to be disposed of in one of the nearest appropriate installations (proximity principle). PPS10 stresses that the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining planning applications.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, the saved policies of the Lancashire Minerals and Waste Local Plan 2006, and the Rossendale Borough Council's Adopted Core Strategy Development Plan Document (DPD). The Lancashire Minerals and Waste Local Plan was prepared, and the Lancashire Minerals and Waste Development Framework is being prepared with regard to the EU Waste Framework Directive and Paragraph 4 of Part 1 of Schedule 4 of the Waste Management Licensing Regulations 1994. The 'relevant objectives' are referred to in the plans and the policies were prepared to reflect the intentions of such.

Waterbarn Mill consists of three main buildings on a large yard. There is a high, steel clad modern warehouse building and two older buildings. There is also a bungalow at the site entrance that was last used as an office. The land is within the Urban Boundary, as designated by Policy 1 of the Rossendale BC Adopted Core Strategy DPD (2011). The site has historically been used for industrial purposes and until 2004 operated as an industrial thermoplastic recycling plant. This use ceased, the site was left vacant and in 2010 planning permission was granted for one of the units and part of the yard area to be used as a Waste Transfer Station (WTS). The applicant owns the historic mill complex and lets out the unit used by 'Pick up Systems' to the rear/south of the site and the unit nearer the entrance into the site known as 'Tin Man.' As these two uses are not waste related planning matters any planning issues are the jurisdiction of the Borough Council.

Policy 88 of the Lancashire Minerals and Waste Local Plan seeks to ensure that waste transfer stations are located within appropriate industrial areas and requires operations to be undertaken within a building where they would cause unacceptable injury to amenity if carried out in the open air. The policy also requires that proposals should not give rise to unacceptable adverse impacts on people or the environment and should be able to satisfactorily accommodate the traffic generated by the development.

As the mill site has an historical industrial use and more recently the application site has planning permission for a waste transfer station, it is considered that the principle of the use of the site has already been established subject to conditions. Nevertheless, it is necessary to assess the potential impact of the proposed building extension and screen wall on local and residential amenity, the environment and the local highway network.

### **The proposed building extension**

The applicant is seeking permission for an extension to the existing building to provide more indoor space to undertake all the WTS functions. The applicant has indicated that the extension would increase floor area by 260m<sup>2</sup> and would measure approximately 13m x 20m x 7.5m to ridge height, which represents an increase of approximately 25% of total available floor space. The number of employees would also increase from 6 to 9.

The design of the proposed extension would incorporate three sliding doors. Skip vehicles would enter the building and deposit the waste onto a designated floor area. Waste would then be manually sorted and segregated into skips all within the existing building and proposed extension prior to being bulked up and transfer off-site to more specialised recycling operations or landfill. The proposed extension would be similar in design to the existing building, would not encroach on neighbouring residents and would be of an acceptable size and scale for the existing former mill site.

It is acknowledged that operations have taken place outside of the existing building but the proposed extension would seek to resolve these issues. The proposed extension would be approximately 43m from the rear garden boundary of no 9 Brandwood Park. There is a landscaped buffer strip predominately consisting of deciduous trees measuring approximately 31m in depth which currently acts as a buffer to the mill site and was probably established when the Brandwood Park housing development site was constructed.

The applicant is also proposing a 2.5m high screen wall with materials to match the building extension. This would provide a further opportunity to screen the operations from the residential properties on Brandwood Park and also from other developments on the Mill site. It would provide a dedicated access area for the industrial activities to the southwest of the application area and generally improve the management of the site. Further construction details are required of the screen wall to ensure the design is appropriate, and a condition is recommended accordingly.

The boundary of the Green Belt is located to the south of the Mill complex site and abuts the pedestrian footpath on the southern side of Newchurch Road adjacent to the site access but outside the planning application boundary. The Mill complex site is not within the Green Belt and built development within it would not be contrary to the policies of the Development Plan in this respect.

### **Pollution control and impact on local amenity**

The JLMWDF and LMWLP recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust vibration and visual intrusion. Policy 2 of the LMWLP seeks to ensure that mineral and waste developments do not result in unacceptable adverse impacts on local amenity and the environment. Policy CS9 of the JLMWDF seeks to ensure that developments of this nature meet certain criteria including the protection of amenity, health, and economic well-being. The original approval was granted subject to conditions which included controlling hours of working, and site operations. In particular all operations associated with unloading, depositing, sorting, segregation, processing of waste and storage of waste or materials should be undertaken within the building.

One of the main concerns associated with the waste transfer operations is noise. A noise assessment has been undertaken to seek to establish the likely noise associated with the existing development and proposed extension. This follows on from the noise assessment submitted as part of the application for the existing use of the site (ref. 14/10/0452). That earlier noise assessment was undertaken in accordance with relevant guidance and standards and concluded that predicted worst case noise levels from the operation of the waste transfer station, with roller shutter doors open or closed would not exceed recommended guidance noise limits. Moreover, the predicted noise levels were well below the daytime conditional limits that were imposed on planning permission 14/93/0484 for the thermoplastic recycling. Nevertheless, to seek to ensure that noise would be minimised, conditions were imposed on the permission for the change of use to a WTS to require that all operations should take place within the building, to control hours of working, and a noise condition which set a noise limit at nearest residential properties in view of the findings of the noise assessment.

With the proposed extension the most recent noise assessment concludes that the building extension and screen wall would result in neutral or reduced noise levels from the site as a whole, which is to be expected if the operator carries out operations in accordance with the existing planning conditions. The proposed extension to the building would provide extra indoor space and would set waste sorting, separation and storage operations further within the building. This should reduce noise even further.

Most of the objections that have been received relate to the dragging, dropping, loading and unloading of skips outside of the building and storage of waste within the yard area. This is not currently permitted by the existing planning permission and the investigations associated with this are referred to in the 'Background' section of this report.

The application site is covered by an Environmental Permit under The Environmental Permitting Regulations (England and Wales) 2010. The Permit associated with Waterbarn Mill restricts the throughput of waste to 75,000 tonnes a year, and to no more than 50 tonnes stored at the site. Further, it excludes waste types consisting solely or mainly of dusts, powders or loose fibres and wastes that are in a form which is either sludge or liquid.



Concerns have been raised that since the development was initially approved, the residential properties particularly to Brandwood Park have been subject to vermin, dust, flies and odour. The issues of noise, odour and the effects of pollution on health are referred to in paragraphs 120 to 123 of the NPPF. Paragraph 122 of the NPPF states:

*'..local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use rather than the control of processes or emission themselves where these are subject to approval under pollution control regimes.'*

The County Council must assume the pollution control regime will work effectively and the County Council should not duplicate such controls

Policy 23 of the Lancashire Minerals and Waste Local Plan seeks to prevent development that would present an unacceptable risk to the quality of the groundwater resources or surface waters. The application is accompanied by a Flood Risk assessment and the operations would take place within a building at an established industrial site. The Environment Agency has raised no objection in principle. As part of the permitting requirements the operator would continue to have to satisfy the Agency that the site would be operated in accordance with best practice. Some conditions are proposed to safeguard watercourses and drainage as they are considered necessary to address the land use implications specific to planning control and to ensure the safeguarding of local water resources.

Whilst it is acknowledged that the nature of waste transfer stations can be unpleasant, the existing development is at an established and historical former mill site with previous uses of an industrial nature. The WTS is controlled by planning conditions to seek to minimise impact on local amenity but it should not be expected that all disturbance would be removed given the close proximity of more recent housing development.

The proposed building extension within the existing WTS site would provide additional indoor space for the operator, thereby removing the likelihood of breaches of planning control associated with outdoor sorting and storage of waste. The planning application boundary encompasses the whole of the WTS site and therefore conditions are recommended which, in the main mirror the existing permission. Additional conditions are recommended to require that all reversing alarms employed at the site are of a broadband or white noise type, a condition is recommended to control outside lighting, the hours of working condition is tailored to include reference to construction development (referring to the extension build), and conditions that were previously imposed in relation to noise limits and dust are no longer recommended to avoid duplication of control with the Permit.

### **Highway matters**

Policies 37 and 88 of the LMWLP support waste developments where they would not give rise to any unacceptable traffic or road safety problems on the strategic road network or on the access routes between the site and that network. Site access would be taken off Newchurch Road via an existing mill site entrance over a private

bridge within the applicant's control. Whilst concerns have been raised about the need to undertake surveys on the bridge to ensure that it is fit for purpose. The bridge is in private ownership and is the responsibility of the owner to ensure it is maintained in a condition to support vehicular movements associated with this proposal and any other proposals or uses on the remaining part of the site. It is therefore considered unnecessary to require such a survey as part of the determination of this application. Concerns have been raised about a potential increase in vehicle numbers and the impact that this would have on Newchurch Road. LCC's Assistant Director (Highways) has assessed the application and has no objection to the proposal.

### **Other matters**

It is acknowledged that Area Vision Policy 2 of the RCS DPD seeks to support an emerging tourism industry within this part of Rossendale however; Policy 10 of this planning document recognises the importance of supporting and maintaining employment sites. Further, the NPPF is very clear that planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). Additionally, Paragraph 18 states:

*The Governments is committed to securing economic growth in order to create jobs and prosperity....meeting the twin challenges of global competition and of a low carbon future.*

Waterbarn Mill complex, whilst owned by the applicant, also consists of a number of units which are let for other industrial purposes. Concerns have been expressed about how the complaints across the site have been investigated. It is acknowledged that there have been complaints received about the mill site and Officer's from Lancashire County Council have worked with both the Environment Agency and the Borough Council to identify any breaches of planning control and which authority is best placed to investigate further. However, this application must be considered on its merits and previous breaches of planning control do not constitute a reason to refuse planning permission; if appropriate, enforcement action should be taken against a breach of planning control.

If the County Council is to pursue enforcement action against a breach of planning control it must be satisfied that non-compliance with the requirements of the planning permission is causing measurable harm to amenity in the locality of the site. This planning application was invited to address the issue of operations taking place outside of the building associated with the waste transfer station. It is understood that the Borough Council is investigating whether to request planning applications with regard to the other activities on the site. The Environment Agency is also currently monitoring the WTS site on a regular basis.

### **Human Rights**

Concern have been raised that although the site has an historic industrial use, residents now have basic human rights to peaceful enjoyment of their homes. However, providing the site is regulated in accordance with statutory controls, it is considered that there would be no unacceptable adverse impact on the amenity of

local residents and therefore no Convention Rights as set out in the Human Rights Act 1998 would be affected to such an extent that would warrant refusal of planning permission. The applicant also has Convention Rights and those rights can only be taken away when necessary in accordance with the provisions of the Act, such as when necessary in the public interest, and when such interference would be proportionate to the rights, which it is necessary to safeguard. In the circumstances it is considered that no such interference could be justified here.

## **Conclusion**

It is considered that the proposed development would continue to contribute towards the diversion of waste materials away from landfill, reduce reliance on landfill and move the management of waste up the waste hierarchy. The site has a long history of industrial use and a thermoplastics recycling plant. The proposed building extension and screen wall would be acceptable in terms of size, design and location.

The construction of the extension and the conditions proposed to control the development would seek to ensure all waste transfer operations take place inside and mitigate the impact of those activities currently carried out outside the existing building. It is considered that the development as a whole including the proposed extension would have no unacceptable adverse impact on local amenity subject to compliance with recommended planning conditions and the requirements of the Environmental Permit. It is considered that the proposed development complies with the policies of the Development Plan.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

2. Written notification of the date of commencement of the construction of the building extension shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Working Programme**

3. The building extension and screen wall subject of this permission, and all operations carried out on the site (as defined in this permission) pursuant to

this permission and those approved under permission 14/10/0452 shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 09.05.2013.

b) Submitted Plans and documents:

Drawing entitled 'Waste Transfer Station as existing'

Drawing entitled 'Application Site edged in red'

Drawing entitled 'Waste Transfer Station proposed'

Drawing entitled 'Waste Transfer Station-existing elevations'

Drawing entitled 'Waste Transfer Station-proposed elevations East'

Drawing entitled 'Waste Transfer Station proposed elevations -South'

Drawing entitled 'Waste Transfer Station -proposed working

arrangements Rev A received 28 June 2013

Drawing entitled Waste Transfer Station –proposed elevations- North

Rev A received 3 July 2013.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

## **Building Materials**

4. Notwithstanding the details indicated on the approved plans and supporting documents, no screen wall shall be erected until a scheme and programme detailing the location, design, height and colour of the screen wall to be erected has been submitted to and approved in writing by the County Planning Authority. Thereafter the fencing shall be erected in accordance with the approved details.

*Reason: To protect the visual amenities of the area and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

5. Within one month of the commencement of construction of the building extension a scheme and programme for the external lighting of the site (as defined in this permission) shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of:

a) Type, location and intensity of lights

b) Types of masking or baffle at head

c) Type, height and colour of any lighting columns

d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.

e) Details for the control of the times of illumination of the lighting.

The lighting at the site (as defined in this permission) shall be carried out in accordance with the approved scheme and programme at all times throughout the duration of the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Hours of Working**

6. No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place outside the hours of:

0800 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1400 hours on Saturdays

No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site (as defined in this permission).

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Site Operations**

7. No hazardous or putrescible waste shall be brought onto, stored or deposited at the site (as defined in this permission).

*Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

8. No unloading, depositing, sorting, segregation and processing of waste, and no loading of waste and recycled materials into skips/containers shall be undertaken outside the building shown on the drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A' received 28 June 2013. The whole of any vehicle shall be within the building during any loading or unloading operation.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

9. Where reversing alarms are employed on site (as defined in this permission) only broadband multi-frequency sound alarms (white sound) shall be used.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 of the Lancashire Minerals and Waste Local Plan.*

10. No skips, waste or materials shall be stored outside the building shown on Drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A' received 28 June 2013.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.*

### **Highway Matters**

11. All vehicles transporting waste/recycled materials from the site (as defined in this permission) shall be securely sheeted.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 88 of the Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

12. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site (as defined in this permission) to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan*

13. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site (as defined in this permission) completely.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to*

*conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan*

14. Any chemical, oil or fuel storage containers on the site (as defined in this permission) shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan.*

### **Definitions**

'The site' shall mean the area of land edged red as shown on the Drawing entitled 'Application Site edged in red'

### **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

### **Local Government (Access to Information) Act 1985**

#### **List of Background Papers**

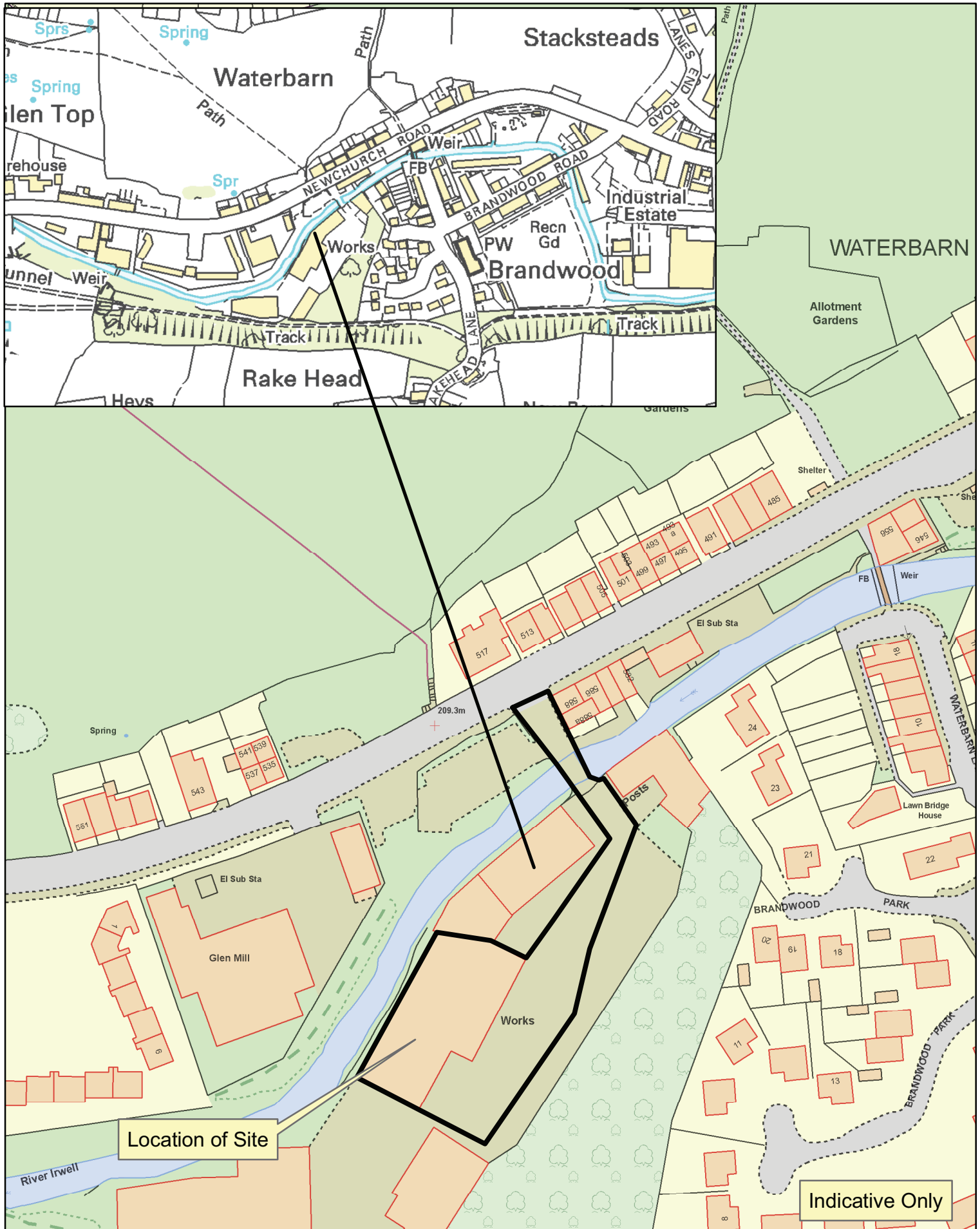
Paper	Date	Contact/Directorate/Ext
14/13/0239	09.05.2013	Catherine Lewis/Environment/30490
14/10/0452	09.08.2010	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A







APPLICATION 14/13/0239 EXTENSION TO BUILDING AT WASTE TRANSFER STATION AND ERECTION OF A SCREEN WALL. WATERBARN MILL NEWCHURCH ROAD STACKSTEADS BACUP



# Agenda Item 7

## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Ribble Valley North East
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### Ribble Valley Borough: Application 03/12/1059

**Demolition of part of the school buildings and construction of a 2/3 storey building, external walkway, glazed link roof, remodelled caretaker building, and reconfiguration of parking and external play areas at Bowland High School, Sawley Road, Grindleton**

Contact for further information:

Rob Hope, 01772 534159, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Application - Demolition of part of the school buildings and construction of a 2/3 storey building, external walkway, glazed link roof, remodelled caretaker building, and reconfiguration of parking and external play areas at Bowland High School, Sawley Road, Grindleton.

#### Recommendation – Summary

That, planning permission be **granted** subject to conditions controlling commencement, working programme, building materials, protected species, hours of construction working, reversing alarms, construction working method statement and landscaping.

#### Applicant's Proposal

Planning permission is sought for demolition works, construction of a 2/3 storey building, remodelled caretaker building, external walkway, glazed link roof and reconfiguration of parking and external play areas. The main elements of the proposal would be:

- Demolition of old school buildings lying in the centre of the current school campus. The buildings cover an area of 1255m<sup>2</sup> over four floors.
- Construction of a new 2/3 storey building to provide 1909m<sup>2</sup> of floorspace. The building would measure approximately 28m x 33m and would incorporate a flat roof with a maximum height of approximately 12.5m. The elevations would be finished in pitched face natural sandstone, cedar cladding, neutral render and would incorporate dark grey aluminium windows and doors and sections of curtain walling. The roof would be finished in a grey King Span single ply roofdeck incorporating, roof vents, roof lights, solar panels and dark grey aluminium eaves, fascia and soffit boards.

- Construction of an external walkway along the northern elevation of the new building linking into the first floor of the main school building.
- Construction of a glazed roof canopy between the north eastern elevation of the new school building and the multi-media and music blocks.
- Redevelopment of the existing caretaker's building. New walls would be provided at the upper level to provide 58m<sup>2</sup> of new floorspace which would incorporate new windows and doors and would be clad in neutral render and timber cladding. A new slate roof would be provided.
- Reconfiguration of the school site to accommodate staff and visitor parking on the current school playground. The playground provision would be relocated to an area to the north of the site which is currently used for car parking. The reconfiguration would result in the provision of 58 spaces, an increase of 13 spaces over the existing provision.

### **Description and Location of Site**

Bowland High School lies approximately 10km to the east of Clitheroe, within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The school buildings occupy an elevated position on a natural terrace above the floor of the Ribble Valley and are positioned in a roughly north-east to south-west orientation. The site itself is characterised as a ridge sloping from east to west which reduces the prominence of the buildings within the wider landscape. Bowland High School was previously a country hotel and subsequently an orphanage, with the original buildings being extended and modified as their use for educational purposes developed. The original buildings which would be demolished as part of the development are located to the north of the main school building and sports hall and to the south of the multi-media and music blocks. The caretaker building, which would be subject to re-modelling is located at a lower level to the west of the school site, adjacent to the existing staff and visitor parking area.

The school is accessed via the C571 (Sawley Road) which runs to the west of the site.

### **Background**

#### **History**

Planning permission for the construction of an all weather multi use playing surface with 3m high weld mesh fencing and consolidation and extension of existing footpath and associated landscaping was granted in August 2010 (ref. 03/10/0495).

Planning permission for the demolition of a HORSIA building and replacement with a single storey music facility comprising of music room, media/recording room, 2 no practice rooms, recording control room, disabled WC, stores, plant room and veranda was granted in March 2008 (ref. 03/08/0074)

Planning permission for the erection of a sports hall for school and community use incorporating new vehicular and pedestrian access points and 2 no disabled parking spaces together with the provision of a new two storey teaching block was granted in January 2004 (ref. 03/03/1000).

Planning permission for the demolition of two demountable classrooms and depot building. Creation of revised access and new car parking area and a two storey extension to new teaching block was granted in April 2001 (ref.03/01/0073)

Planning permission for a single classroom demountable building, flat roof & textured paint finish external walls (green), timber steps to entrance was granted in June 2000 (ref. 03/00/0313).

Planning permission for the demolition of 2 demountable buildings and the erection of a new 2 storey teaching block was granted in June 2000 (ref. 03/00/29).

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraph 72 - Promoting Healthy Communities.

Paragraph 115 to 118 – Conserving and enhancing the Natural Environment

Ribble Valley Local Plan (RVLP)

Policy ENV1                Forest of Bowland AONB

Policy ENV7                Species Protection

Policy G1                    General Development Considerations

Policy G5                    Development Outside the Main Settlement Boundaries.

## **Consultations**

Ribble Valley Borough Council – No objection in principle. Would be interested in the views of the County Landscape Architect given the location of the site within the Forest of Bowland AONB as the new 2/3 storey building will be significantly more visible than the one it replaces. If approved conditions relating to the protection of bats and tree preservation should be imposed.

Grindleton Parish Council – No observations received.

LCC Assistant Director (Highways) – No objection in view of revised details shown on revised site plan 4266-L (00)03 Rev 06. It is recommended that a condition be imposed requiring a construction method statement in the interests of residential amenity and to enhance safe working practices on or near the highway.

Environment Agency – No objection.

Natural England – Consider that the application does not pose any likely or significant risk to those features of the natural environment for which they would otherwise provide a more detailed consultation response and does not wish to make specific comment of the details of the consultation. However, Natural England would expect the local planning authority to consider the potential impacts upon protected species and the scope for biodiversity and landscape enhancements when determining the application.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Two letters of representation have been received from local residents objecting to the proposals for the following summarised reasons:

- That the removal of the mature tree to facilitate the proposed widening of the existing vehicular access point would be severely detrimental to the aesthetics of the local surroundings.
- The school does not have sufficient parking provision on a permanent basis and whilst the development is constructed. Alternative parking should be provided during construction and in the long term to ensure pedestrian safety in light of existing problems with traffic congestion.
- To widen the access point would place traffic directly onto the junction with Sawley Road which would exacerbate existing problems with vehicles using the road to the side of the school which is the only access road for householders located behind the school.
- The new building would incorporate brightly coloured window frames which would not be in keeping with the surroundings or existing buildings.
- The impact of inappropriate design in an Area of Outstanding Natural Beauty.
- The addition of exterior lighting of the new building is unnecessary given modern security systems can operate using infra red lights that would reduce light pollution on the immediate surround area.

A further representation has been received from Ribble Valley Borough Councillor Michael Ranson objecting to the application on the grounds that the current parking facilities at the school are unsustainable and the application should make provision for additional permanent car parking spaces.

## **Advice**

Director of Transport and Environment – Observations

Planning permission is sought for demolition works, construction of a 2/3 storey building, external walkway, glazed link roof and reconfiguration of parking and external play areas. The development is required to replace and upgrade the existing 'old school' buildings at the site which are sub-standard and currently do not provide suitable accommodation or facilities for the pupils on role. The application would also improve accessibility for disabled school users and circulation of staff and pupils throughout the school site. The reconfiguration of the car parking would lead to an overall increase in provision at the site and would be beneficial in addressing existing problems with traffic congestion and pedestrian safety. The redevelopment of the existing caretaker's building would provide improved ancillary accommodation and facilities for non-teaching staff.

The main issues to consider are the acceptability of the proposals within the AONB, landscape & visual assessment and building design, protected species, traffic and the impacts of construction and demolition.

## **AONB, Landscape & Visual Assessment and Building Design**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF sets out the Government's Planning Policies and is a material consideration in planning decisions.

Paragraph 72 of the NPPF states *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

Paragraph 115 of the NPPF states *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

Paragraph 116 of the NPPF states *'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Policy ENV 1 of the RVLP seeks to ensure that the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty is protected, conserved and enhanced and requires that development contribute to the conservation of the natural beauty of the area. The policy states that the environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications. The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal and regard should be had to the economic and social well-being of the area.

The development would provide for the replacement of the original buildings at the site which are now in a poor condition and sub-standard for a modern day educational establishment. The sloping topography of the site has determined the

overall layout of the proposed development, with the major new building being split over three floors reflective proportionally of the structure it is to replace. The lower floor of the building would be set into the slope of the site and as a result only two floors would be apparent in views to the main front-facing elevation which faces Sawley Road, whereas all three storeys of the new building would be visible from the rear where site levels are lower. The front and rear elevations of the major new building would be stepped back from the building line of the adjacent sports hall which would reduce the overall prominence of the development and the provision of a flat roof would reduce the overall height and massing of the structure.

The applicant has submitted a landscape and visual impact assessment to evaluate the potential impacts the development may have on local visual amenity and wider landscape character. The assessment concludes that the scale and appearance of the new building would be consistent with the character of other contemporary buildings at the site and that the overall effects on the character of the campus would be slight and not significant. At a broader scale, the assessment concludes that the location of the replacement building within an existing school campus would be appropriate to the site and would not compromise the landscape character. There would be no significant effect on the Forest of Bowland AONB. The assessment acknowledges the enclosed location of much the site, behind a local ridge, and identifies that mature trees and woodland belts would restrict potential views from the north and west. The assessment states that given the majority of visual receptors would be in excess of 450m from the site and that the school campus would be a small element within a wider diverse landscape, the overall visual impact of the development would not be significant.

An objection has been received in relation to design following a pre-application meeting with the applicant on the belief that the proposed development was to include brightly coloured window frames. However, the submitted application does not provide for this. The elevations would be finished in pitched face natural sandstone, cedar cladding, neutral render and would incorporate dark grey aluminium windows and doors and sections of curtain walling to maximise the ingress of natural daylight. The roof would be finished in a grey King Span single ply roofdeck incorporating roof vents, roof lights, solar panels and dark grey aluminium eaves, fascia and soffit boards. It is considered that the proposed materials would be appropriate to a contemporary structure but also reflective of materials used in the surrounding area and would either be of natural composition or finished in neutral colours which would serve to minimise any visual impact.

It is considered that the new building would be of an acceptable scale and massing, reflective of the existing building that it would replace, that would not adversely impact upon the character of the AONB and would therefore serve to contribute to the conservation of the natural beauty of the area. The development would provide improved accommodation and facilities for the staff and pupils of the school at an existing site and it would contribute to the economic and social well being of the area. There are exceptional circumstances for the development and it would be in the public interest in accordance with paragraph 116 of the NPPF.

The proposed development would provide new and improved school accommodation and facilities to allow a more effective delivery of the curriculum. The reconfiguration



of the car parking would lead to an overall increase in provision at the site, contrary to the concerns raised, and would be beneficial in addressing existing problems with traffic congestion and pedestrian safety. The redevelopment of the existing caretaker's building would provide improved ancillary accommodation and facilities for non-teaching staff. In view of the submitted details, it is considered that the location and design of the proposed development is acceptable in principle.

## **Protected Species**

The development would require the demolition of existing school buildings at the site, the remodelling of the existing caretaker's building, the felling of a mature tree and two further smaller trees. The trees have been surveyed and are of poor quality with no or limited potential for bats.

Buildings and trees have the potential to provide habitat for bats which are afforded full protection under the Wildlife and Countryside Act 1981 (as amended). The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The UK implemented the directive by introducing regulations now consolidated in the Conservation of Habitats and Species Regulations 2010, referred to below.

The application is supported by bat surveys, including an updated bat licence method statement July 2013, which found evidence of bat roosts, both maternity and transient roosts, in the main school building. Consequently, a suite of proposed mitigation measures have been proposed including contractor advice, appropriate demolition techniques and timings, the provision of roost boxes, and the provision of adapted roost space within the remodelled caretaker's building.

To lawfully remove a bat roost a European Protected Species Licence would be required through Natural England and a developer must demonstrate that the three tests set out in The Conservation of Habitats and Species Regulations 2010 have been met. The tests are that:

1. The development is required for the purpose of:
  - preserving public health or public safety,
  - for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
  - for preventing serious damage to property.
2. There is no satisfactory alternative
3. The development would not be detrimental to maintaining the population of the species concerned at a favourable conservation status.

It also follows that planning permission should not be granted if a licence is not likely to be issued and therefore the three tests should also be addressed at the planning stage. It is considered that the development is not required for the purpose of preserving public health or public safety and is not required for preventing serious damage to property. Therefore it would need to be for other imperative reasons of overriding public interest.

### Overriding public interest

The development would result in the replacement of substandard school buildings which currently do not provide adequate accommodation or facilities for the pupils or staff at the school. The school catchment area is substantial and is mainly the rural Ribble Valley parishes. It is considered that the development is essential in providing contemporary educational facilities appropriate to the delivery of the modern curriculum and that the social and economic benefits to be accrued from the development would be of overriding public interest.

### No satisfactory alternative

The proposal would be located on an existing school campus located within the Forest of Bowland AONB. The campus itself is very restricted and demolition and re-development of the site is the only viable option in providing the accommodation needed to house the required facilities. The development proposals would constitute the re-development of previously developed land in a sustainable fashion that would be sympathetic to the sensitive landscape setting.

### Maintaining population of the species

The applicant's proposed mitigation strategy would provide for alternative replacement bat roost habitat for both the maternity and transient roosts and these would, in part, be installed in advance of any works that would affect the location of bat roosts within the building to be demolished. The mitigation strategy concludes that the population of bats would be likely to be maintained at the current level in terms of species, numbers and types of roost.

The County Council's Specialist Advisor on ecology has advised that following the submission of the updated bat licence method statement, the mitigation proposals may be adequate to form the basis of a mitigation method statement to address the third test (above) in a licence application and the application should not be refused on the grounds of potential impacts on European protected species.

In view of the submitted information and the advice received a condition is proposed requiring the development be carried out in accordance with the submitted Bat Licence Method Statement dated July 2013 or as amended by the requirements of any changes dictated by a European Protected Species Licence.

### **Traffic and the Impacts of Construction and Demolition**

Objections have been received on the grounds that that the school does not have sufficient parking provision both on a permanent basis and would not have while the development is constructed, which raises issues of potential traffic congestion and pedestrian safety. The proposed development would involve the reconfiguration of the school car parking to increase the number of spaces from 45 to 52. The increase would be achieved through re-locating the majority of staff and visitor parking from the rear of the school to the existing front playground area and would also involve the improved formalisation and configuration of existing spaces. It is

considered that the proposed increase in spaces and reconfiguration of the existing parking provision would represent a considerable improvement over the existing parking layout and would serve to alleviate general traffic congestion around the site both during construction and upon completion of the development. The use of the existing parking area as a play area would provide for a greater degree of pedestrian and vehicle segregation and would result in an improvement in highway safety generally.

Concern has been raised that widening the existing access point would create traffic safety issues at the junction with Sawley Road. The Assistant Director Highways has raised no objection to the proposals on the grounds of highway safety and it is considered that the widening of the access point to the proposed staff and visitor parking area would serve to improve traffic circulation at the site generally by allowing vehicles to easily exit the public highway and would serve to alleviate existing issues of traffic congestion at the site.

The nearest residential properties to the development site are located to the south west at Foxley Bank Farm and Sykes Cottages at an approximate distance of 45m and 70m respectively. The proposed development would not encroach on the proximity of the residential properties and the majority of the development would take place to the north west of the site. It is considered that the completed development would not have a detrimental impact upon residential amenity. However, to mitigate impacts during the construction period, conditions are proposed restricting the hours of construction working from 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, with no working on Sundays and Bank Holidays, and to restrict plant and equipment reversing alarms to broadband (white sound) type. A condition is also proposed requiring the submission and approval of a construction working method statement in the interests of residential amenity and to enhance safe working practices on or near the highway.

### **Lighting and Landscaping**

An objection has been received on the grounds that the addition of exterior lighting to the new building is unnecessary and would lead to light pollution of the surrounding area. The development provides for the installation of a number of forms of wall-mounted lighting, in the interests of health and safety, and is focussed on providing illumination for pedestrians moving around the site particularly given the provision of new access arrangements for pupils and visitors to the site. The proposed lighting would be replacement for that which already exists, would be of a type with a modern lower light spill and is therefore unlikely to result in any additional or unacceptable light pollution.

An objection has been received on the grounds that the removal of the mature tree to facilitate the proposed widening of the existing vehicular access point would be severely detrimental to the aesthetics of the local surroundings. The removal of the tree would be a practical necessity to allow for the highway access improvements and appropriate mitigation would be provided in the form of replacement tree and hedgerow planting in the same location and the provision of additional decorative planting around the area of the new school building. A tree survey has concluded that the tree is of low quality with an estimated life span of approximately 10 years.

The loss of the tree in question and two other trees is considered acceptable in the circumstances subject to the provision of replacement trees and planting and which can be required by condition. The recommended condition relating to a construction working method statement referred to above also requires details for the protection of all other trees within the site during the construction phase of the development.

## **Human Rights**

In view of the nature and location of the proposed development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Conclusion**

The proposed development would provide improved school accommodation and facilities to allow a more effective delivery of the curriculum. It is considered that the development would be acceptable by way of scale and design and would not have an unacceptable impact on the landscape character of the AONB and would not impact upon residential or local visual amenity. The development would be unlikely to have a detrimental impact on bats subject to compliance with the bat mitigation method statement and on securing the necessary European Protected Species Licence. The development would be acceptable in terms of highway safety and subject to conditions controlling construction working, would be unlikely to have a detrimental impact on local residents by way of noise or traffic nuisance. The development would be unlikely to lead to unacceptable levels of light pollution. There are exceptional circumstances for the development and it would be in the public interest. It is considered that the proposed development complies with the policies of the NPPF and the policies of the development plan.

## **Recommendation**

That planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions of this permission, in accordance with the following documents:
  - a) The Planning Application received by the Director of Transport and Environment on 22 November 2012.
  - b) Submitted plans and documents:

Drawing No:

L (00) 03 Rev 6 Proposed Site Plan  
L (2-) 03 Rev 09 Proposed Elevations Sheet 1 of 2  
L (1-) 04 Rev 13 Proposed Upper Ground Floor Plan  
L (1-) 05 Rev 13 Proposed First Floor Plan  
L (1-) 06 Rev 02 Proposed Roof Plan  
L (1-) 11 Rev 03 Proposed Caretaker Building Plans and  
Elevations  
L (00) 15 Proposed Landscaping Layout  
4054-E10 Rev A Proposed External Lighting & Elevations Layout  
Material Examples sheet, Ref: 4266, version 1.02, dated 22.08.2013

- c) All schemes and programmes approved in accordance with this permission.

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies Env1, Env7, G1 and G5 of the Ribble Valley Local Plan*

### **Building Materials**

3. The building materials used for the external elevations and roofs shall be as shown on materials example sheet, version 1.02, dated 22.08.2013.

*Reason: In the interests of the visual amenities of the area and to conform with policies G1 and ENV1 of the Ribble Valley Local Plan.*

### **Hours of Construction Working**

4. No demolition work, construction development, delivery or removal of materials shall take place outside the hours of:

0730 to 1800 hours Monday to Friday (except Public Holidays),  
0800 to 1400 hours on Saturday (except Public Holidays).

No demolition work, construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G1 of the Ribble Valley Local Plan.*

### **Control of Noise**

5. Where reversing alarms are employed on site during the construction phase only broadband multi-frequency sound alarms (white sound) shall be used.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy G1 of the Ribble Valley Local Plan.*

## **Highway Matters**

6. No development shall commence until a construction method statement has been submitted to and approved in writing by the Director of Environment and Transport. The construction method statement shall include details of the following:-
  - a) The arrangements for the parking of vehicles of construction staff and visitors.
  - b) The arrangements for the loading and unloading of plant, construction materials, waste materials associated with construction development.
  - c) The storage of plant and materials associated with construction development.
  - d) The construction compound(s) including temporary fencing.
  - e) The proposed wheel cleaning facilities and their use.
  - f) The measures to control emissions of dust from the site during construction works.
  - g) Protection of trees within the site other than the three trees referred to within the submitted tree survey report entitled survey details for trees at Bowland High School, dated 19 December 2012.

The construction phase of the development shall be carried out in accordance with the approved construction method statement.

*Reason: In order to satisfy the County Planning Authority that the construction phase of the development would have no unacceptable impact on local amenity.*

## **Ecology**

7. The development, including demolition works, shall be carried out in accordance with the submitted Bowland Ecology document entitled 'Bat Licence Method Statement' dated July 2013 (or as amended by the requirements of a European Protected Species Licence).

*Reason: To ensure the preservation of protected species at the site and to comply with Policy ENV7 of the Ribble Valley Local Plan.*

8. No demolition or building refurbishment works shall commence or trees or hedgerows removed during the bird-breeding season between 1 March and 31 July inclusive unless the buildings to be demolished or refurbished and the trees and hedgerows to be removed have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy ENV7 of the Ribble Valley Local Plan.*

## **Landscaping**

9. All landscaping works including the planting of trees and hedgerows as shown on Drawing no. L(00) 15 shall be implemented within the first planting season, as defined in this permission, following the completion of the construction development and shall thereafter be maintained for a period of five years including replacement of dead and dying species, weed control and maintenance of protection measures.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy G1 of the Ribble Valley Local Plan.*

## **Definitions**

**Planting Season:** The period between 1 October in any one year and 31 March in the following year.

**Director of Transport and Environment:** means the Director of Transport and Environment of the County Planning Authority or any successor position to that post

## **Notes**

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

## **Local Government (Access to Information) Act 1985**

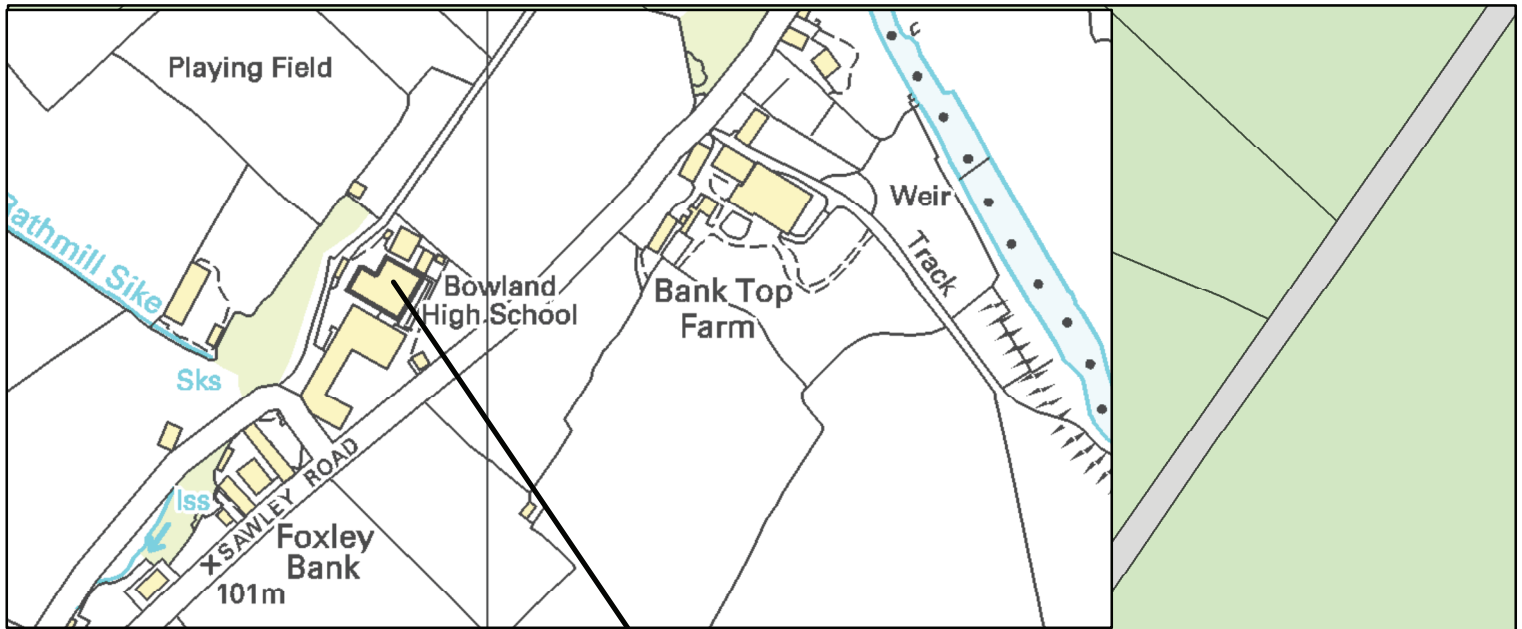
### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
03/10/0495		
03/08/0074		
03/03/1000		
03/01/0073		
03/00/0313		
03/00/0029		
03/12/1059	Aug 2013	Rob Hope/ENV/34159

Reason for Inclusion in Part II, if appropriate

N/A





APPLICATION 03/12/01059 DEMOLITION OF PART OF THE SCHOOL BUILDINGS AND CONSTRUCTION OF A 2/3 STOREY BUILDING, EXTERNAL WALKWAY, GLAZED LINK ROOF, REMODELLED CARETAKER BUILDING, RECONFIGURATION OF PARKING AND EXTERNAL PLAY AREAS. BOWLAND HIGH SCHOOL SAWLEY ROAD GRINDLETON



# Agenda Item 8

## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Longridge with Bowland
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### **Ribble Valley Borough: Application No. 03/13/0650**

**Single storey detached building to provide sixth form teaching accommodation, associated landscaping and the provision of 11 additional car parking spaces to provide a total of 60 parking spaces. Hillside Special School, Ribchester Road (B6245), Hothersall.**

Contact for further information:

Rob Jones, 01772 534128, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application – Single storey detached building to provide sixth form teaching accommodation, associated landscaping and the provision of 11 additional car parking spaces to provide a total of 60 parking spaces. Hillside Special School, Ribchester Road (B6245), Hothersall.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling commencement, working plans, hours of working, control of noise and dust, travel plan, highway matters, landscaping, building materials and lighting.

### **Applicant's Proposal**

Planning permission is sought for the erection of a single storey detached building to provide sixth form teaching accommodation for pupils aged 16-18 with severe Autistic Spectrum Disorder (ASD), Communication and Interaction Difficulties. A car parking area to provide 11 spaces for staff associated with the sixth form teaching is also proposed.

The proposed building would measure 32m x 17m. The design would be contemporary with a sloping roof of two different heights from the centre of the building and consisting of different materials; on the north side the roof would slope from a height of 5.6m to 3m at the eaves and would have a Sedum roof covered by a green coloured roof blanket, on the south side the roof would slope from a height of 3.6m to 2.7m at the eaves and would have a Trocal grey coloured standing seam roof. The elevations would mainly consist of Thermowood vertical timber boards stained brown with low brick plinths and feature walls (except for the east elevation) consisting of Ibstock 'Mercia Gold' wirecut buff bricks. The doors and windows would have dark grey and white aluminium frames, respectively. No details of the outdoor teaching shelter have been provided. The sixth form site would be secured

by 2m high green coloured weld mesh fencing. There would be tarmaced hard surfacing around the building along with grassed areas, boundary screen planting, grassed mounds up to one metre high and an outdoor teaching shelter. External lighting would be provided.

The car parking area would measure 30m x 8m and would consist of 10 spaces plus one disability space. This would increase the total number of car parking spaces at the school from 49 to 60.

One small tree would be removed to accommodate the proposed car parking spaces.

### **Description and Location of Site**

Longridge Hillside Special School is located to the south of the B6245 Ribchester Road, approximately 1.5 km east of Longridge town centre. The school is surrounded by agricultural fields with a small group of residential properties approximately 170m and 70m to the north and east of the existing buildings on site, some of which front Ribchester Road.

The school site consists of substantial grounds with the school buildings on the south of the site accessed by a 150m long internal site access road from Ribchester Road. A visitor car access road forks off along the western boundary from the internal site access road to rejoin it again to form a 'loop'. The main school building is a large Victorian house surrounded by a hard play area on the south side and a walled garden on the north side. The school has a total of 49 car parking spaces spread between three parking areas in and around the school buildings. A field occupies the northern third of the site on the east side of the school access road and being separated from Ribchester Road by a 25m wide belt of mature trees.

The sixth form building is proposed to be constructed on land closest to Ribchester Road.

The additional 11 car parking spaces would be located on the east side of the internal access road associated with the proposed building. A vehicle access to the building would be on the south side of the car parking spaces.

### **Background**

The proposal is at an existing specialist school that caters for children aged 12-16 with severe Autistic Spectrum Disorder (ASD), Communication and Interaction Difficulties.

Planning permission for the partial demolition of existing front entrance and reconstruction with step and ramp access was granted in July 2013 (ref. 03/13/0474).

Planning permission for the erection of a free standing canopy was granted in July 2009 (ref. 03/09/0454).

Planning permission for the provision of a new single storey two classroom modular building to rear of existing stable block to provide additional accommodation for secondary age pupils was granted in July 2007 (ref. 03/07/0496).

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 32, 34, 36, 38, 56 – 66, 69, 70, 72 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, promoting sustainable transport, the requirement for good design, promoting healthy communities and conserving and enhancing the natural environment.

Ribble Valley Local Plan

Policy G1	Development Control
Policy G5	Land Outside Main Settlement/ Village Boundaries
Policy G8	Environmental Considerations
Policy ENV3	Open Countryside
Policy ENV13	Landscape Protection
Policy T7	Parking Provision

## **Consultations**

Ribble Valley Borough Council – No objection. Raise the following points:

- The addition of sixth form pupils to the school would generate additional vehicle movements. Suggested solutions are additional parking and turning facilities or the implementation of a travel plan or managed system for the collecting and dropping off of pupils that would remove the need for taxis to wait on the public highway.
- The benefits of the proposal are supported.
- The general design and form of the proposed building are acceptable.
- Trees on site should be protected.
- The recommendations of the Ecology survey should be carried out in full. Consideration should be given to the provision of additional landscaping that would aide to enhance the biodiversity of the site.

Hothersall Parish Council – Object due to the traffic safety implications. Raise the following points:

- For years, there has been a dangerous queue of taxis which wait on Ribchester Road outside the school before and after 9am and 3pm.
- The taxis park on a blind bend creating a very dangerous traffic situation and problems for pedestrians who are often forced off the pavement and have to walk in the road.
- The provision of 11 parking spaces would probably be taken up by employees.
- The gates of the school are not opened until 9am. This would not solve the problem of taxis queuing on the road, even if 11 spaces were sufficient.

LCC Assistant Director (Highways) – To be reported verbally.

LCC – Specialist Advisor – Ecology - Surveys have been carried out by appropriately qualified and experienced ecological professionals, and are within the acceptable age range for survey data. The information is sufficient to inform determination of this application. The proposals will not result in significant adverse impacts on biodiversity. Great crested newts were not found breeding in ponds within 250m of the application area and are thus reasonably unlikely to be present or affected by development. Surveys found no evidence to suggest that other protected species (such as bats or badgers) are present. However, habitats in and adjacent to the application area are suitable to support breeding birds, other amphibians (including common toad) and reptiles. Precautionary mitigation and compensation for potential impacts on these species and their habitat can be secured by planning condition. It is recommended conditions be imposed to protect adjacent vegetation which may be used by foraging bats; requiring the development be carried out in accordance with the Extended Phase 1 Habitat Survey Report; the carrying out of a repeat survey to ensure the absence of badgers; works involving the clearance of vegetation to be carried out outside the bird nesting season; a landscaping scheme to offset the loss of semi-improved grassland to the development.

Representations – The application has been advertised by site notice and local residents informed by individual letter. Eleven representations have been received from local residents objecting to the proposal for the following summarised reasons:

- The development would create extra traffic.
- At present the special mobility buses and taxis arrive to pick up the school children in the afternoon and, while waiting, line up until the school gates are opened near to the school entrance and outside houses along Ribchester/ Preston Road and back towards the junction with Lower Road (B6243) which is a very bad bend. This is a danger to both pedestrians and passing vehicles.
- It is suggested that provision needs to be made for off-street parking of vehicles collecting children when the school closes at 3pm.

## **Advice**

Director of Transport and Environment – Observations

Planning permission is sought to erect a single storey detached building to provide sixth form teaching accommodation for pupils aged 16-18 with severe Autistic Spectrum Disorder (ASD), Communication and Interaction Difficulties. A car parking area to provide 11 spaces for staff associated with the sixth form teaching is proposed.

Paragraph 70 of the NPPF states that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and proposed communities. The policy states that local planning authorities should give great weight to the need to create or expand schools.

The site is an existing specialised educational school facility located within the countryside. The site is not the subject of a site specific policy but is the subject of general Policies G5 and ENV3 of the Ribble Valley Local Plan. Policy G5 supports small scale developments outside main settlement/ village boundaries subject to a number of criteria including those which are essential to the social well being of the area and other uses appropriate to a rural area which conform to the policies of this plan. Policy ENV3 supports proposals for development in the open countryside which are acceptable by virtue of their size, design, use of materials, landscaping and siting.

The new building would be single storey with sloping roofs. The design and materials to be used for construction would be contemporary. The roof on the north side of the building would be a sedum roof that would soften the appearance of the building when viewed through the trees from Ribchester Road. The use of vertical timber boards on the external elevations would be an appropriate use of natural materials given the rural nature of the area and presence of a large number of trees around the existing boundaries of and within the school site. The building would contrast with the existing Victorian school buildings where there would still be a separation distance of 95m. The separation distances from the nearest residential properties would ensure the proposal would not have any adverse impact on the amenities of those properties and from whom there is no objection in principle. The proposed 2m high green coloured weld mesh fencing on the boundaries would secure the sixth form site. Details of the colour and design of the fencing, outdoor teaching shelter, lighting, surfacing to be used and landscaping can be required by condition. Subject to such conditions the design of the proposed extension complies with Policies G5, G8 and ENV3 of the Ribble Valley Local Plan.

Eleven new parking spaces for staff associated with the sixth form accommodation are proposed and which would increase the total number of car parking spaces at the school from 49 to 60. The county council's car parking standards allow one parking space per teaching area. However, in schools of this nature there is a high ratio of teaching staff to pupils which, for the proposed sixth form age of 16-18, is a minimum of 1:1 and therefore it is considered that there would be exceptional circumstances where the parking standards could be exceeded. The proposed building is designed to accommodate 18 pupils and therefore there may be a shortfall of spaces. Given the potential for such a shortfall, and the fact that the school is located remotely from the central area of Longridge and not well served by public transport, the question has been asked whether there is parking capacity to meet any shortfall in parking provision elsewhere in the school site.

A similar ratio of teaching staff to pupils is employed at the existing school facilities for children aged 12-16 where, for the 2012-13 school years, there were 74 children. If it is assumed these figures will be carried over to the 2013-14 school year, then the total number of children (and hence teaching staff) at the school aged of 12-18 would be 92 leading to a potential shortfall of 32 parking spaces for teaching staff at the whole of the school site. Whilst fewer spaces can lead to an increase in on-street parking on the neighbouring roads, it does not appear to be the case at this school where there appears to be enough dedicated parking spaces or places to park within the site to accommodate all the vehicles of teaching staff. This being the case, it is

anticipated that any shortfall of spaces associated with the proposed new building could be accommodated within the school site.

One small tree would need to be removed to accommodate the car parking spaces. A condition is proposed to protect the existing trees in proximity to the proposed car park and the development as a whole during the construction. A condition is also proposed requiring details of the surfacing of the car park, the provision of any lighting required and for the car parking spaces and manoeuvring areas to be marked out before the proposed building is brought into use. Subject to conditions the new parking area is considered acceptable and complies with Policies ENV13 and T7 of the Ribble Valley Local Plan.

A number of issues and concerns have been raised by Ribble Valley Borough Council, Hothersall Parish Council and local residents, most particularly to existing traffic safety issues associated with the school and the problem being exacerbated by an increase in pupil numbers who would be delivered to and collected from the 6<sup>th</sup> form accommodation. The children are transported to and from the school by special mobility buses and taxis. Because the school gates are not opened until 9am and 3pm, the vehicles wait along a 100m section of Ribchester Road from opposite the school entrance back towards the junction with Lower Road (B6243), which is also on a bend. Parking near the bend creates a dangerous traffic situation and problems for pedestrians who are often forced off the pavement and have to walk in the road. The applicant has advised that the new pupils will be dropped off and picked up at the start and finish of each school day, as is the case with the existing pupils. As there will be additional staff, additional car park spaces have been provided. The applicant recognises there are problems where some of the taxi drivers who are dropping off and picking up pupils at the start and finish of the school day wait along the main Ribchester Road in "convoy" style creating a long line of vehicles that other road users need to overtake. It is acknowledged that the road is two directional and not particularly wide with a bend not far from the school entrance with a national speed limit of 60mph. The applicant and the school are very aware of the situation and the head teacher has attempted to improve the situation. Due to the nature of the condition the children have, it is necessary to have taxis drive a large number of children to and from school. Travel Care, who arranges the taxi's into school have worked alongside the school to reduce the number of taxis in line with Lancashire County Council's School Transport Policy and have reduced the number of taxis required from more than 40 at one time to 21, with a further 3 children being driven by parents. The head teacher has also stressed to all of the contractors that the taxis should arrive on time (not before) and turn onto school grounds immediately without waiting on the road and wait on the access drive to drop off or collect their respective children. Whilst the proposal will bring additional vehicles to the school, it is considered that the revised practices will help address the problem associated with taxis waiting on the highway. However, it should be noted that it is not possible to impose a condition that prevents vehicles waiting on the public highway. If the problem persists then it would be for the County Council as Highway Authority to look to introduce a Traffic Regulation Order and which would be the subject of a separate process. Transport sharing would also assist in reducing vehicle numbers. The management of vehicles in this way to enable the vehicles to park off the road, within the school grounds and preferably within a designated waiting area is proposed to be addressed through the requirements of the school travel plan and



which can be achieved by condition. Subject to such requirements it is considered that the existing problems of parking on Ribchester Road and the potential increase of such could be satisfactorily addressed.

No information has been provided for a contractor's compound, illumination or access thereto. Conditions are proposed requiring details of the compound and access to be submitted, restricting the hours within which construction work may be carried out to safeguard the amenity of local residents whilst helping to reduce the overall construction period and requiring noise and dust suppression to be employed throughout the duration of the development

An ecological assessment has been submitted with the application which advises that no protected species or birds would be affected by the proposal. The County Council's specialist advisor on ecology has advised that surveys have been carried out to the necessary standards and that the conclusions that the proposals will not result in significant adverse impacts on biodiversity are acceptable. However, it is proposed that precautionary mitigation and compensation for potential impacts on breeding birds, other amphibians (including common toad) and reptiles are employed and which can be secured by conditions along with conditions to protect adjacent vegetation which may be used by foraging bats; requiring the development be carried out in accordance with the Extended Phase 1 Habitat Survey Report; the carrying out of a repeat survey to ensure the absence of badgers; works involving the clearance of vegetation to be carried out outside the bird nesting season; a landscaping scheme to offset the loss of semi-improved grassland to the development.

It is considered that the proposal will provide a modern state of the art education facility for pupils with severe Autistic Spectrum Disorder (ASD), Communication and Interaction Difficulties. The design of the building and proposed construction materials would be acceptable and the building and associated hard surfaces and car parking would not have any unacceptable impact on ecological interests subject to the precautionary measures as proposed being employed. The main issue relates to vehicles delivering pupils to the school and problems encountered with them waiting on the public highway potentially creating a hazard to other highway users. It is considered that the practices employed by the school are acceptable and that amendments to the travel plan would be sufficient. However, whilst the school can provide guidance and make provision for access to preclude the need for vehicles to park on the highway, the subsequent actions of the taxi drivers are not within their control. Should the problem persist, it is a matter for Travel Care to address in the way they appoint drivers or for the County Council as Highways Authority to implement Traffic Regulation Orders.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **granted** subject to the following conditions:

## Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

## Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The planning application received by the Director of Transport and Environment on 26th July 2013.
  - b) Submitted plans and documents received by the Director of Transport and Environment on 26th July 2013:

Drawing No. A101 - Existing Site and Location Plans

Drawing No. A102 - Site Survey with Levels

Drawing No. A202 - Proposed Site Plan

Drawing No. A203 - Proposed General Plan

Drawing No. A204 - Proposed Elevations

Drawing No. A207 - Proposed Roof Plan

Extended Phase 1 Habitat Survey Report

- c) All schemes and programmes approved in accordance with this permission.

*Reason: To minimise the impact of the development on the amenities of the local area, and to conform with Policies G1, G5, G8, ENV3, ENV13 and T7 of the Ribble Valley Local Plan.*

## Hours of Working

3. No ground engineering or construction development, delivery or removal of materials shall take place outside the hours of:

0730 to 1800 hours Monday to Friday (except Public Holidays),  
0800 to 1700 hours on Saturday (except Public Holidays).

No ground engineering or construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G8 of the Ribble Valley Local Plan.*

4. No development shall commence until details of any construction compound have been submitted to and approved in writing by the Director of Environment and Transport. The details shall include:
  - a) The location and layout of a contractor's compound including contractor's car parking, demountable units and illumination of the site.
  - b) Details for the routing and management of contractor's vehicles and construction traffic.
  - c) Details for the restoration of the contractor's compound.

The contractor's compound shall be constructed in accordance with the approved details. The compound shall be removed and the site restored in accordance with the details required by part c) to this condition within six months of the completion of the construction phase of the development.

*Reason: In the interests of highway safety and to minimise light spill beyond the site boundary to the surrounding houses and to safeguard local amenity and to conform with Policies G1, G8 and ENV13 of the Ribble Valley Local Plan.*

### **Control of Noise**

5. All plant, equipment and machinery used during the construction phase of the development shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the construction phase of the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G8 of the Ribble Valley Local Plan.*

### **Dust**

6. All necessary measures shall be employed throughout the construction phase of the development, including the watering of the site storage and development areas to prevent the migration of dust from the site onto adjoining properties.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G8 of the Ribble Valley Local Plan.*

### **Highway Matters**

7. Within 6 months of the new sixth form building being brought into use a revised Travel Plan for the whole of the school including the new sixth form, as defined by this permission, shall be submitted to the Director of Transport and Environment for approval in writing.

The Travel Plan shall include:

- a) A brief description of the whole school including the sixth form building, their location and a summary of the particular transport and road safety issues at the site.
- b) Evidence and results of consultation with staff and other interested parties.
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff and other visitors.
- d) A summary of the site's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction.
- e) Provision for school gates to be opened at drop off and pick up times to ensure that taxis and buses can access the grounds and wait to drop off and pick up pupils without the need to wait on Ribchester Road and for provision to be made within the school grounds to enable taxis and buses to wait to drop pupils off and pick pupils up without the need to wait on Ribchester Road.
- f) Proposals for monitoring progress of the Travel Plan including a timetable for its implementation and review.

The revised Travel Plan shall be implemented in full within one month from the date of approval and within one month of any subsequent review for the purposes of (f) above.

*Reason: In the interests of highway safety and to conform with Policy G1 of the Ribble Valley Local Plan.*

8. Measures shall be taken at all times during the construction phase of the development to ensure that no mud, dust or deleterious material is tracked onto the public highway by vehicles leaving the site

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G1 of the Ribble Valley Local Plan.*

9. The development shall not be brought into use until the car park area has first been constructed and marked out in accordance with a scheme and programme to be first submitted to and approved in writing by the Director of

Transport and Environment. The scheme and programme shall include details of the location, layout and surface of the car parking spaces.

*Reason: In the interests of highway safety and to conform with Policies G1 and T7 of the Ribble Valley Local Plan.*

## **Landscaping**

10. No development shall commence until a scheme and programme for the landscaping of the site has been submitted to and approved in writing by the Director of Transport and Environment. The scheme and programme shall include details of:
  - a) Identification of the existing trees and other vegetation that are to be retained and details of the measures for their protection.
  - b) The location and layout of tree and shrub planting including species, type's numbers, spacing's, planting techniques and protection measures to offset the loss of semi-improved grassland.
  - c) The location, size, height and slope profiles of any soil mounds created within the site boundary and details for the seeding of such mounding.
  - d) Details of mowing and management of grassed areas and weed control.
  - e) The hard landscaped areas including circulation area and surfacing to the footpaths.

The approved scheme and programme shall be implemented in its entirety. The planting shall be undertaken within the first available planting season following completion of the construction phase of the development. All trees and shrubs shall be protected from any damage and maintained for a period of five years including the replacement of any dead and dying trees or shrubs, weed control and maintenance of protection measures.

*Reason: In the interests of visual and local amenity and the local environment, and to conform with Policies G1 and ENV13 of the Ribble Valley Local Plan.*

11. All hedges and trees forming part of the site boundaries or to be retained within the development site shall be protected from any damage and maintained throughout the construction phase of the development.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policies 7 and 8 of the Lancashire Minerals and Waste Local Plan and Policy G8 of the Ribble Local Plan.*

12. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy G8 of the Ribble Valley Local Plan.*

13. The development shall be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey Report dated June 2012 by Ecology Services submitted with the application.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy G8 of the Ribble Local Plan.*

### **Building Materials**

14. Notwithstanding the details indicated on the approved plans and supporting documents no development shall commence until a scheme and programme detailing the location, design, height and colour of fencing to be erected and details of the external teaching area have been submitted to and approved in writing by the Director of Transport and Environment. Thereafter the fencing and outside teaching area shall be erected in accordance with the approved details.

*Reason: To protect the visual amenities of the area and to conform with Policy G1 of the Ribble Valley Local Plan.*

### **Lighting**

15. No development shall commence until a scheme and programme for the external lighting of the sixth form site including the building and car parking area has been submitted to and approved in writing by the Director of Transport and Environment and approved in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.
- f) Phasing of the implementation of the approved scheme.

Thereafter the external lighting of the sixth form site shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G8 of the Ribble Valley Local Plan.*

## Definitions

**Planting Season:** The period between 1 October in any one year and 31 March in the following year.

**School Travel Plan:** This is a document setting out a package of measures for reducing the number of car trips made to a school or a group of schools by parents and staff for improving safety on the school journey. The Plan may be produced by the Local Authority in consultation with a school or may be produced by the school with the advice of the Local Authority

**Director of Transport and Environment:** means the Director of Transport and Environment of the County Planning Authority or any successor position to that post

## Notes

Prior to the commencement of development the applicant is advised to undertake a repeat survey to establish the presence or otherwise of badgers. In the event badgers are present or identified to be using the area within which the development is proposed, mitigation measures would need to be implemented and if interference with a set is required and cannot be avoided a licence should be sought from Natural England.

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

## Local Government (Access to Information) Act 1985 List of Background Papers

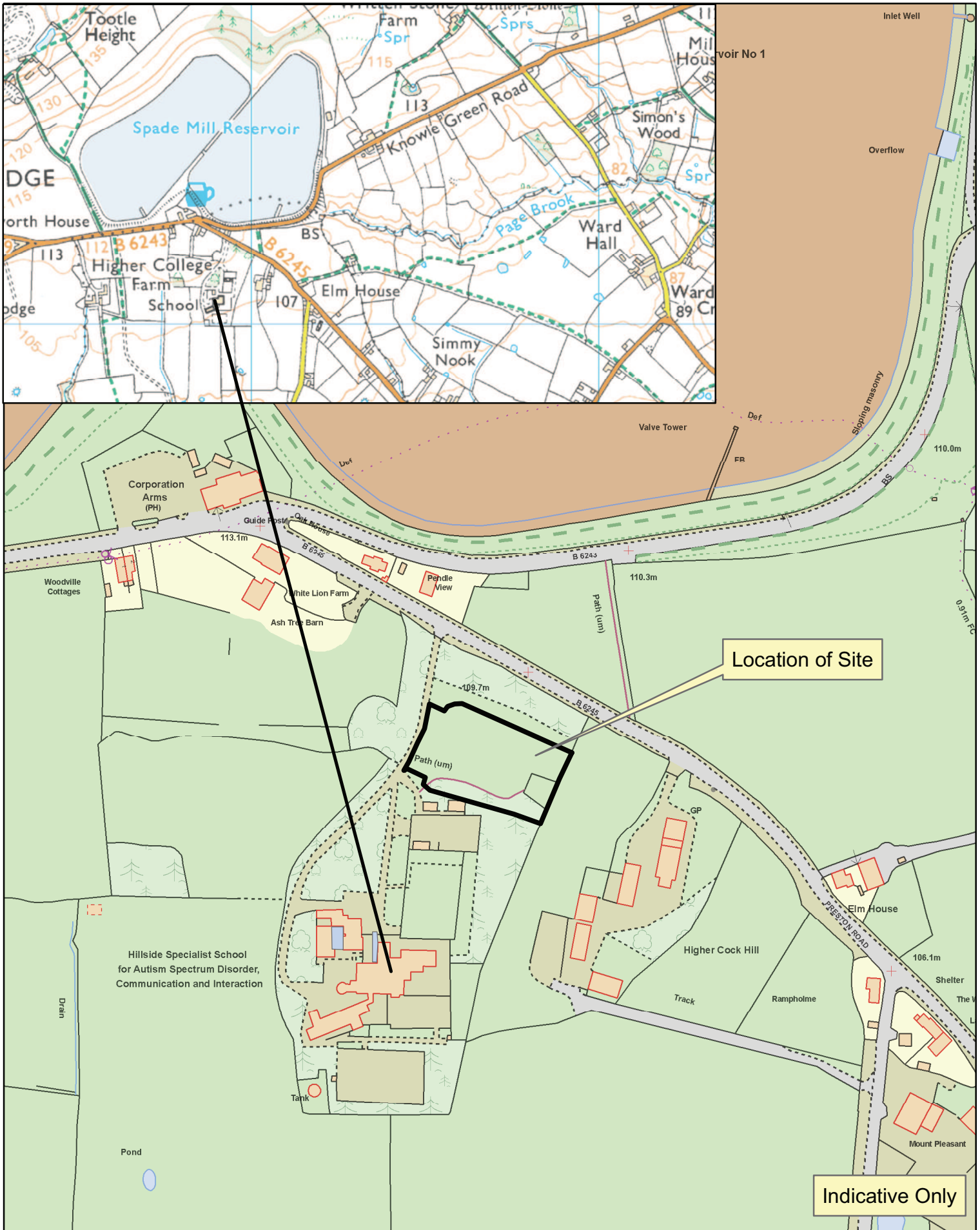
Paper	Date	Contact/Directorate/Ext
03/13/0650	26 July 2013	Rob Jones/Environment/34128

Reason for Inclusion in Part II, if appropriate

N/A







APPLICATION 03/13/0650 NEW BUILDING ON EXISTING SCHOOL SITE, PROVIDING SIXTH FORM ACCOMMODATION, ELEVEN ADDITIONAL CAR PARK SPACES AND ASSOCIATED LANDSCAPING. HILLSIDE SPECIAL SCHOOL, RIBCHESTER ROAD, HOTHERSALL, LONGRIDGE



## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Preston City
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### Preston City: Application ref 06/13/0517

**Construction of a three storey youth zone building including outdoor sports provision with floodlighting and a 4m high ball stop fence, external storage facilities and construction of a new highway to facilitate access. Bow Lane, Preston.**

Contact for further information:

Jonathan Haine, 01772 534130, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### **Executive Summary**

Application - Construction of a three storey youth zone building including outdoor sports provision with floodlighting and a 4m high ball stop fence, external storage facilities and construction of a new highway to facilitate access. Bow Lane, Preston.

#### **Recommendation – Summary**

That the Development Control Committee visits the site before determining the planning application.

#### **Applicant's Proposal**

Planning permission is sought for the construction of a youth zone to provide recreational facilities and careers / personal advice services for young people aged 8 – 19 years in Preston and surrounding areas.

The youth zone building and associated external recreational facilities would occupy a site measuring 110m x 50m. The building would be three storey's high and would measure 37m x 35m. It would include a variety of indoor sports facilities, café, performing arts studio and arts and crafts facilities. The building would also provide accommodation for the services provided by the Lancashire Youth Offending Team and the Urban Exchange including NHS services and Young People's Services.

There would be two five a side pitches and associated storage and parking facilities outside the building. The development would require the diversion of Nutter Road and the closure of a number of other highways.

A full description of the proposed development will be provided when the application is reported for determination.

## **Description and Location of Site**

The application site is located on the corner of Ringway (A59) and Bow Lane, 600 metres west of Preston city centre. Nutter Road runs through the centre of the site which leads onto Markland Street and Kay Street. The eastern boundary of the site is formed by part of the County Hall car park beyond which is the retaining wall to the railway lines on the approaches to Preston railway station. To the south is the Lancashire Records Office building and the County Hall car park and maintenance building.

The site is currently comprised of open land that has been created following the demolition of a terrace of houses off Nutter Road together with a nursery building that was served from Markland Street. The remainder of the site is currently used for car parking associated with County Hall.

On the west side of Bow Lane are a number of residential properties whilst on the opposite side of Ringway are a number of retail and office uses.

## **Background**

There is no relevant planning history.

## **Planning Policy**

### **National Planning Policy Framework**

Paragraphs 6 – 16, 17, 23 – 27, 56 – 66, 69 - 73 of the NPPF are relevant with regards to achieving sustainable development and the presumption in favour of sustainable development, core planning principles, ensuring the vitality of town centres, requiring good design and promoting healthy communities.

### **Central Lancashire Core Strategy**

Policy MP	General Policy
Policy 17	Design of new buildings
Policy 23	Health
Policy 24	Sport and Recreation
Policy 25	Community Facilities

### **Preston City Local Plan**

Policy C9	Archaeological features
Policy T19	General Transport Considerations
Policy T23	Private non residential car parking (inner urban area)
Policy D1	Design criteria
Policy D2	The Local Context
Policy D3	Daylight and sunlight
Policy D7	The layout of development
Policy D11	Landscape Treatment

## **Advice**

### Director of Transport and Environment – Observations

Youth Zone facilities have been developed in a number of towns in North West England. Their purpose is to provide recreational and sporting activities along with advice and guidance services to help young people deal with the challenges in their lives. In addition, it is proposed that the Preston Youth Zone will also be used as a base for the Lancashire Youth Offending Team and for the NHS services currently provided through the Urban Exchange centre.

The proposed youth zone would occupy a prominent location at the junction of Ringway and Bow Lane. The building would be of a sizable scale (3 storeys) and would have a design and elevational treatment that would reflect its proposed use and client base. Although the site is located relatively near to the city centre, it is located close to a number of residential properties. Along with issues of design and landscaping, the other main issues to consider will include the likely impacts on residential amenity, access to public transport routes and potential loss of car parking associated with the County Hall complex. Given the nature, scale and location of the proposal and the issues it has raised in terms of visual and physical impact and location it is recommended that a site visit be carried out prior to the determination of the application.

## **Recommendation**

That the Development Control Committee visits the site prior to determining the application.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

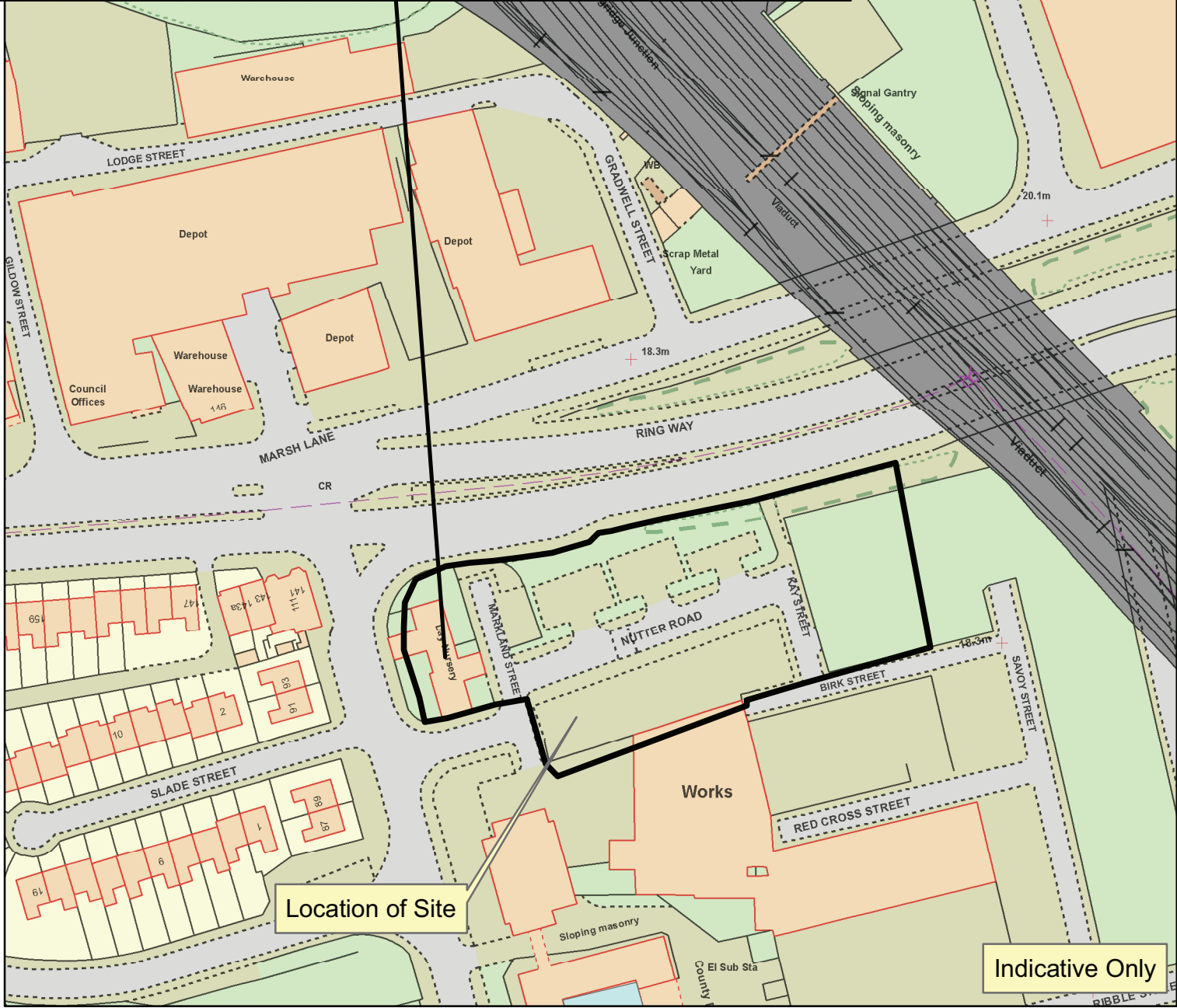
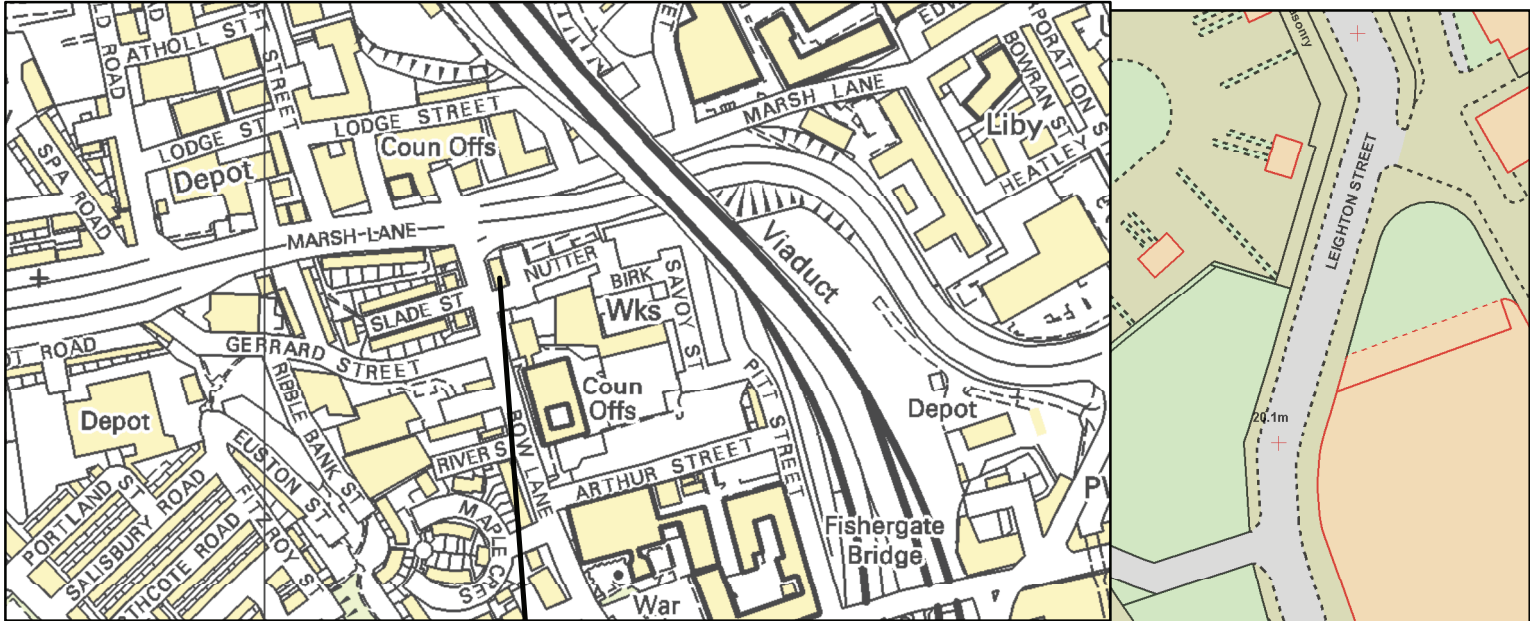
Paper	Date	Contact/Directorate/Ext
6/13/0517	25/07/13	Jonathan Haine/ Env/534130

Reason for Inclusion in Part II, if appropriate

N/A







APPLICATION 06/13/0517 CONSTRUCTION OF A THREE STOREY YOUTH ZONE BUILDING INCLUDING OUT DOOR SPORTS PROVISION WITH FLOODLIGHTING AND A 4M HIGH BALL STOP FENCE, EXTERNAL STORAGE FACILITIES AND CONSTRUCTION OF A NEW HIGHWAY TO FACILITATE ACCESS. BOW LANE PRESTON





## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Preston Rural
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### **Preston City: Applications 6/13/0527 and 6/13/0528**

**Renewal of Planning Permission 6/06/0589 for Construction of the Broughton Bypass and improvements to existing highways. (Application 6/13/0528)**

**Renewal of Planning permission 6/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by Broughton Bypass including bat roost, bat box and ponds. (Application 6/13/0527)**

**Land at Broughton, Preston.**

Contact for further information:

Jonathan Haine, 01772 530490, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### **Executive Summary**

Renewal of planning permission 6/06/0589 for the construction of the Broughton Bypass and improvements to existing highways (ref 6/13/0528)

Renewal of planning permission 6/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by Broughton Bypass including bat roost, bat box and ponds(ref 6/13/0527).

Land at Broughton, Preston.

#### **Recommendation – Summary**

That the Development Control Committee visits the site of the proposed bypass and associated ecological mitigation area before determining the applications.

### **Applicant's Proposal**

Planning permission is sought for the renewal of two planning permissions relating to the construction of the Broughton Bypass, Preston.

Planning permission for the Broughton Bypass was originally granted in 2001(ref 06/00/0678). The permission was renewed in 2008 (ref 6/06/0589). At the time of the renewal application, survey information indicated the presence of European Protected Species (bats and great crested newts) that would be affected by the proposed bypass and therefore a further planning application (ref 6/07/0320) was

made for ecological mitigation measures including additional ponds and a bat barn that were required to mitigate impacts on these species. The planning permissions were subject to a five year time limit and therefore expired on 29<sup>th</sup> July 2013.

The County Council still intends to construct the bypass; planning permission is therefore sought to extend the time periods within which the construction of the bypass and delivery of the ecological mitigation measures can be commenced.

The bypass application is accompanied by an Environmental Statement (ES) and Non Technical Summary (NTS). The EA includes a renewed traffic modelling exercise and information on air quality, noise, ecology, landscape, historic environment, water environment and impacts on travellers.

A full description of the proposal and matters addressed by the ES will be set out in the report when the applications are presented for determination.

### **Description and Location of Site**

The bypass is designed to enable traffic using the A6 north of Preston to bypass Broughton village to the M55 junction with the A6. The bypass would commence in the north on the A6 some 400m north of Broughton village, would be aligned to the east of Broughton village and connect with the junction of the A6 and the M55 (Broughton roundabout) to the south.

The bypass would include a new roundabout junction with the B5269 Whittingham Lane to the east of Broughton and would also include a spur joining with and following D'urton Lane before joining with a new link to Eastway to be provided as part of the development of land off Eastway.

The land required to construct the bypass is primarily in agricultural use and is comprised of a number of fields divided by hedgerows including a number of mature trees with occasional field ponds.

Near to the southern end of the route is Broughton church / primary school which are listed buildings. There are also a number of other residential properties in this area located off D'urton Lane.

Residential properties front the northern side of Whittingham Lane. Two of these properties would need to be demolished and their plots and part of the gardens of adjoining properties to them would be required to facilitate the construction of the bypass to the north of Whittingham Lane.

A full description of the bypass route and surrounding development will be provided when the applications are presented for determination.

### **Background**

The Broughton bypass has been a long standing proposal of the County Council to resolve problems of congestion and environmental conditions in Broughton village. The route of the bypass is safeguarded in the Preston City Local Plan for

development control purposes. The construction of the majority of the bypass was to be primarily funded through developer contributions related to the redevelopment of Whittingham Hospital. However, as this development has not taken place yet, the necessary finance has not been available to allow the bypass construction to take place, which has resulted in delay to the implementation of the planning permissions.

## **History**

Planning permission for the construction of the Broughton bypass was granted in 2001 (Ref 6/00/0678).

Planning permission for the renewal of planning permission 6/00/0678 was granted in 2008 (ref 6/06/0589).

Planning permission for the development of mitigation measures (great crested newt ponds and a bat barn) needed to offset the ecological impacts of the bypass was granted in 2008 (Ref 6/07/0320).

## **Planning Policy**

National Planning Policy Framework:

Paragraphs 6 – 16, 17, 18 – 2, 29 – 32, 109 – 125, 126 - 141 are relevant with regard to the definition of sustainable development, core planning principles, building a strong competitive economy, promoting sustainable transport, and conserving and enhancing the natural and historic environment.

Central Lancashire Development Framework – Core Strategy

Policy MP	General Policy
Policy 2	Infrastructure
Policy 3	Travel
Policy 16	Heritage Assets
Policy 17	Design of New Buildings
Policy 18	Green Infrastructure
Policy 19	Areas of Separation and Major Open Space
Policy 21	Landscape Character Areas
Policy 22	Biodiversity and Geodiversity

Preston City Local Plan

Policy DC3	Agricultural Land
Policy DC8	Wildlife Corridors
Policy DC9	Landscape Enhancement and Conservation
Policy G3	Private, Educational and Institutional Green Space
Policy C4	Setting of listed buildings
Policy T5	Highway Improvements – Broughton bypass
Policy T19	General transport Considerations
Policy D1	Design Criteria
Policy D2	The Local Context

Central Lancashire Highways and Transport Masterplan: The Masterplan was published in March 2013 and sets out proposals for the improvement of transport infrastructure in the Preston area including proposals for congestion relief in Broughton with construction of a bypass retained.

## **Advice**

Director for Environment and Public Protection Services – Observations

The A6 to the north of Preston passes through the village of Broughton. At the centre of the village is a traffic signal controlled cross roads with the B5269 and the operation of the traffic signals creates delays at peak times resulting in congestion and queuing traffic through the village with attendant problems of noise and air pollution.

A bypass to the east of the village was first granted planning permission in 2000. The bypass was to have been partially funded through the redevelopment of the Whittingham hospital site at Goosnargh for residential / business uses. Due to the scale and traffic generation of this development, the redevelopment could not proceed without improvements to highway infrastructure and therefore the planning permission for this development is subject to conditions and a section 106 agreement restricting the build out of the site until a financial contribution has been made towards the costs of the bypass. However, for a variety of reasons, the development of the hospital site has not proceeded to the stage where the funding for the bypass has never been realised.

There is still an intention to improve the road network through Broughton. The approved alignment of the bypass is protected for development control purposes through Policy T5 of the Preston City Local Plan. Policy 3 of the Central Lancashire Core Strategy makes a similar commitment to upgrading the road network by a number of highway improvement schemes including the Broughton bypass. The recently published Central Lancashire Highways and Transport Masterplan also makes a commitment to investigating options for congestion relief in Broughton, which includes the construction of the bypass.

The most recent planning permission for the bypass in 2008 requires the development to commence within 5 years of the date of the decision notice after which the permissions expire. An application to renew the planning permission for the construction of the bypass and an application to renew the planning permission for ecological mitigation have therefore been submitted, which, if granted would facilitate their development in the event the necessary funding is realised.

The planning application has generated a number of representations objecting to the proposal. Given the scale and nature of the proposal and level of public interest, it is considered that the Committee visit the site before determining the applications.

## **Recommendation**

That the Development Control Committee visits the site of the proposed by pass and associated ecological mitigation area before determining the applications.

**Local Government (Access to Information) Act 1985**  
**List of Background Papers**

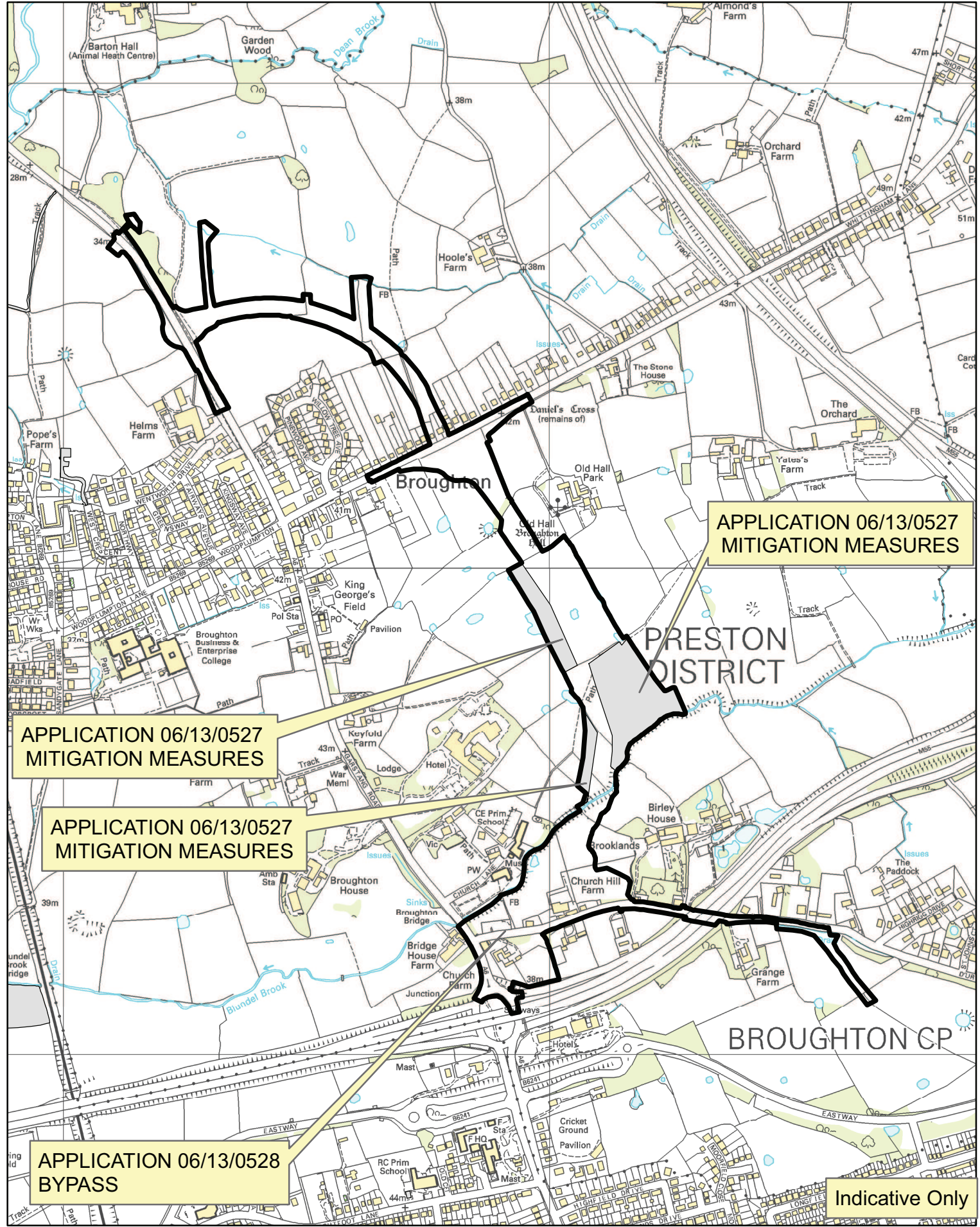
Paper	Date	Contact/Directorate/Ext
06/13/0528	28/07/2013	Jonathan Haine/Env/34130
06/13/0527		
06/07/0320		
06/06/0678		
06/06/0589		
06/00/0678		

Reason for Inclusion in Part II, if appropriate

N/A







APPLICATION 06/13/0527 RENEWAL OF PERMISSION 06/07/0320 FOR MEASURES TO SAFEGUARD EUROPEAN PROTECTED SPECIES (BATS AND GREAT CRESTED NEWTS) AFFECTED BY BROUGHTON BYPASS, INCLUDING BAT ROOST, BAT BOXES AND PONDS. BROUGHTON PRESTON.

APPLICATION 06/13/0528 RENEWAL OF PERMISSION 06/06/0589 FOR CONSTRUCTION OF BROUGHTON BYPASS AND IMPROVEMENTS TO EXISTING HIGHWAYS. BROUGHTON PRESTON



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## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division affected: Leyland South West
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### South Ribble Borough Council 07/13/0469

**Formation of a pedestrian access gate within the existing fence  
Leyland Learning Centre, Redwood Avenue, Leyland.**

Contact for further information:

Stephen Bergus, 01772 534124, Environment Directorate

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Application - Formation of a pedestrian access gate within the existing fence  
Leyland Learning Centre, Redwood Avenue, Leyland.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits,  
working programme and building materials.

#### Applicant's Proposal

Planning permission is sought for the erection of a 1.2m high pedestrian gate within the existing fence at Leyland Learning Centre, Leyland. The new gate would have a hoop-top design and would be coloured dark green to match existing fencing.

#### Description and Location of Site

Leyland Learning Centre is an existing education facility and is located on Redwood Avenue, approximately 1.5 km west of Leyland Town Centre.

#### Background

History

The proposed development would be located at an existing education facility. There is no relevant planning history.

#### Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 17 and 56 – 68 are relevant with regard to the definition of sustainable development, the purposes of the planning system and the need for good design.

Central Lancashire Core Strategy

Policy 17                      Design of new buildings

South Ribble Local Plan

Policy OSR6                  Private, Educational and Institutional Open Spaces  
Policy QD1                    Design Criteria for New Development

### **Consultations**

South Ribble Borough Council: No observations received

LCC Assistant Director (Highways): No observations received

County Councillor Michael Green: No observations received

Representations

The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received asking:

- Why is there a need for the gate?
- Whether it would be secured out of hours and weekends.
- Whether it would create parking issues on Redwood Avenue; and
- Expressing concern to possible noise problems if the gate is left insecure during bad weather and left blowing and banging in the wind.

### **Advice**

Director of Transport and Environment – Observations

Planning permission is sought for the erection of a single 1.2 m high pedestrian gate within the existing boundary fence at Leyland Learning Centre, Leyland. The current arrangement is a single point of access/egress for vehicles and pedestrians onto the site. In the interest of health and safety, it is necessary to provide a safe pedestrian access/egress to segregate pedestrians from vehicles and eliminate the potential hazard of pedestrians coming into contact with vehicles. The gate would be 1.2m high and given its height would not be made secure outside school hours. It would not lead to any additional parking issues that may already be experienced on Redwood Avenue and is unlikely to generate unacceptable levels of noise by banging in the wind as suggested in representations received.

Policy QD1 of the South Ribble Local Plan requires new development to be of a high quality design and that alterations to buildings must be in keeping with the scale and character of the original building and surroundings. The proposed single gate would

be within the existing boundary fencing to form a new pedestrian entrance. The new gate would be the same height, design and colour as the existing fence.

Subject to a condition being imposed requiring the gate to be painted dark green, it is considered to be acceptable in terms of design and would not affect visual and local amenity. It would comply with Policy QD1 of the South Ribble Local Plan and Policy 17 of the Central Lancashire Core Strategy

The facility and grounds are allocated as recreational open space under Policy OSR6 of the South Ribble Local Plan which seeks to restrict development that would compromise open space. The proposed single gate would not compromise the open space provision at the facility. The proposal is therefore considered to comply with Policy OSR6 of the South Ribble Local Plan.

In view of the nature and location of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

That planning permission be **granted** subject to the following conditions

#### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

#### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application received by the Director of Transport and Environment on 17 July 2013.

- b) Submitted Plans and documents:

Drawing No PL01

*Reason: To minimise the impact of the development on the amenities of the local area, and to conform with policies QD1 and OSR6 of the South Ribble Local Plan and Policy 17 of the Central Lancashire Core Strategy.*

#### **Building Materials**

3. The pedestrian gate shall be coloured dark green to match the existing boundary fencing prior to it being brought into use. The gate shall thereafter be maintained in the same colour as the existing adjoining boundary fence.

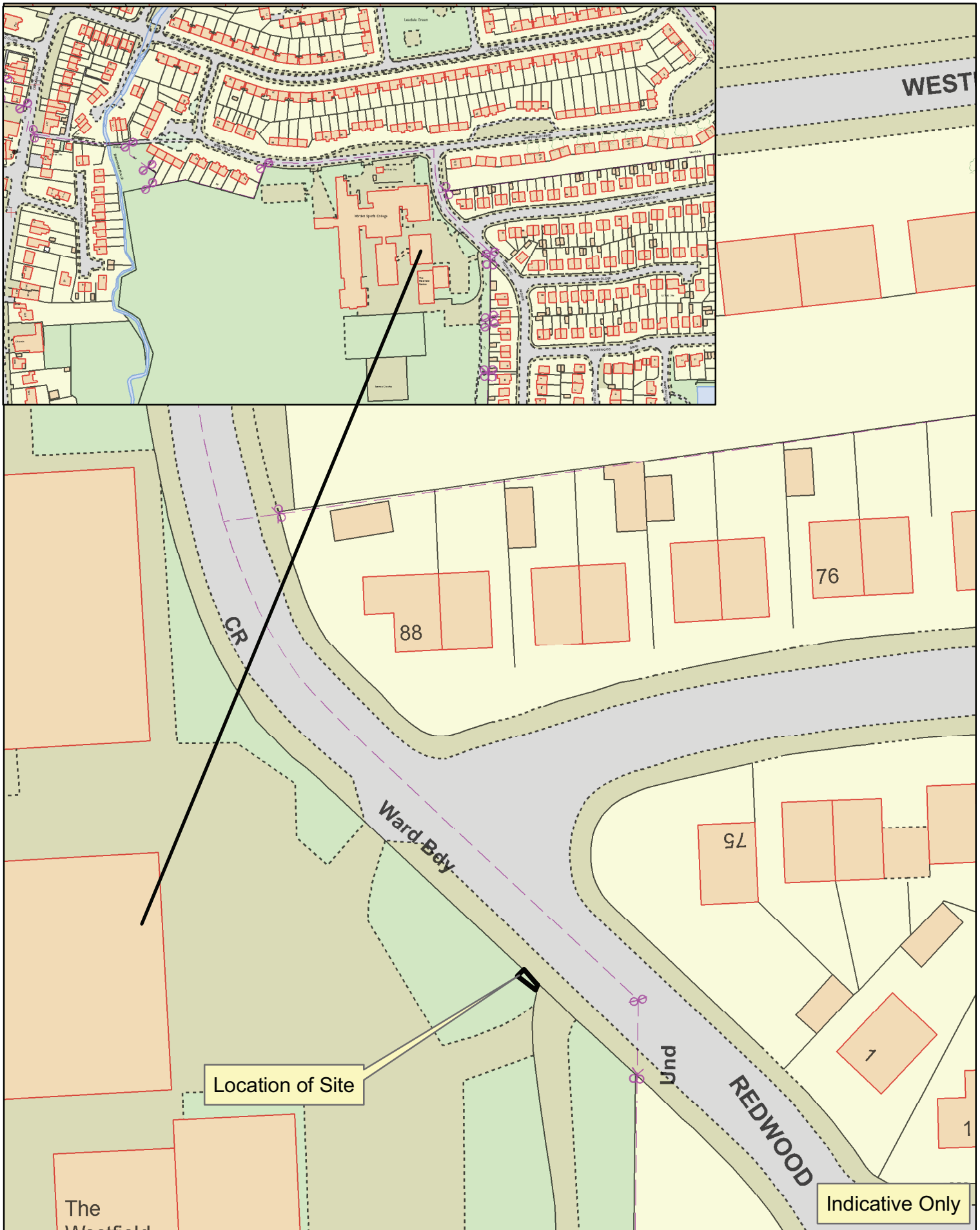
*Reason; In the interests of the visual amenities of the area and to conform with policies QD1 and OSR6 of the South Ribble Local Plan.*

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
07/130469	17/7/13	Steve Bergus/Environment/34124

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 07/13/0469 FORMATION OF A PEDESTRIAN ACCESS GATE WITHIN THE EXISTING FENCE.  
 LEYLAND LEARNING CENTRE, REDWOOD AVENUE, LEYLAND.



## Development Control Committee

Meeting to be held on 4 September 2013

Electoral Division Affected: All
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### Planning applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:

Susan Hurst 01772 534181, Environment Directorate  
DevCon@lancashire.gov.uk

#### Executive Summary

Planning applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

#### Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 17 July 2013, the following planning applications have been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

#### Wyre Council

Application: No. 02/13/0436

Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys  
Provision of trim trail and gazebo.

Application: No. 02/13/0416

Ashvin Metals Ltd, Cocker Avenue, Poulton Industrial Estate, Poulton Le Fylde.  
Change of use of land and buildings from storage and maintenance of commercial vehicles to storage and recycling of aluminium products.

#### Ribble Valley Council

Application: No. 03/13/0452

Willcross Farm, Skipton Old Road, Gisburn.

Demolition of farm buildings and construction of an anaerobic digester plant for the production of electricity from crops and livestock manures including one digester tank, a silage storage area, digestate lagoon, flare stack together with associated equipment and landscaping.

### **Preston City Council**

Application: No. 06/13/0427

St Anthony's Catholic Primary, St Anthony's Drive, Fulwood, Preston  
Erection of two free standing canopies.

### **South Ribble Council**

Application: No. 07/13/0412

Penwortham Girl's High School, Cop Lane, Penwortham  
Demolition of three classroom block and construction of a new three classroom extension.

### **West Lancashire Council**

Application: No. 08/13/0706

Whiteledge Centre, Spencers Lane, Skelmersdale.  
Single storey front extension, new entrance porch, glazed canopy to the rear of the building and a roof to the existing bin store.

### **Chorley Council**

Application: No. 09/13/0580

Gillibrand Primary School, Grosvenor Road, Chorley  
Installation of 1 x 6m high lighting column to the school staff car park

### **Burnley Council**

Application: No. 12/13/0292

Meadow Bank Centre, Whittam Street, Burnley  
Proposed multi use games area with associated 3m high fencing including floodlighting consisting of 4x8m high lighting columns, erection of a cycle store and the formation of two new windows to the first floor gable of the existing building together with minor revisions to the fenestrations.

Application: No. 12/13/0293

Whitegate Children's Centre, Victoria Road, Padiham, Burnley.  
Ground and first floor extensions to provide additional office accommodation, community rooms and lift

### **Pendle Council**

Application: No. 13/13/0296

Bradley Nursery School, Bradley Road, Nelson  
Replacement of existing play equipment, with a play fort

### **Recommendation**

That the report be noted.



**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper

Contact/Directorate/Ext

Susan Hurst, Environment  
Ext: 34181

02/13/0436 02/13/0416  
03/13/0452 06/13/0427  
07/13/0412 08/13/0706  
09/13/0580 12/13/0293  
12/13/0292 13/13/0296

