

Lancashire County Council

Development Control Committee

Wednesday, 26th February, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, 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 15 January 2014** (Pages 1 - 14)

The committee are asked to agree that the Minutes of the last meeting held on the 15 January 2014 be confirmed and signed by the Chair.
4. **Lancaster City: Application 01/13/1267** (Pages 15 - 26)

Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.
5. **Wyre Borough: Application No. 02/13/0786** (Pages 27 - 38)

Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds. Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.
6. **Ribble Valley Borough: Application ref 03/12/0940** (Pages 39 - 70)

Variation of condition 13 of planning permissions 03/96/0772, 03/96/0773 and 03/96/0774 to allow part of Lanehead Quarry to be deepened to minus 31 metres AOD (above ordnance datum). Lanehead Quarry, Ribblesdale Cement Works, Clitheroe

- 7. Fylde Borough: Application ref 05/12/0729** (Pages 71 - 84)
Variation of Condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 and excluding any drilling or hydraulic fracturing. Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.
- 8. Fylde Borough: Application No. 05/13/0800** (Pages 85 - 100)
Variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 31 July 2014. Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.
- 9. Burnley Borough: Application 12/13/0509** (Pages 101 - 112)
Retrospective application for change of use from B2 Industrial use to a vehicle recycling centre, Green Lane Mill, Stockbridge Road, Burnley.
- 10. South Ribble Borough: application 07/13/0660/1** (Pages 113 - 122)
Compliance with condition 4, site layout, condition 6, contractors compound, condition 7 noise, condition 10, traffic light layout and condition 12 landscaping of permissions 07/13/0660 and 03/13/0852. Land at A59/Samlesbury Enterprise Zone, Samlesbury
- 11. Pendle Borough Council 13/13/0571** (Pages 123 - 130)
Two new access points to rear building elevation to Leonard Street and existing wall to be removed to form a level play area at Gisburn Road Primary School, Gisburn Road, Barnoldswick
- 12. Hyndburn Borough Council: Application Number: LCC/2014/0004** (Pages 131 - 138)
New single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy. Fairfield Children's Centre, Fairfield Street, Accrington
- 13. Preston City: application no. LCC/2014/0012** (Pages 139 - 146)
Detached 30 pupil classroom at Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston

14. **West Lancashire Borough: application LCC/2014/0015** (Pages 147 - 154)
Extension to car park to create an additional 11 car parking spaces and the erection of 4x6m high lighting columns at Whiteledge Centre, Spencer Lane, Skelmersdale
15. **Rossendale Borough: application LCC/2014/0016** (Pages 155 - 160)
30 pupil classroom extension and additional tarmac area at Britannia Community Primary, Rochdale Road, Bacup
16. **Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.** (Pages 161 - 164)
17. **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.
18. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday 9 April 2013 at 10.00 a.m. in Cabinet Room B - The Diamond Jubilee Room, 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, 15th January, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Kevin Ellard (Chair)

County Councillors

| | |
|-------------------|-------------|
| T Aldridge | M Otter |
| P Buckley | N Penney |
| M Dad | P Rigby |
| P Hayhurst | K Sedgewick |
| D Howarth | D Westley |
| M Johnstone | B Yates |
| R Newman-Thompson | |

County Councillors Mike Otter, Richard Newman-Thompson and David Westley replaced County Councillors Michael Green, Ron Shewan and Tony Jones respectively.

The Chair announced that County Councillor Niki Penney had replaced County Councillor Carl Crompton as a member of the Committee.

The Chair welcomed Councillors Otter, Penney, Newman-Thompson and Westley to the Committee. He also thanked Councillor Crompton for his contribution to the Committee.

Standing Order 19

County Councillor Alan Schofield attended the meeting under Standing Order 19.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Newman-Thompson declared a non pecuniary interest in agenda item 4 as a member of Lancaster City Council.

County Councillor P Hayhurst declared a non pecuniary interest in agenda item 6 as the local member for the area concerned and as a member of Fylde Borough Council.

County Councillor P Buckley declared a non pecuniary interest in agenda item 6 as his wife is a member of the Borough Council for the area concerned.

County Councillors T Aldridge and D Westley declared a non pecuniary interest in agenda items 7, 8 and 13 as members of West Lancashire Borough Council.

County Councillor B Yates declared a non pecuniary interest in item 12 as a member of South Ribble Borough Council and as a parish councillor for the area concerned.

County Councillors D Howarth and M Otter declared a non pecuniary interest in agenda item 12 as members of South Ribble Borough Council.

County Councillor M Johnstone declared a non pecuniary interest in agenda item 14 as the local member for the area concerned.

3. Minutes of the last meeting held on 27 November 2013

Resolved: That the minutes of the meeting held on the 27 November 2013 be confirmed and signed by the Chair.

4. 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

A report was presented on an application for the variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030 at Back Lane Quarry, Nether Kellet, Carnforth.

The report included the views of Lancaster City Council, the Lancashire County Council's (LCC) Assistant Director (Highways), LCC Specialist Adviser (Ecology), the Environment Agency. The committee noted that no letters of representation had been received.

The committee was informed that the application had been considered by the Development Control Committee at their meeting held on 4 September 2013. The committee had resolved to grant planning permission subject to the applicant first entering into a Section 106 Agreement.

Since the determination of the application there had been changes to the policies against which the application was assessed. The Section 106 Agreement had not yet been completed and consequently the decision notice had not yet been issued. As the application was still 'live' it was necessary to re-assess the application against the revised policies.

The report presented to the Development Control Committee meeting on 4 September, 2013 was attached at Appendix A to the report. The report had been

updated to reflect the changes to policy only and a further assessment of the application against such had been carried out. All other matters remained as set out in the appended report.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the office building and a view of the nearest residential property.

Resolved: That 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 as set out in the report to the committee.

**5. Wyre Borough: Application No. 02/13/0788
Variation of Condition 2 of permission 02/08/1116 to allow the importation and treatment of waste wood, Iron House Farm, Lancaster Road, Out Rawcliffe.**

A report was presented on an application for the variation of Condition 2 of permission 02/08/1116 to allow the importation and treatment of wood waste at Iron House Farm, Lancaster Road, Out Rawcliffe.

The report included the views of Wyre Borough Council, the Environment Agency and the LCC Assistant Director (Highways). The committee noted that no letters of representation had been received.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a map of the proposed vehicle route, the subject of the Section 106 agreement and photographs of the site.

Resolved: That subject to the applicant first entering into a Section 106 agreement relating to the routing of heavy goods vehicles and tractors and trailers to and from the site being via Lancaster Road and Rawcliffe Road (other than from within a defined area referred to within the legal agreement), planning permission for the change of use of land to be used for composting and the treatment of waste wood be **granted** subject to the conditions set out in the report to the committee.

**6. Fylde Borough: Application 05/13/0715
Construction of a new pumping station consisting of motor control kiosk, GRP water dosing unit, meter box, pressure relief column, hardstanding, new access road, hedgerow removal, fencing and associated landscaping. Land off Pool Foot Lane, Little Singleton, Poulton le Fylde**

A report was presented on an application for the construction of a new pumping station consisting of motor control kiosk, GRP water dosing unit, meter box, pressure relief column, hardstanding, new access road, hedgerow removal, fencing and associated landscaping at land off Pool Foot Lane, Little Singleton, Poulton le Fylde.

The report included the views of Fylde Borough Council, the Environment Agency, Natural England and details of two letters of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown the proposed site layout and photographs of Pool Foot Lane.

The Deputy Group Head reported orally that the LCC Assistant Director (Highways) had raised no objection subject to conditions relating to wheel cleaning and the completion of highway works before the other parts of the development commenced.

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

**7. West Lancashire Borough: Application ref 08/13/1302
Change of use of land to construct a new waste water pumping station, comprising modification of existing access, temporary access off school lane, erection of up to 2.5m high security fencing enclosing a control kiosk, pressure relief column and areas of hardstanding including access track with turning area and creation of car parking area. Land north of Tawd Vale Public House, Berry Street, Chapel House, Skelmersdale**

A report was presented on an application for the change of use of land to construct a new waste water pumping station, comprising modification of existing access, temporary access off school lane, erection of up to 2.5m high security fencing enclosing a control kiosk, pressure relief column and areas of hardstanding including access track with turning area and creation of car parking area on land north of Tawd Vale Public House, Berry Street, Chapel House, Skelmersdale.

The report included the views of the Environment Agency, the LCC Assistant Director (Highways) and details of two letters of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the proposed site from Berry Street.

The Deputy Group Head reported orally that Sport England had raised no objection to the proposal.

It was also reported that an amended plan had been submitted providing for a smaller kiosk than initially proposed to 2.75m x 0.75m x 2.0 m high and that the applicant had agreed to undertake some landscaping along the eastern boundary of the site. It was therefore proposed to amend condition 2b) and 12 as follows:

'Condition 2b)

Delete reference to:

Drawing no DG119//80029738/00/97/20002 Rev A

Insert:

DG119/80029738/01/08/20001 Rev C.

Condition 12

Insert e) and text as follows:-

e) Details for hedge and shrub planting works including location of planting, details of the numbers, sizes and species of plants, spacing, planting techniques and protection measures.

The approved planting works shall be undertaken in the first planting season following the completion of the development and shall thereafter be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures'.

Resolved: That planning permission be **granted** subject to the conditions set out in the report presented to the committee with amendments to conditions 2b and 12 as set out above.

**8. West Lancashire Borough: Application No. 08/13/0151
Variation of Condition 10 of planning permission 08/09/0494 to allow the exportation of 25,000 tonnes of sandstone per year for general sale. Dalton Quarry, Lees Lane, Dalton.**

A report was presented on an application for the variation of Condition 10 of planning permission 08/09/0494 to allow the exportation of 25,000 tonnes of sandstone per year for general sale at Dalton Quarry, Lees Lane, Dalton.

The committee was informed that the application had been considered by the Development Control Committee at their meeting held on 17th April 2013. The committee had resolved to grant planning permission subject to the applicant first entering into a Section 106 Agreement.

Since the determination of the application there had been changes to the policies against which the application was assessed. The Section 106 Agreement had not yet been completed and consequently the decision notice had not yet been issued. As the application was still 'live' it was necessary to re-assess the application against the revised policies.

The report presented to the Development Control Committee meeting on 17th April 2013 was attached at Appendix A to the report. The report had been updated to reflect the changes to policy only and a further assessment of the application against such had been carried out. All other matters remained as set out in the appended report.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a map of the agreed vehicle route and photographs of the site.

Resolved: That subject to the applicant first entering into a Section 106 Agreement to forgo the working of minerals within that part of Rams Wood Close Biological Heritage Site that falls within this planning permission boundary, the routing of HGVs, to work under permissions 08/13/0151 and not 8/09/0494 and to provide for an annual inspection as part of the aftercare of the site following restoration, planning permission be **granted** subject to the conditions set out in the report to the committee.

**9. Rossendale Borough: Application no. 14/11/0108
Application for Determination of Conditions for Permissions
14/94/0010 14/94/0452 and 14/93/0514 for the Winning and Working
of Minerals at Whitworth Quarry Complex**

A report was presented on an application for the determination of Conditions for Permissions 14/94/0010 14/94/0452 and 14/93/0514 for the Winning and Working of Minerals at Whitworth Quarry Complex.

The report included the views of Rossendale Borough Council, Whitworth Parish Council the LCC Assistant Director (Highways), LCC Landscape Service, LCC Ecology Service, LCC Archaeological Service, United Utilities, the Environment Agency, the Coal Authority, Natural England, the Ramblers' Association and details of 6 letters of representation received.

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 hydrogeology of the site, the outline development scheme and photographs of the site and the access roads.

Resolved: That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 the conditions set out in the

report to the committee be imposed on planning permissions 14/94/0010 14/94/0452 and 14/93/0514 within one composite permission.

**10. Wyre Borough: Application No. 02/13/0787
Single storey infill extension to school kitchen and conversion of existing enclosed play area to a classroom. The Breck County Primary School, Fouldrey Avenue, Poulton-le-Fylde.**

A report was presented on an application for a single storey infill extension to the school kitchen and conversion of existing enclosed play area to a classroom at the Breck County Primary School, Fouldrey Avenue, Poulton-le-Fylde.

The report included the views of Wyre Borough Council, the LCC Assistant Director (Highways), the Environment Agency and details of one letter of representation received.

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

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

**11. Wyre Borough: Application ref 02/13/0893
Erection of a detached building to form a classroom.
Breck Primary School, Foundrey Avenue, Poulton-Le-Fylde**

A report was presented on an application for the erection of a detached building to form a classroom at Breck Primary School, Foundrey Avenue, Poulton-Le-Fylde.

The committee noted that no letters of representation had been received.

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

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

**12. Ribble Valley and South Ribble Boroughs: Application Nos. 03/13/0852 and 07/13/0660
Creation of new signalised junction on the A59 and access road to form entrance to Samlesbury Enterprise Zone. Land at A59/ Samlesbury Enterprise Zone, Samlesbury.**

A report was presented on an application for the creation of new signalised junction on the A59 and access road to form an entrance to Samlesbury Enterprise Zone.

The application had been considered at the last meeting of the committee on the 27 November 2013. The committee had resolved to defer the application to allow officers to look into the alternative for creating a new access further west nearer to the junction of the M6 and to investigate whether the proposed junction could be designed in such a way that would provide traffic light access for residents at Sykes Holt and Carter Fold.

The committee visited the site on Monday 13 January 2014.

The original report was appended at Appendix A and included the views of South Ribble Borough Council, the County Council's Assistant Director (Highways), the Highways Agency, the Ramblers Association, the County Council's Public Rights of Way Officer and details of three letters of representation received.

The Deputy Group Head presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan of the proposed and alternative site and photographs of the site from various aspects.

The Deputy Group Head reported orally that Balderstone Parish Council had raised no objection to the proposal. They welcomed the investment in the development of the Enterprise Zone (EZ) and appreciated the need for the two new accesses to the site. However, they had misgivings regarding the location of the proposed A59 entrance and fully endorsed the views already expressed by Ribble Valley Borough Council and Samlesbury & Cuerdale Parish Council. The Parish Council could see the merit in the access from the A677 being opened from the outset of the development of the EZ with a road connecting it to a new junction off the A59 and were of the view that this should help alleviate the volume of traffic on Branch Road. It was also felt that a weight limit should be imposed on Branch Road and that the siting of traffic lights at its junction with the A677 would be beneficial.

It was also reported that County Councillor Schofield had expressed further concerns relating to the reliability of the proposed inductive-loop traffic detector system at the junction of the entrance to the residential property known as Sykes Holt and the A59 and had questioned if there will be any recognition or commitment to additional screening and sound attenuation for the properties of Sykes Holt and Carter Fold on the north side of the A59.

Three additional representations had also been received objecting to the proposal for the following summarised reasons:

- Both of the A59 and A677 entrances should be opened at the same time and linked by a road through the EZ so as to reduce and disperse traffic from Branch Road.

- The presence of an entrance only from the A59 would create additional danger for pedestrians and other road users on the surrounding roads of the nearby villages and countryside as motorists would use rat runs and narrow lanes to avoid the heavy build up of traffic created by the Enterprise Zone (EZ).
- Traffic calming measures will be required on Branch Road.
- There should be a ban on HGV's accessing the site from Branch Road.
- The traffic impacts contradict the Consultation Draft Samlesbury EZ Master Plan that states that it wishes to minimise disruption to the community.

The committee was advised that:

Access into the EZ was investigated as part of the Transport Assessment (TA) submitted with the planning application and had been addressed in the report and update sheet to the Development Control Committee on the 27 November 2013 and in the current report.

The proposed inductive-loop traffic detector system at the junction of the entrance to Sykes Holt and the A59 would be the standard detector system that was used in traffic lights throughout the county. The operation of such detector systems were monitored via a control centre that would alert as to their failure. Traffic lights were designated a level of importance, in terms of their location and the implications, should they fail. The higher the level of importance, the quicker was the response time to react to and address a failing traffic light system. The proposed traffic detector system at the junction of the entrance to Sykes Holt would be designated the highest level of importance and hence would be prioritised in the event of failure.

The report to the Development Control Committee on the 27th November 2013 advised that the construction of the proposed junction would necessitate the removal of some of the screen bunding and associated tree planting on the north side of the A59 where it was proposed to be widened. To minimise the impact of the proposed junction the height of the screen bunding would be retained. Details of landscaping and replacement planting for the vegetation to be removed were required to be submitted under the provisions of condition 10.

The concerns expressed in the three additional representations were addressed on the update sheet to the Development Control Committee on the 27 November 2013.

Traffic calming measures on Branch Road were proposed as part of the EZ Master Plan and would be delivered through such and Traffic Regulation Orders rather than as a conditional requirement of this planning application.

It was proposed to reword the start of conditions 4, 6, 10 and 14 to include:

'No development shall commence until a scheme and programme for

It was also proposed to amend conditions 4, 10b and 14 as follows:

Condition 4 - Delete reference to Assistant Director of Transport and Environment and substitute with County Planning Authority.

Condition 10 b) – add 'to offset the loss of any semi improved grassland'.

Amend Heading to Condition 14 – Delete 'Floodlighting' and insert 'Street Lighting'

Amend Condition 14 as follows:

'No development shall commence until a scheme and programme for street lighting associated with the junction has been.....'

An additional condition was also proposed:

'No development shall commence until details of the traffic light layout and associated loop systems including details of the central turning reservations into and out of Sykes Holt have been submitted to the County Planning Authority for approval in writing.

Thereafter the junction shall be constructed in accordance with the approved details.

Reason: In the interests of Highway Safety and to conform with Policies G1, G8 and ENV13 of the Ribble Valley Local Plan.'

Mr Greaves, a local resident, addressed the committee. Mr Greaves maintained that the proposal before the committee was seriously flawed and circulated a map identifying an alternative location for the access (copy set out at Annex A to the Minute Book). He acknowledged that both proposals would have cost implications and impact on the greenbelt but pointed out that unlike the proposed access, the alternative access would not encroach on woodland. He also pointed out that the County Council had explored the option of providing a site access on the A677 in 2006 and considered that it was not a viable option. No traffic assessment had been undertaken since.

Mrs Young of Sykes Holt and Chair of Balderstone and Mellor Parish Councils addressed the committee. Mrs Young informed the committee that Sykes Holt had been required to give up one of its two entrances in 1991 due to highway safety concerns. It was pointed out that a junction and access road in this location and the expected increase in traffic associated with the EZ would further add to these concerns. Mrs Young was of the view that Mellor Parish Council should have been consulted on the proposal given the impact of the proposal on the residents of the parish, especially those living on Branch Road.

Following concerns raised by the Members with regard to the potential impact on the amenity of the residents of Sykes Holt and Carter Fold, it was agreed that officers be asked to:

- investigate whether it would be possible to minimise the loss of the existing planting on the mound during construction;
- draw up an additional condition in respect of noise attenuation matters; and
- amend the wording of Condition 10c of the planning permission in relation to the height and contours of the landscaped mounding.

The additional and amended conditions are included in the minutes for completeness as follows:

Condition 7 – additional condition under the existing heading of 'control of noise':

'No development shall commence until a noise survey has been undertaken to establish the background noise levels at Sykes Holt and Carter Fold and the need or otherwise for noise attenuative fencing along the boundary of the highway to the frontage of the properties to address any predicted increase in noise generated by the new junction by more than 5dB (A). Details of any noise attenuative fencing including height, design and proposed alignment shall be submitted to the County Planning Authority for approval in writing. The fencing shall be erected in accordance with the approved details before the junction is brought into use and shall thereafter be maintained.

Reason: To safeguard the amenity of local residents and adjacent property/landowners and to conform with Policy G8 of the Ribble Valley Local Plan'.

Condition 10c) – to be amended as follows:

'details of the works to be carried out to the existing landscaped mounding on the northern side of the A59 including the revised contours of the southern side of the mounding to ensure that the crown of the mounding is retained at its present height'.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee with amendments to conditions 4, 6, 7, 10 and 14 and the inclusion of the additional conditions as set out above.

- 13. West Lancashire Borough: Application 08/13/1307
Erection of modular building with access ramp to provide nursery accommodation. Cobbs Brow Primary School, Manfield, Ashurst,**

Skelmersdale

A report was presented on an application for the erection of a modular building with access ramp to provide nursery accommodation at Cobbs Brow Primary School, Manfield, Ashurst, Skelmersdale.

The report included details of one letter of representation received.

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

The Deputy Group Head reported orally that the LCC Assistant Director (Highways) had raised no objection in principle but would object if adequate parking provision could not be provided within the boundary of the existing site due to any on street parking having a negative impact on the local highway network. The roads in the immediate vicinity were residential and additional on-street parking would cause difficulty for vulnerable road users, particularly young children, especially for those having to cross the roads.

The committee was advised that no additional parking was proposed as part of the planning application and no parking spaces would be lost as a consequence of it. The provision of additional parking should it be required would have to be the subject of a separate planning application and assessed against the County Council's parking standards. Whilst there would be an increase in pupil numbers and consequently teaching staff, it was considered that such an increase would not give rise to any greater problems on the public highway than may already exist.

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

**14. Burnley Borough: application no 12/13/0435
Erection of a single storey four classroom extension, including enclosed link corridor, new site entrance, new pedestrian access path, staff parking, a new playground and relocation of existing play equipment at St Leonards C of E Primary, Moor Lane, Padiham, Burnley**

A report was presented on an application for the erection of a single storey four classroom extension, including enclosed link corridor, new site entrance, new pedestrian access path, staff parking, a new playground and relocation of existing play equipment at St Leonards C of E Primary, Moor Lane, Padiham, Burnley.

The report included the views of Burnley Borough Council, the LCC Assistant Director (Highways) and details of two letters of representation received.

The Group Head presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site and access road and an illustration of the proposed site layout and elevations.

The Group Head reported orally that a further letter of representation from the same resident had been received expressing concern that the revised plans did not show the position of his property in relation to the road. However, Drawing no. 3054/02 Rev B entitled 'Proposed site plan/external works did detail the location of the neighbouring property in relation to the revised access route and the resident had been advised accordingly.

It was proposed to amend condition 2 – 'Working Programme' as follows:

Delete: Drawing number 3054/01 Rev D 'Existing site, elevation and location plan'

Insert: Drawing number 3054/01 Rev E entitled 'Existing site elevation and location plan.'

Resolved: That planning permission be **granted** subject to the conditions set out in the report to committee with an amendment to condition 2 as set out above.

**15. Pendle Borough: Application ref 13/13/0568
Development of a four classroom single storey extension, link corridor, extension to existing courtyard areas to create new hall and enlarged main office area with extension to existing playground areas. Reedley CP School, Reedley Road, Burnley**

A report was presented on an application for the development of a four classroom single storey extension, link corridor, extension to existing courtyard areas to create new hall and enlarged main office area with extension to existing playground areas at Reedley CP School, Reedley Road, Burnley.

The report included the views of Pendle Borough Council, the LCC Assistant Director (Highways) and details of two letters of representation received together with a petition with 30 names.

The Deputy Group Head presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site and access road and an illustration of the proposed site layout and elevations.

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

16. 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 the 27 November, seven planning applications had been granted planning permission by the Executive Director for Environment in accordance with the Council's Scheme of Delegation.

Resolved: That the report be noted.

17. Urgent Business

There were no items of urgent business.

18. Date of Next Meeting

Resolved: That the date of the next meeting be noted.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 4

Development Control Committee
Meeting to be held on 26 February 2014

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| Electoral Division affected: Lancaster Central |
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Lancaster City: Application 01/13/1267
Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

Contact for further information:
Rob Jones, 01772 534128, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, noise, dust, hours of working, highway matters and landscaping.

Applicant's Proposal

Planning permission is sought for improvement works to the existing waste water infrastructure at Lancaster Waste Water Treatment Works (WWTW). The works would involve the erection of three kiosks, a transformer compound and landscaping associated with new below ground waste water infrastructure within the WWTW.

The three kiosks would have the following dimensions:

- The storm water relief screen and pumping station kiosk would measure 9.9m x 3.4m x 3.5m high.
- The two RMU kiosks would each measure 3.1m x 3.1m x 2.7m high.

The transformer compound would consist of 2.3m high metal palisade fencing to enclose a transformer with an area measuring 4.1m x 4.1m.

The kiosks and transformer compound would have double access doors and be coloured dark green (BS4800 14-C-39). The kiosks would be constructed from glass reinforced plastic (GRP).

Part of the existing landscape mound within the site would be raised in height by up to 2.0m using spoil excavated as part of the construction works. The landscaping

would include planting on the landscape mound to replace trees lost during construction of the underground infrastructure.

The overall construction works would take approximately one year and would be carried out between 0730 to 1800 Monday to Friday, and 0730 to 1300 hours on Saturdays with no work on Sundays. The construction works would generate around 20 HGV's per week. Construction and operational traffic would use the existing access and egress to the site

Description and Location of Site

Lancaster Waste Water Treatment Works (WWTW) is situated in an area of open countryside off Old Aldcliffe Lane, approximately 250m to the north- west of Stodday and 2.5km south of Lancaster City Centre. The WWTW is surrounded by agricultural fields on all sides except to the west where the River Lune Site of Special Scientific Interest (SSSI) and the Morecambe Bay Special Area of Conservation (SAC) and Special Protection Area (SPA) are located. Well-established woodland screen planting belts 20 - 30 metres wide are located along the site boundaries. The Lancashire Coastal Way cycle path is adjacent to the western site boundary. Vehicles access the site from the southeast from Snuff Mill Lane and egress the site from the north on to Old Aldcliffe Lane.

Two of the kiosks and the transformer compound would be located on the north side of the site and the remaining kiosk would be in the centre. The landscape mound to be raised is on the west side of the site. The replacement tree planting would be along the northern boundary adjacent to the site egress and the underground infrastructure works.

The southern and western boundaries of the site and a small area of the southern part of the site are located within Flood Zones 2 and 3.

Background

The application site is located at an established Wastewater Treatment Works.

A number of permissions for ancillary development at the site have been granted in recent years, the most recent being in 2012 for the erection of a belt press building, four kiosks, 2.4m high fencing around existing HV transformers, temporary construction compound and highway improvement works (ref. 01/12/0316).

Planning Policy

PPS10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66 and 109 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design and conserving and enhancing the natural environment.

Technical Guidance to the National Planning Policy Framework – Flood Risk and Minerals Policy.

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Lancaster District Local Plan /

Policy E4 The Countryside Area
Policy E11 Development affecting Floodplains

Lancaster District Core Strategy

Policy SC5 Achieving Quality in Design
Policy SC7 Development and the Risk of Flooding
Policy E1 Environmental Capital

Consultations

Lancaster City Council – No objection subject to the imposition of conditions to require the following:

- the protection of trees within or adjacent to the site,
- the undertaking of the development in accordance with the Tree Survey Report
- the maintenance of the proposed landscaping for a period of five years

LCC Developer Support (Highways) – No objection.

LCC Specialist advisor (Ecology) – No observations received.

LCC Specialist advisor (Landscaping) – No observations received.

Environment Agency – No objection.

National Grid Gas and Electricity - No objection.

Representations – The application has been advertised by site and press notice and the nearest residential properties have been notified by letter. One representation has been received from a local resident objecting to the application for the following reasons:

- A noise assessment has not been undertaken either for the construction or operational phases of the development. The application should not be considered until such assessment has been submitted.
- There has been no adequate assessment of traffic impact.

Advice

Planning permission is sought for the provision of additional waste water infrastructure within the operational boundary of Lancaster WWTW.

The development forms part of United Utilities (UU) Asset Management Plan 5 Programme which is a major programme of works to provide new assets, together with refurbishing and upgrading existing UU assets across the region, to be implemented between 2010 and 2015 and required by the water industry regulator OFWAT and the Environment Agency. UU are required to provide the appropriate facilities for the treatment of waste water, as required by the Water Resources Act 1991 and the Urban Wastewater Treatment Regulations 1994.

The storm water relief screen and pumping station kiosk, two RMU kiosks and transformer compound are required to provide the power and house the controls for a new underground storage tank and pumping equipment that are to be provided at the site. The storage tank would help to store the excess volumes that would normally overload the existing combined sewer system during periods of heavy or prolonged rain, and then release them back into the sewerage system at a controlled rate for treatment when there is spare capacity. This helps to reduce pollution as the number of unsatisfactory discharges from sewerage outfalls into the sea would reduce and it would also reduce the risk of flooding in nearby surrounding areas. The development would therefore have a number of ecological and general environmental benefits.

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 necessary to take into consideration the relevant policies of the Development Plan and 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. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Core Strategy and Site Allocation and Development Management Policies (LMWLP), the Lancaster District Local Plan and the Lancaster District Core Strategy.

Policy NPPF 1 of the LMWLP supports the presumption in favour of sustainable development and developments that accord with the policies in the Local Plan should be approved without delay unless material considerations indicate otherwise.

Policy DM2 of the LMWLP supports proposals for waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

The site is located within the Countryside Area as defined by Policy E4 of the Lancaster District Local Plan which seeks to only permit development in Countryside Areas providing the following criteria are met; it is in scale and keeping with the character and natural beauty of the landscape, it is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, it

would not result in a significant adverse effect on nature conservation or geological interests and, it makes satisfactory arrangements for access, servicing, cycle and car parking.

The location of the proposed development is dictated by the layout of the existing sewerage infrastructure at the WWTW. The proposed kiosks and transformer compound are relatively small in scale, as they are only required to house control and power equipment and, with the proposed materials and finish would therefore only have very minor visual impact. The proposed landscaping would be to replace the trees that would be lost along the northern boundary of the WWTW to facilitate the construction of underground infrastructure and also to provide new landscaping of the mounding that would be raised using spoil from the development works. The number of HGV'S per week associated with the construction period would be around 20 but the LCC Developer Support (Highways) has not objected. The proposed development is located within in a flood risk area but the Environment Agency has raised no objection.

In relation to impacts generated during the construction period, conditions should be imposed to minimise the generation of noise and dust, restrict the hours of working and require measures to prevent the tracking out of material onto the highway. In line with the suggestion of Lancaster City Council, conditions should also require to the protection of trees within or adjacent to the site, the undertaking of the development in accordance with the Tree Survey Report and the maintenance of the proposed landscaping for a period of five years. Subject to such conditions, the proposal would accords with the policies of the Development Plan.

One representation has been received in relation to the noise and traffic impacts of the development. There would be an increase in traffic and possibly noise as a result of the construction phase of the proposed works. However, these impacts will chiefly arise from the construction of the below ground works which are permitted development and therefore do not require planning permission. Conditions can be imposed to control the noise and traffic impacts of those parts of the development to be undertaken under permitted development rights but it must be recognised that the applicant could undertake these works without applying for planning permission. The objections of the resident are therefore not supported but it is considered that conditions should be imposed to control noise from the site and to ensure the cleaning of vehicle wheels as part of the works to be undertaken with the benefit of permitted development rights.

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 County Planning Authority on 11 December 2013.
- b) Submitted Plans and documents received by the County Planning Authority on 11 December 2013:

Drawing No. 0375/80030648/00/97/2001 Rev. A -
Proposed Site Layout

Drawing No. 0375/80030648/00/97/2002 Rev. A -
Proposed Storm Water P.S. MCC Kiosk

Drawing No. 0375/80030648/00/97/2003 Rev. A - Storm
Relief Transformer & RMU Compound

Drawing No. 0375/80030648/00/97/2004 Rev. A -
Proposed RMU Kiosk

Drawing No. 0375/80030648/00/97/9203 Rev. B - Tree
Retention, Removal and Protection Plan

Drawing No. 0375/80030648/00/97/9401 Rev. A -
Landscape Proposals

Drawing No. 0375/80019728/00/97/9400 Rev. B -
Landscape Proposal

- 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, to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policies E4 and E11 of the Lancaster District Local Plan and Policies SC5, SC7 and E1 of the Lancaster District Core Strategy.

Building Materials

3. The proposed kiosk buildings and the palisade fencing for the transformer compound shall be coloured dark green BS colour code 4800 14 C 39 within one month of their construction and thereafter maintained in the approved colour.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SC5 of the Lancaster District Core Strategy.

Control of Noise

4. All plant, equipment and machinery used in connection with the construction, operation and maintenance of the site including that associated with any works undertaken under permitted development rights 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 development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Dust

5. Measures shall be taken at all times during the construction phase of the development, including those works undertaken under permitted development rights, to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Hours of Working

6. No construction development or delivery or removal of materials, including that associated with permitted development works, shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)
0730 to 1300 hours, Saturdays (except Public Holidays)

No construction development or delivery or removal of materials, including that associated with permitted development works, 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 the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Highway Matters

7. Measures shall be taken at all times during the construction phase of the development including those works to be carried out with the benefit of permitted development rights to prevent the tracking out of the site onto the public highway of mud, dust or other deleterious matter by construction vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Landscaping

8. All landscaping works including the planting of trees and hedgerows as shown on Drawing No. 0375/80030648/00/97/9401 Rev. A - Landscape Proposals and Drawing No. 0375/80019728/00/97/9400 Rev. B - Landscape Proposal, shall be implemented within the first planting season, as defined in this permission, following the completion of the 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

9. All hedges and trees forming part of the site boundaries or to be retained within the site shall be protected from any damage and maintained throughout the development including those works to be carried out with the benefit of permitted development rights in accordance with the details as shown on Drawing No. 0375/80030648/00/97/9203 Rev. B - Tree Retention, Removal and Protection Plan and in the Tree Survey Report

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

10. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, including those works to be carried out with the benefit of permitted development rights, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

Definitions

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

Notes

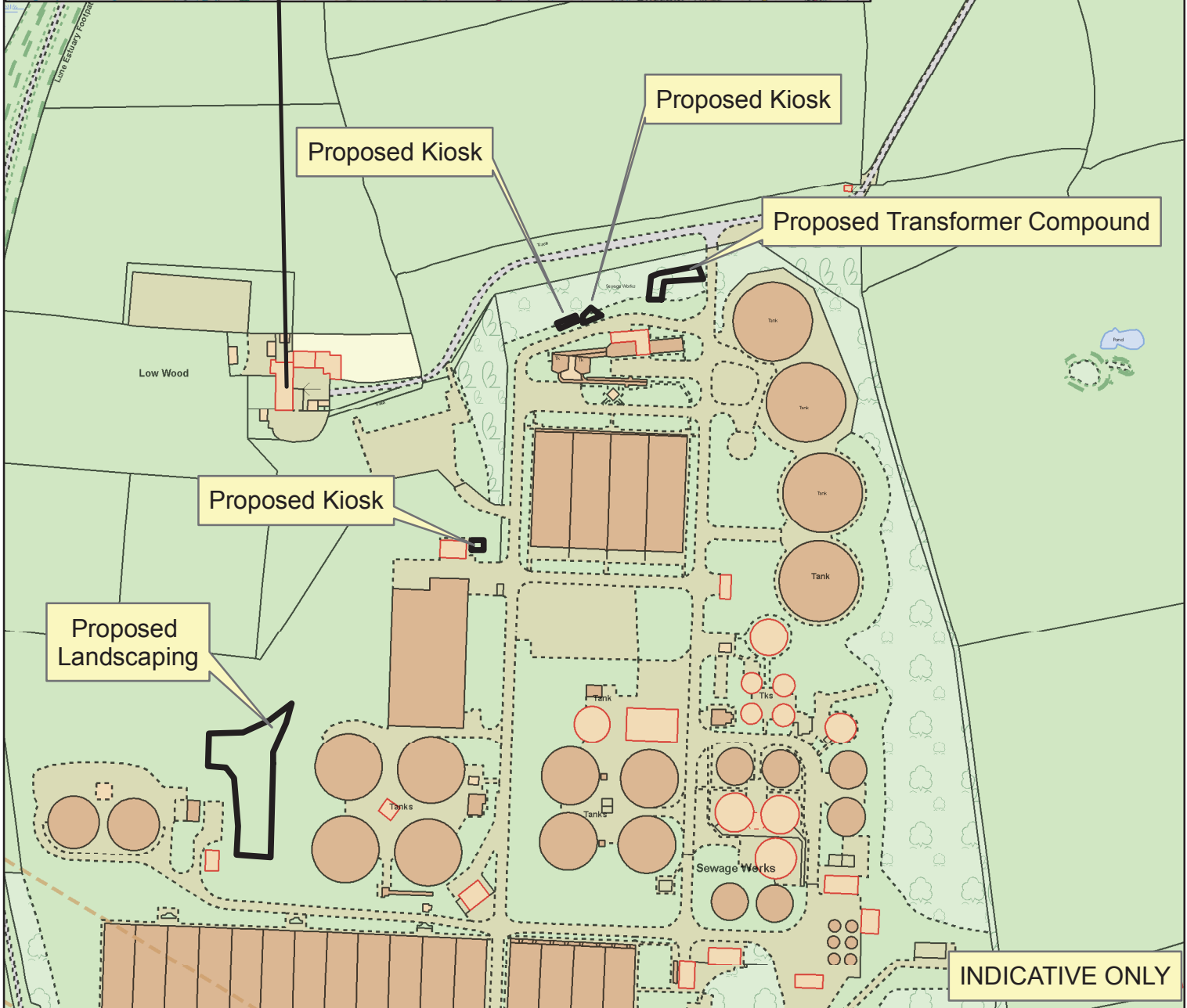
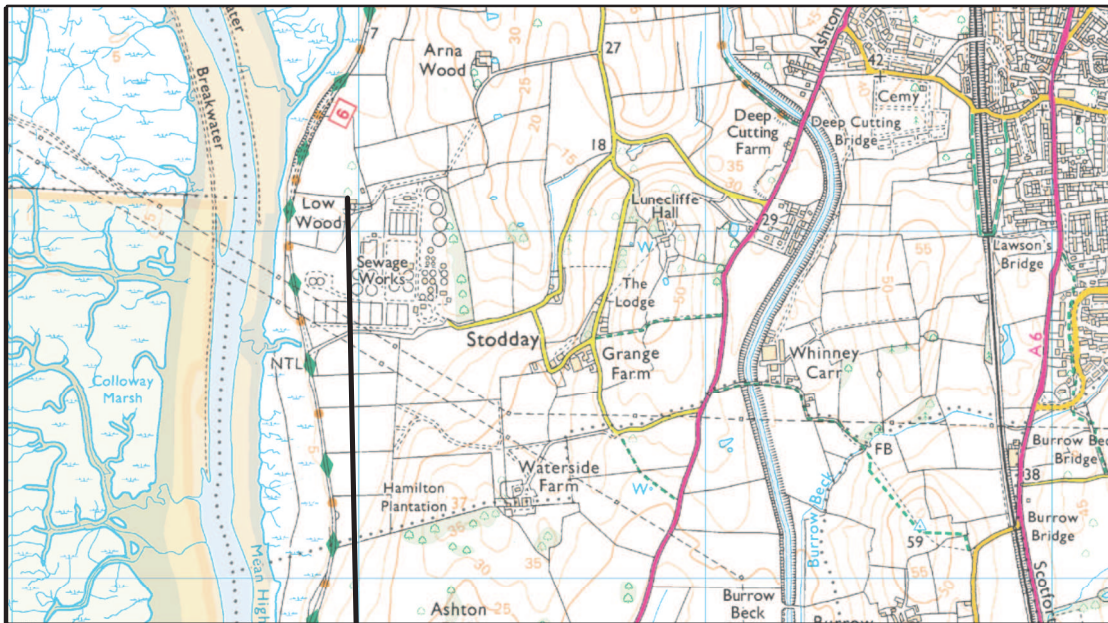
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

| Paper | Date | Contact/Directorate/Ext |
|------------|------------------|-----------------------------|
| 01/13/1267 | 11 December 2013 | Rob Jones/Environment/34128 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 01/13/1267 ERECTION OF THREE KIOSKS, TRANSFORMER COMPOUND AND LANDSCAPING. LANCASTER EFFLUENT TREATMENT WORKS, STODDAY.

Development Control Committee

Meeting to be held on 26th February 2014

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| Electoral Division affected: Fleetwood East |
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Wyre Borough: Application No. 02/13/0786

Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds. Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

Contact for further information:

Rob Jones, 01772 534128, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds. Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

Recommendation – Summary

That subject to the applicant first entering into an amended Section 106 Agreement in relation to the landscaped ecological mitigation area, planning permission be **granted** subject to conditions controlling working programme, restriction on permitted development rights, noise, dust, hours of working, highway matters and protection of groundwater.

Applicant's Proposal

Planning permission is sought for the construction of above and below ground waste water infrastructure within the operational boundary of Fleetwood Waste Water Treatment Works. The above ground works would involve the erection of a motor control centre (MCC) kiosk, an odour control unit, access road, ground re-profiling works and a temporary construction access and compounds. The below ground works would involve the construction of an underground storage tank and an associated connecting shaft.

The MCC kiosk would be constructed from Glass Reinforced Plastic (GRP) and would measure 3.0m x 3.0m x 2.9m high. The odour control unit would be constructed from GRP and would measure 23.0m x 8.5m x 9.0m high. Both the kiosk and control unit would be coloured Holly Green BS 4800 (14-C-39).

The underground storage tank would have a diameter of approximately 41m and a depth of approximately 19m. The associated connecting shaft would have a diameter of approximately 9m.

The permanent internal access road would have a stone finish and vary in width between 4-6m wide. The temporary construction access would be 21m wide at the junction with Jameson Road and would lead to an access road approximately 230m by 5.5m wide with a stone finish. There would be two construction compounds measuring 70m x 50m and 85m x 20m.

The landscaped area on the adjoining operational land to the works would have its contours raised by a height of 0.5m using some of the spoil excavated as part of the construction works.

All of the construction works are expected to be completed by January 2015. Hours of operation would be between 0800 to 1800 hours, Mondays to Friday, and 0800 to 1300 hours on Saturdays, with no work on Sundays. For certain periods, works would be extended to between 0700 to 1900 hours.

The number of vehicles per week associated with the construction period is anticipated to be 90 HGV's, 55 vans and 100 cars.

Description and Location of Site

The application site is located on the south side of the Fleetwood WWTW but within the operational boundary of the site, which is located approximately 2 km south east of Fleetwood town centre. The site is accessed from Jameson Road, a minor road adjoining the B5268 near to the A585 roundabout, which serves the waste water treatment works, Jameson Road landfill site, a waste recycling operation and the Fleetwood Marsh Nature Park.

The WWTW consists of four large buildings and associated infrastructure surrounded on the northern and western sides by perimeter landscaping mounds. To the south is a raised landscaped area of land that is the subject of an Ecological Management Plan that lies within both the operational boundary of Fleetwood WWTW and land owned by Wyre Borough Council.

Immediately to the north of the existing treatment works is a waste transfer station, whilst to the east beyond Jameson Road is Jameson Road Landfill site and associated household waste recycling centre. To the south, beyond the landscaped area and Jameson Road, are areas of settlement lagoons forming part of a former chemical works and Cala Gran Caravan Park. The western boundary of the site is a disused railway line which is a designated Biological Heritage Site. The A585 is close to this boundary, beyond which are industrial and residential areas on the edge of Fleetwood. Broadwater Caravan Park is on the south west side of the boundary.

The infrastructure the subject of this application would be located on the south-east side of the WWTW adjacent to Jameson Road and on a part of the landscaped area of land that is the subject of an Ecological Management Plan. The temporary construction access and compounds would be further south off Jameson Road.

Background

Fleetwood WWTW was constructed in the mid 1990's to treat waste water arising from the urban areas of Wyre and Blackpool, and prevent disposal via outfall to sea. Planning permission for the use of the area of grassland and scrub to the south of the original area of Fleetwood WWTW for the disposal of material excavated during the construction of the works was granted in 1996 (ref. 2/96/108 and 2/96/603).

Planning permission for an extension to the waste water treatment works, erection of 13 buildings/tanks to enable the treatment of waste water, a temporary access and associated landscaping was granted in January 2009 subject to a legal agreement regarding vehicle routing, ecological mitigation and provision of a concessionary bridleway (ref. 02/08/0585).

Planning Policy

PPS10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66 and 109 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design and conserving and enhancing the natural environment.

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

| | |
|---------------|--|
| Policy NPPF 1 | Presumption in favour of sustainable development |
| Policy DM2 | Development Management |
| Policy DM3 | Planning Obligations |

Wyre Borough Local Plan

| | |
|-------------|------------------------------------|
| Policy SP1 | Urban Concentration of Development |
| Policy SP2 | Strategic Location for Development |
| Policy SP14 | Standards of Design and Amenity |
| Policy CIS1 | Provision for Community Services |

Consultations

Wyre Borough Council – No objection.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No objection but request that a condition be imposed to require the temporary construction access to be reinstated on completion of the works.

Environment Agency – No objection. To prevent contamination of groundwater during the construction phase, mitigation measures should be taken to avoid mixing groundwater with potential leachate from the waste deposited on site in the past.

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

Advice

Planning permission is sought for the provision of above and below ground waste water infrastructure within the operational boundary of Fleetwood WWTW. The below ground works would normally be permitted development. However, the applicant's permitted development rights for the application site were withdrawn by a condition attached to planning permission 2/08/0585 in order to ensure that ecological mitigation measures required as part of that development would not be affected by later works undertaken under permitted development rights.

The development forms part of United Utilities (UU) Asset Management Plan 5 Programme which is a major programme of works to provide new assets, together with refurbishing and upgrading existing UU assets across the region, to be implemented between 2010 and 2015 and required by the water industry regulator OFWAT and the Environment Agency. UU as the sewerage undertaker are required to provide the appropriate facilities for the treatment of waste water, as required by the Water Resources Act 1991 and the Urban Wastewater Treatment Regulations 1994.

The underground storage tank would help to store the excess volumes that would normally overload the existing combined sewer system, typically during periods of heavy or prolonged rain, and then release them back into the sewerage system at a controlled rate for treatment when there is spare capacity. This helps to reduce the number of unsatisfactory discharges from sewerage outfalls into the sea and so reduce pollution. The development would therefore have a number of ecological and general environmental benefits.

The storage tank would be connected by pipeline to a nearby existing underground detention tank. The new shaft is required to help in the construction of the connecting pipeline. The MCC kiosk would house the electrical control equipment for the storage tank. The odour control unit would help to reduce odours associated with the development. The internal permanent access road would provide access within the WWTW to the area around the underground storage tank and the two kiosks. The temporary construction access would serve two temporary construction compounds required for the duration of the works.

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 necessary to take into consideration the relevant policies of the Development Plan and 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. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Core Strategy and Site Allocation and Development Management Policies (LMWLP) and the Wyre Borough Local Plan.

Policy NPPF 1 of the LMWLP supports the presumption in favour of sustainable development and developments that accord with the policies in the Local Plan should be approved without delay unless material considerations indicate otherwise.

Policy DM2 of the LMWLP supports proposals for waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy SP14 of the Wyre Borough Local Plan has similar objectives in seeking to achieve high standards of design and amenity for all types of development. Policy CIS1 of the Wyre Borough Local Plan provides for development by a statutory undertaker to be supported where it can be shown that such works are essential to the maintenance or improvement of an existing service or undertaking.

The location of the proposed development is dictated by the layout of the existing sewerage infrastructure as the storage tank has to be close to the existing detention tanks in the southern part of the WWTW. The underground design of the tank would ensure that its visual impact is negligible. The above ground odour control unit would be a relatively large building but would still be significantly smaller than other buildings on the treatment works site. The visual impact of the building would be further mitigated as the adjacent boundary of the WWTW along Jameson Road would have mixed woodland planting. Subject to conditions relating to landscaping and the colour of the building, it is considered that the visual impacts of the development would be acceptable. In relation to impacts generated during the construction period, conditions should be imposed to minimise the generation of noise and dust, restrict the hours of working and require measures to prevent the tracking out of material onto the highway. The temporary construction access should be required to be reinstated on completion of the works. In line with the recommendation of the EA and in order to prevent contamination of groundwater during the construction phase, a condition should require that mitigation measures should be taken to avoid mixing groundwater with potential leachate from the waste deposited on site in the past. Subject to such conditions, the proposal accords with Policies NPPF 1 and DM2 of the LMWLP and Policies SP1, SP2, SP14 and CIS1 of the Wyre Borough Local Plan.

The development would be located on the edge of the southern part of the Fleetwood WWTW that was allocated for ecological mitigation as part of an earlier proposal for a major extension of the treatment works (planning permission 2/08/0585). Parts of this area were raised by tipping of excavated spoil with the surface then being restored to meadow and scrub in order to provide replacement habitats for the areas that were lost to that development. However, the area of land within the treatment works was not sufficient to accommodate all the mitigation works required and therefore off site mitigation was also required. This was the subject of a section 106 agreement which also provided for the long term aftercare of the landscaping works, the construction of a footpath cycle way and funding of long term management.

The current proposal would affect part of the mitigation area as the tank would occupy its north eastern corner. The development would require some adjustments to mounding adjacent to Jameson Road and the raising of the main mound within the

UU site by a further 0.5m. However, the broad habitat types that would be restored would be broadly the same and the applicant has agreed that the surface of the underground tank can be restored to grassland which would ensure that the area available for mitigation will only be marginally reduced. Given the overall large size of the mitigation land, any loss would not be significant and would still enable the aims of the original Ecological Management Plan to be achieved.

However, as the area of the current application overlaps the area of permission 2/08/0585, a revised section 106 agreement will need to be entered into so that the mitigation land continues to be subject to the long term aftercare provisions that formed part of the original section 106 agreement. Subject to the applicant entering into a revised agreement and subject to the imposition of conditions requiring the site to be land raised to the amended contours and subsequently restored to ecological habitats, the development is considered acceptable in terms of ecology.

As part of the previous planning permission the applicant's permitted development rights were withdrawn to ensure that ecological mitigation measures required as part of that development would not be affected by later works undertaken under permitted development rights. The situation remains the same and a condition is proposed withdrawing those permitted development rights.

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 would be affected.

Recommendation

That subject to the applicant first entering into an amended Section 106 Agreement in relation to the landscaped ecological mitigation area 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 County Planning Authority on 14 October 2013 and emails received from United Utilities on 11 November 2013, 20 November 2013, 19 December 2013 and 08 January 2014.
 - b) Submitted Plans and documents received by the County Planning Authority on 14 October 2013:

Drawing No. 9128/80031173/00/97/1004 Rev. A -
Proposed Site Location
Drawing No. 9128/80031173/00/97/1001 Rev. C -
Proposed New Site Layout
Drawing No. 9128/80031173/00/97/1002 Rev. A - Control
Kiosk
Drawing No. 9128/80031173/00/97/1003 Rev. A -
Passive OCU
Drawing no. 9128/80031173/00/97/9400 Rev B -
Landscape Proposals Plan.

- 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 NPPF 1, DM2 and DM3 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP1, SP2, SP14 and CIS1 of the Wyre Borough Local Plan.

Withdrawal of permitted development rights

3. The provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the ecological value of the site and to conform with Policy ENV5 of the Wyre Borough Local Plan.

Control of Noise

4. 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 development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Dust

5. Measures shall be taken at times during the construction phase of the development to minimise the generation of dust.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Hours of Working

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

0800 to 1800 hours Monday to Friday (except Public Holidays),
0800 to 1300 hours on Saturday.

No 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 use of pumping equipment and 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Highway Matters

7. Measures shall be taken at all times during the construction phase of the development to ensure that no dust, mud or other deleterious material is deposited on Jameson Road by heavy goods 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

8. No tipping of excavated materials shall take place above the contours shown on drawing 9128/80031173/00/97/9400 Rev B.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

9. Within six months of the completion of construction works, the construction access, contractor's compounds and ecological mitigation area shown by the shaded areas on drawing 9128/80031173/00/97/9400 Rev A shall be restored.

The restoration works shall be undertaken in accordance with the ground preparation, seeding and planting details shown on drawing 9128/80031173/00/97/9400 Rev A.

The restored areas shall thereafter be maintained and managed in accordance with the Ecological Mitigation and Landscape Management Plan approved on 24th October 2013.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Safeguarding of Watercourses and Drainage

10. No excavation of the underground tank shall take place until a method statement detailing how the tank will be constructed to prevent the downward migration of contaminated water into groundwater has been submitted to and approved in writing by the County Planning Authority.

The tank construction works shall be undertaken in accordance with the approved method statement.

Reason: To prevent contamination of groundwater during the construction phase and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

11. Within one year of the completion of construction works, the areas shaded green on drawing 9128/80031173/00/97/9400 Rev B shall be restored in accordance with the schedule of works shown on that plan.

The tree and shrub planting works shall be maintained for a period of five years including weed control replacement of failures and maintenance of protection measures.

Reason ; In order to ensure the proper restoration of the site in the interests of visual amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Definitions

The Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- Treated materials can be transferred between sites as part of a hub and cluster project; and
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers refer to the following EA information:

- Position statement on the Definition of Waste: Development Industry Code of Practice; and
- Website at www.environment-agency.gov.uk for further guidance.

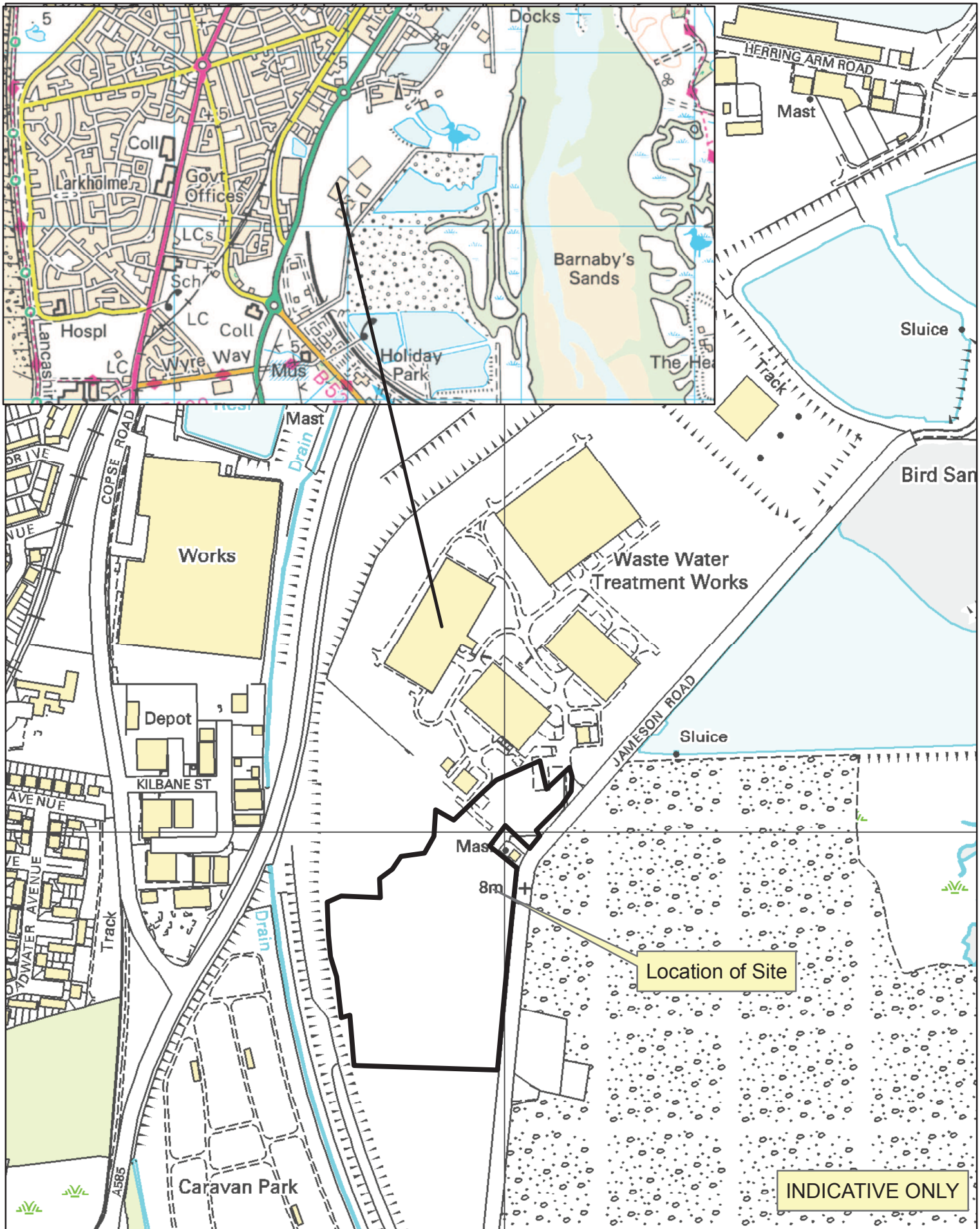
The Environment Agency is principally concerned that the reuse of asbestos contaminated soils within this landscaping mound at or near to the surface of the mound is not acceptable, and that the planning permission will specifically need to allow the extra materials to be deposited in order to allow the repeated use of CL:AIRE.

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

| Paper | Date | Contact/Directorate/Ext |
|------------|-------------------|-------------------------------|
| 02/13/0786 | 14th October 2013 | Rob Jones/Environment/ 534128 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 02/13/0786 NEWPLANT, UNDERGROUND STORAGE TANK BUILDING, ODOUR CONTROL UNIT, HARDSTANDING AND LANDSCAPING.
 FLEETWOOD WASTE WATER TREATMENT WORKS, JAMESON ROAD, FLEETWOOD.

Agenda Item 6

Development Control Committee

Meeting to be held on 26th February 2014

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| Electoral Division affected: Ribble Valley North East, Clitheroe |
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**Ribble Valley Borough: Application ref 03/12/0940
Variation of condition 13 of planning permissions 03/96/0772, 03/96/0773 and
03/96/0774 to allow part of Lanehead Quarry to be deepened to minus 31
metres AOD (above ordnance datum).**

Lanehead Quarry, Ribblesdale Cement Works, Clitheroe

Contact for further information:

Jonathan Haine, 01772 534130, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application - Ribble Valley Borough : Application ref 03/12/0940
Variation of condition 13 of planning permissions 03/96/0772, 03/96/0773 and
03/96/0774 to allow part of Lanehead Quarry to be deepened to minus 31 metres
AOD (above ordnance datum). Lanehead Quarry, Ribblesdale Cement Works,
Clitheroe. The application is accompanied by an Environmental Statement that
examines the impacts of the proposed quarry deepening on the water environment
and the impacts on local amenity due to the increased duration of quarrying
activities.

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement relating to the
implementation of a water monitoring and mitigation scheme, planning permission
be granted subject to conditions controlling time limits, working programme,
extraction area, restriction on the use of materials, storage of raw materials,
restriction on materials to be extracted, approved documents, removal of permitted
development rights, soils and overburden, hours of working, access routes, wheel
cleaning, sheeting of vehicles, vehicle parking, vibration levels, dust and noise
suppression, working methods, safeguarding water courses and drainage,
landscaping, restoration, monitoring and aftercare.

Applicant's Proposal

Planning permission is sought for the deepening of part of Lanehead Quarry,
Clitheroe to minus 31m Above Ordnance Datum (AOD) from its existing permitted
depth restriction of 17m AOD (i.e. an increase in the depth of working of 48m). The
area of proposed deepening covers extends over an area measuring approximately
250mx 300m located in the base of the existing quarry.

Deepening of the quarry to – 31m would allow an additional 10 Mt of limestone to be worked. These reserves would be worked in the same manner as at present using drill and blast techniques to free the rock from a series of quarry faces which would then be transported to the adjacent cement works by truck for processing and cement manufacture. Deepening of the quarry would require the continuation of the existing dewatering activities to allow the quarry to be worked in dry conditions. The increased reserves would extend the life of Lanehead Quarry by approximately 13 years.

Following completion of working, the quarry would be allowed to flood to a level of 65 m AOD and would be restored in the same manner as currently proposed involving a large lake with restoration to amenity and wildlife habitats on the parts of the quarry above final water level.

Description and Location of Site

Lanehead Quarry covers an area of 113ha and is located 2km north east of Clitheroe. The quarry is located between the Ribblesdale Cement Works to the west and the village of Chatburn to the east. To the north of the site are agricultural fields which slope towards the River Ribble whilst to the south is the Clitheroe – Hellifield railway line beyond which are areas of woodland, agricultural and the Pendle Trading Estate.

To the south east is Bankfield Quarry (operated by Lafarge Tarmac) which is worked for limestone aggregates and which has an area of 36ha. Bankfield Quarry and Lanehead Quarry effectively form a single quarry with an area of around 150ha.

Access to Lanehead Quarry is gained through the adjacent cement works complex. Traffic associated with the cement works then gains access to the A59 via the Pimlico Link Road.

The nearest houses to the site are located on the western side of Chatburn, 170m from the quarry edge. There is also a terrace of houses located to the rear of the Pendle Trading Estate which are approximately 80m from the quarry.

Parts of Lanehead Quarry have been worked to their maximum permitted depth of 17m AOD but the majority of the quarry, especially on its northern side, is considerably above this level. Bankfield Quarry has been worked to a level of around 0m AOD (sea level) but the deepest areas are currently flooded.

Background

Lanehead Quarry has been in operation for over 70 years producing limestone and shale for use in the adjacent cement works.

A number of planning permissions were granted in the 1940's and 50's for quarrying at the site. These permissions were subject to initial review in 1997 under the provisions of the Planning and Compensation Act 1991 and Environment Act 1995 (applications 3/97/772, 3/97/773 and 3/97/774). These permissions contained a limitation on the depth of working to 17m AOD.

In 1997 planning permission for the reactivation and extension of Bellman Quarry, a limestone quarry located approximately 1km south of Lanehead Quarry was granted (ref 3/96/427). The purpose of the development was to provide a new source of high quality limestone to supply the cement works.

In 2002 planning permission was granted for the widening and extension in depth of Bankfield Quarry (ref 3/97/636). The permission allows Bankfield Quarry to be deepened to minus 50 metres AOD.

A number of other permissions have been granted relating to new cement making infrastructure and plant and for a landfill site in the north east corner of Lanehead to be used for the disposal of cement kiln dust.

Planning Policy

National Planning Policy Framework

Paragraphs 11 – 16, 17, 18 – 21, 109 - 123 and 142 - 146 are relevant with regard to the definition of sustainable development, core planning principles, building a strong economy, conserving and enhancing the natural environment, and facilitating the sustainable use of minerals.

Technical Guidance to the NPPF – The technical guidance is relevant with regard to noise and dust controls and the restoration of mineral working sites.

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

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demand for new minerals
- Policy CS4 Identifying Sites and Areas for Mineral Extraction
- Policy CS5 Achieving Sustainable Minerals Production

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) – Site Allocation and Development Management Policies DPD.

- Policy NPPF1 Presumption in favour of sustainable development
- Policy DM1 Management of waste and extraction of minerals
- Policy DM2 Development Management
- Policy DM3 Planning obligations
- Policy M1 Managing Mineral production

Ribble Valley Borough Local Plan

- Policy G1 Development Control
- Policy G8 Environmental Considerations
- Policy G10 Legal Agreements

Consultations

Ribble Valley Borough Council: No objection subject to the haul road to Bellman Quarry being of an appropriate surface treatment and with dust suppression and that quarry vehicles should be fitted with white noise reversing alarms.

Clitheroe Town Council: No observations received.

Chatburn Parish Council: No observations to make.

Natural England: Lanehead Quarry is located close to a number of SSSI's at Coplow Quarry, Bellman Park Quarry and Clitheroe Knoll Reefs. However, given the nature and scale of the proposal, Natural England is satisfied that there will be no impact on the SSSI's. The development is unlikely to affect any European Protected Species but the LPA should consider the possible impacts on other local ecological interests and areas of landscape character.

Network Rail: No objection subject to conditions limiting blasting vibration.

LCC Developer Support (Highways): No objection.

Environment Agency (EA): The EA initially raised objection to the application as they considered that existing monitoring data already showed a decline in ground water levels and in losses of surface water flows where streams were in contact with the Chatburn Limestone. They were concerned that the applicant had no means to mitigate such losses as they did not have control over the discharge to the affected stream. The EA also raised a number of questions regarding the monitoring network.

Following further discussions, the EA consider that it is critical that the applicant is able to agree a shared use of Tarmac's discharge pipeline to the Chatburn Brook and co operation over a scheme of hydrological monitoring to indicate when mitigation measures need to be employed. The EA also state that they are agreeable to the simplified system of monitoring that is now proposed provided that it is supported through suitable planning conditions and obligations.

Grindleton Parish Council - No observations received.

West Bradford Parish Council – No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations have been received which can be summarised as follows:

One resident raises concerns as to the effects of blasting vibration on their property and states that vibration levels should be no more severe than at present.

Three residents raise no objection or support the application on the basis that the site supports local employment and only involves the deepening of an existing quarry. However, these residents raise issues relating to blasting vibration.

A further representation has been received on behalf of a housing developer off Chatburn Old Road who states the deepened quarry working will be at some distance from the proposed housing development and that any impacts on the new

houses would be no worse than those experienced by the established properties in Chatburn.

Advice

Cement is an essential construction material and is required to produce concrete and a wide range of other building and construction products. UK cement production is around 10 Mt tonnes per year which is supplied by twelve cement manufacturing plants. The Ribblesdale Cement Works produces around 0.8 Mt of cement per year, is one of the largest cement manufacturing plants in the UK and is the only such plant in the north west of England.

Cement produced at the Ribblesdale Works site is exported in bulk by road or rail to supply regional concrete batching plants and terminals in Scotland and London and also in bagged form to supply smaller scale building projects. Materials from the site have been used for developments at Manchester Airport, the Skye Bridge and the upgrading of the M77 between Glasgow and Kilmarnock together with many other construction projects. The Ribblesdale Works therefore fulfils an important role in supplying the demand for essential construction materials in the north west and in the UK more generally. The site is also an important local employer and generates considerable demand for support services in terms of plant maintenance and investment.

The location of cement manufacturing plants is largely dictated by the proximity of raw materials. The manufacture of cement demands large quantities of limestone and other raw materials and the maintenance of sufficient reserves of such raw materials close to the manufacturing plants is crucial in enabling such sites to contribute towards demand and allowing investment in plant maintenance and new manufacturing infrastructure.

Lanehead Quarry has historically been the main source of raw materials that are used at the Ribblesdale works to manufacture cement. The current application has been submitted following a program of further investigation to identify the nature of the rock reserves beneath the present floor of Lanehead Quarry and to establish their quality and feasibility of extraction. The main planning issues raised by this proposal relate to the need for further reserves, the relationship with the policies of the NPPF and Lancashire Minerals and Waste Local Development Framework, the likely impacts on the water environment and the impacts on local amenity arising from the extended duration of working.

Need for the additional reserves and Planning Policy issues

Cement is manufactured by heating limestone and other materials in a rotary kiln. Firstly limestone is crushed to a fine powder and is mixed with smaller quantities of other materials including shale and iron oxide. These materials are then heated in the kiln to approximately 1300°C. The heating process drives a chemical reaction which releases the carbon dioxide from the limestone to produce a hard, dense material called clinker. The clinker is then ground and mixed with other materials including gypsum to produce cement.

A key issue for cement manufacturing plants relates to the chemistry of the raw materials, in particular the percentage of calcium carbonate, silicates and other

minerals within the limestone and other raw materials. The limestone reserves in Lanehead Quarry are not homogenous. The chemistry of the rock varies considerably in different areas of the quarry and in general the reserves on the northern side of the quarry are considered to be low grade reserves due to higher proportions of shale. The reserves on the southern side are higher grade materials as they contain higher proportions of calcium carbonate. Due to the differences in the characteristics of the raw materials found in different areas of the quarry, the extraction process has to be carefully managed in order to ensure that the correct cement recipe is obtained through blending of different materials. The variability in raw materials is predominately due to the dip of the limestone strata in this quarry where the high grade limestones overly the lower grade materials so that there is an increasing thickness of higher grade materials towards the southern side of the site. The geological structure of the quarry explains why the area of proposed deepening area lies on the southern side of the quarry where the high grade reserves are thicker.

In the late 1980's the operator of the Ribblesdale Works undertook a review of the remaining reserves within Lanehead Quarry. The conclusion of that review was that there were insufficient reserves of high grade limestone to supply the correct mix of raw materials and therefore reserves were not of the required quality to sustain production. At that time the company stated that they were importing high calcium carbonate limestones from Yorkshire to correct deficiencies in the Lanehead material but that such importation was not sustainable as a long term option. In 1997 the Company therefore obtained permission to reactivate and extend Bellman Quarry to provide a new source of high grade limestone. The reserves within Bellman Quarry at the time of the permission equated to around 26Mt of which a large proportion were high grade materials of a significantly better quality than available within Lanehead Quarry. Bellman Quarry resumed production in around 2000. The quarry design provides for a tunnel to be constructed between Bellman and Lanehead Quarries to allow Bellman material to be transported to the works without using the public highway. However, this tunnel cannot be constructed until Bellman Quarry has been worked to a depth where tunnel construction can commence. Until this time, rock has to be transported via an existing private haul road which severely limits rates of extraction. At present it is estimated that the remaining reserves of high grade materials within Bellman Quarry are approximately 18 Mt together with some lower grade materials.

Therefore at a total rock requirement of around 1.3 million tonnes per year is worked in the following typical proportions: 20% low grade from Lanehead, 60 % high grade from Lanehead and 20% high grade from Bellman Quarry. Minor amounts of other materials are then added to achieve the correct chemical balance.

The NPPF contains Government policy on the sustainable use of mineral resources. It states that minerals are essential to support economic growth and stresses the importance of ensuring a sufficient supply of material to provide the infrastructure and building that the country demands. However, it also states that minerals are a finite resource and therefore should be used in the best way to secure long term conservation.

In order to ensure a steady and sufficient supply of industrial minerals (including cement) to the construction industry, the NPPF requires MPA's to ensure that each manufacturing plant has access to a stock of permitted reserves equal to at least 15

years in the case of sites where significant new capital investment is required and 25 years where a new kiln is proposed. There is no new kiln proposed at the Ribblesdale site but significant new investment is proposed in other plant and infrastructure and therefore a landbank of at least 15 years is considered to be justified to comply with the NPPF. The existing permitted reserves relating to the Ribblesdale site equate to around 40 Mt which gives a landbank equivalent to around 30 years at current production rates. The proposed deepening of Lanehead Quarry would increase reserves by a further 10 Mt adding a further 7 years to the landbank.

The Lancashire Minerals and Waste Development Framework Core Strategy sets out planning policy for the release of new minerals reserves until 2021. In establishing the need to release new cement making reserves, the County Council considered the existing reserve opposition at 2009 when the Core Strategy was adopted. Policy CS3 states that additional land will be made available for the extraction of minerals for cement manufacture where it can be demonstrated that the landbank supplying the plant will fall short of 25 years during the Plan period.

The need to release further mineral reserves is further considered in the policies of the Lancashire Minerals and Waste Local Plan (adopted September 2013) Policy M1 states that proposals for any new extraction of sand and gravel, limestone, gritstone or brickshale will not be supported.

Using the above reserve figures, it can be seen that the total existing permitted reserves as at 2021 would equate to around 31 Mt which would be equal to around 23 years at current rates of production. The policy in the Core Strategy was adopted before the publication of the NPPF and the adoption of the Local Plan and therefore it is considered that the policies contained in the latter two documents are the policies against which this application should be assessed. On this basis the currently permitted reserves are considerably in excess of the landbank levels considered appropriate by the NPPF and policy M1 and there is no immediate need to release additional reserves at this site.

However, whilst the total tonnage of permitted reserves pertaining to the works are more than adequate to meet landbank requirements, the reserves have to be of the right quality and chemistry. The high grade materials within Lanehead and Bellman Quarries also need to be recoverable in order to supply the raw material requirements of the cement works at the required rates.

Much of the remaining permitted high grade reserve within Lanehead is contained within a block of land in the south west corner of the site (the former Horrocksford Works). This part of the quarry had been largely un-worked until recently due to the difficulties of working this area as it is close (circa 80m) to the properties to the rear of the Pendle Trading Estate and those located on the edge of Chatburn. The proximity of this area of the quarry to houses severely limits blasting operations in this area which restricts the rates at which high grade materials can be won from this area of the quarry. The working of the Horrocksford area is essential to allow this part of the quarry to be widened thereby allowing the maximum proposed depth of working to be achieved.

Planning permission for the reactivation and extension of Bellman Quarry was granted in 1997 in order to provide access to new reserves of high quality cement

making materials. Whilst the availability of further high grade reserves at depth within Lanehead was known at the time of the Bellman application, a case for the further Bellman reserves was accepted on the basis that the rock in this area contributed various characteristics to the cement making recipe beyond those available from Lanehead. However, the reserves within Bellman Quarry are currently not recoverable at the rates of extraction where they could completely replace the need to work high grade reserves in Lanehead. This is due to the need to currently haul Bellman Quarry stone along a private haul road via a narrow tunnel under Chatburn Road which restricts the volumes of stone that can be recovered from Bellman. Bellman Quarry is also at a comparatively early stage of working where much of the stone is worked from relatively near the surface and is contaminated with clay which means that it cannot be presently used as the main source of high grade feed stock for the works; it requires blending with other reserves from Lanehead. Both of these issues will be resolved with time but at present, they are a factor restricting the supply of high grade raw materials to the works.

Whilst in purely tonnage terms there are sufficient reserves of materials to supply the long term requirements of the Ribblesdale Works, it is important to consider the reserve position in terms of the need to access reserves of the correct quality at the required rates. The present reserve position has given rise to situations where access to high grade reserves has been very constrained. The proposed deepening of Lanehead Quarry would provide ready access to further reserves of high grade materials without such constraints on production volumes.

In terms of the sustainable use of minerals, the deepening of the quarry would enable the working of reserves within an existing quarry that might otherwise be sterilized if working ceased and the quarry was allowed to refill with water. The working of reserves at depth within Lanehead would also result in a reduction in the rate at which Bellman Quarry would be developed. If planning permission for the deepening of Lanehead were not forthcoming, the Company would need to rapidly expand Bellman Quarry and transport stone from this site to the works on the public highway. It is therefore considered that the deepening of Lanehead Quarry would ensure the recovery of high grade materials in a sustainable manner and would also delay the need to win such resources from Bellman Quarry which is in part a green field site.

The operator currently works some of the low grade reserves at the quarry for aggregates. However, as there is only justification for the deepening of the quarry on the basis of a requirement for additional cement making materials, it is considered that any permission should be subject to a condition prohibiting any reserves from the deepening area being worked and exported from the site as aggregate.

Impacts on Water Resources

The main environmental impact of the proposed deepening relates to the potential impacts on ground and surface water resources.

For many years, quarrying operations within Lanehead and Bankfield Quarry have been at a depth where pumping of ground water has been required in order to keep the excavation dry. With increasing depth, more pumping is required to allow continued working.

The pumping operations lead to a lowering of groundwater levels in the limestone strata around the quarry which can affect levels in streams and rivers and other groundwater dependant features as well as private water boreholes. Dewatering operations therefore have the potential to detrimentally affect the ecological and amenity value of surface water features as well as the supply of water to private individuals.

Geologically, Lanehead Quarry is located in the Chatburn Limestone. The Chatburn Limestone is around 1000m thick and dips at an angle of around 25° to the south and is bound above and below by lower permeability strata. The outcrop of the Chatburn Limestone (where the rock is close to or meets the ground surface) runs under Chatburn and then continues eastwards under Downham and to the south of Rimmington. Quarry dewatering will therefore result in a general depression of ground water levels along the strike of the Chatburn Limestone with the effect being less pronounced with increasing distance from the quarry. Under normal conditions streams and other water features may be supported and supplemented by inflow from ground water. However, if ground water levels fall, either due to natural or manmade influences, these conditions may be reversed so that surface water is lost to the ground resulting in streams and other wetland features drying up therefore reducing their amenity and ecological value. A number of streams run across the Chatburn Limestone, some of which are Biological Heritage Sites (Twiston Beck and Ings Beck) and which are potentially affected by a reduction in ground water levels. In some areas, the Chatburn Limestone is overlain by boulder clay and other glacial deposits which isolate the streams from the limestone and potentially provide some protection against lowered groundwater levels. Conversely there are other locations where the streams run directly on the limestone or where the overlying clay is 'leaky' thereby allowing loss to ground water.

The planning permissions for quarrying at Lanehead were reviewed under the provisions of the Planning and Compensation Act and Environment Act in 1997. As part of those applications and that relating to the extension of Bellman Quarry, comprehensive assessments were undertaken of the likely impacts on ground water resources. The Environment Agency considered that the impacts of the proposed operations would be acceptable subject to a range of conditions to require monitoring of stream flows and ground water levels, ecological surveys of water features and provision for mitigation should any derogation of surface water features be detected. However such consideration related to a comparatively shallow depth of working (17m AOD in Lanehead and 29m AOD in Bellman). The current proposal is for a considerable deepening of the quarry which would potentially have greater impacts on water resources.

In 1997 Tarmac made a planning application for the widening and extension in depth of Bankfield Quarry to a level of -50m AOD. Bankfield Quarry also works the Chatburn Limestone and therefore the water resources affected are the same as those affected by operations within Lanehead Quarry. The deepening proposal was the subject of an extensive hydrogeological assessment as part of an Environmental Statement which examined the impacts of the deepening on the water environment and associated ecological interests. The ES identified that the Heys Brook in Chatburn ran across the limestone outcrop and being only 1 km from the quarry, was potentially affected by a reduction in groundwater levels. There was evidence that this stream was drying up during certain periods. However, at that time Tarmac constructed an additional water discharge pipeline to the Heys Brook to allow them

to handle the greater volumes of water that were being intercepted in Bankfield Quarry with increased depths of extraction. The water discharge pipeline allowed Tarmac to augment the flows in the Heys Brook therefore addressing the impact identified through the Environmental Assessment process. The Environment Agency was therefore satisfied that the deepening of Bankfield Quarry was subject to a range of conditions and section obligations relating to monitoring and future mitigation if required. Due to the close proximity of the two quarries and the similar nature of the controls that relate to impact on the water environment, the monitoring requirements have been shared between the operators of Bankfield Quarry and Lanehead Quarry.

The general principle of deepening the quarry has therefore already been established through the permission to deepen Bankfield Quarry to -50m AOD.

The current planning application is also accompanied by an extensive study of the local water environment. The applicant is of the view that the majority of streams in the area are currently located outside of the zone of depressed groundwater levels. In relation to the Heys Brook in Chatburn, the applicant is of the view that this water course would be a naturally ephemeral water course and that the variations in flow are not due to quarry dewatering. However, the Environment Agency do not agree with this view and consider that lowering of the water table is causing bed losses from that watercourse resulting in a reduction in flow over those levels that would occur naturally.

The EA are of the view that these losses could be mitigated through the use of the Tarmac pipeline. However, Bankfield Quarry has been dormant as a quarrying operation since 2010 and therefore since that time the discharge to the Heys Brook has ceased. The water levels within Lanehead Quarry are currently controlled by Hanson who discharge water to the River Ribble. In order for the application to deepen Lanehead to be acceptable, the EA consider that Hanson must secure rights to use the discharge pipe to the Heys Brook so that the impacts on this stream can be mitigated as soon as possible and that such means of mitigation be maintained post cessation of quarrying until water levels have recovered sufficiently.

Tarmac is willing to allow Hanson to use the discharge pipeline to the Chatburn / Heys Brook. There are various issues with regard to the maintenance of this pipeline and the costs of pumping but these are private contractual issues that are between the two Companies and are the subject of an intercompany agreement that is currently being negotiated. The facilities are already in place to allow the augmentation of the Chatburn Brook to take place and therefore the planning controls that are required relate to the requirements to achieve the augmentation prior to the quarry being deepened below its existing permitted limit, provision for a revised scheme of monitoring and reporting and provision for review of the monitoring data prior to deepening of the quarry below 0 m AOD and -20 m AOD to review the need for any further mitigation as the quarry is progressively deepened.

The existing planning conditions for Lanehead Quarry require the establishment of a network of ground and surface water monitoring points, regular monitoring and reporting of results. As part of this application, the operator is proposing to simplify the monitoring network with a reduced number of monitoring points concentrating on those watercourses that are at most risk of derogation. It should be remembered that the water environment in this area has already been extensively monitored over a

period of at least 10 years and therefore there is already a high level of understanding of the existing and likely impacts of quarry dewatering. The Environment Agency are satisfied with the outline scheme of monitoring that is proposed provided that the detailed programme is the subject of a planning condition and that there is provision for a more extensive system of stream flow monitoring should ground water monitoring indicate an increase in the area of drawdown.

Provided that any new permission is subject to a section 106 agreement relating to the implementation of a joint monitoring and mitigation scheme including the use of the existing Heys Brook discharge pipeline and conditions relating to a revised monitoring and reporting system, it is considered that the impacts of this development on the water environment can be mitigated to acceptable levels such that there would be no impacts on stream flows and associated ecological interests.

Amenity and other general issues

The proposal would lead to an extension in the life of Lanehead Quarry and therefore the existing impacts such as noise, dust and blasting vibration would be experienced over a longer period.

The nearest existing properties to the area of proposed deepening are located on the western edge of Chatburn approximately 300m to the east of the quarry. There is also a row of terraced properties located approximately 80m to the south of the existing quarry boundary although it is understood that these properties are in the ownership of the applicant company.

The existing permissions for the site contain a range of conditions relating to noise, dust and blasting vibration. These conditions reflect modern environmental standards and in recent years, there have been relatively few complaints from local residents regarding the impact of the quarrying operations.

The additional quarrying operations would take place at considerable depth below the existing land levels adjacent to the site and this difference in elevation would assist in reducing the impacts of noise and dust to acceptable levels. In relation to blasting, the existing conditions restrict vibration to the levels considered appropriate by the most recent Government guidance and it is considered that the greater depth of blasting operations would not significantly alter the perceived impacts of blasting.

Planning permission was recently granted on appeal for the development of 10 houses on land between the eastern edge of the quarry and Chatburn. The Borough Council refused the application due to the likely impact on sterilising mineral reserves and effect on quarry operations. However, the Inspector considered that it would still be possible to work the quarry in such a way to allow compliance with the planning conditions relating to blasting notwithstanding the fact that the housing development would result in a reduction in the buffer zone between the quarry and the edge of Chatburn. The Inspector considered that the proposed development would supplement the supply of housing in the Borough where there was currently a shortfall and therefore granted planning permission for the houses. The proposed deepening area would not increase the proximity of the quarry to the proposed houses and therefore provided the existing conditions on blasting vibration are maintained, it is considered that the proposed deepening would not have any unacceptable impacts on the approved new housing development.

The release of further reserves will also extend the duration of the life of the associated cement works. The operation of the works has given rise to significant levels of complaint in the past although in recent years the incidence of complaint has decreased considerably. Over the last five years the plant at the works has been rationalised and two old cement kilns together with a chimney stack and other associated plant have been demolished. The removal of the old plant has reduced the visual impact of the works and has also addressed many of the dust and air emission impacts that were largely associated with the operation of the old kilns. The release of further reserves would also extend the existing traffic impacts of the cement works. The works is a major traffic generator notwithstanding that most traffic associated with the works uses the Pimlico Link road to gain the A59. The link road is a high standard road which does not directly pass any properties. Traffic movements to the site have also substantially reduced in recent years due to the use of rail being reintroduced to export cement to terminals in Glasgow and London.

Subject to any permission being subject to conditions relating to noise, dust and blasting, it is considered that the impacts on local amenity are acceptable and comply with the requirements of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

In terms of landscape impacts, the existing quarry has been excavated into the centre of a low ridge. Whilst the site is visible from surrounding viewpoints such as Pendle Hill and Waddington Fell, which are both within the AONB, such views are distant. The proposed deepening of the quarry would not increase the visual impact of the site when seen from such locations. From points nearer to the site, quarry operations are largely screened by the surrounding topography and existing landscaping.

In relation to quarry restoration, an outline scheme was approved as part of the 1997 review. The restoration envisages that the quarry would be allowed to flood to a level of around 65m AOD and as the deepening area would all be below this level, there would be no impacts on the outline restoration design. Parts of the northern faces of the quarry which would be above the final water level have been worked to their final positions. As part of this application, the operator has agreed to bring forward a scheme for the early restoration for part of this face which would have some landscape and ecological benefits.

The existing planning permissions allow for the tipping of overburden and quarry waste on the existing fields to between the quarry and the River Ribble. The operator is not willing to give up the rights to tip materials in this area but it is considered that a condition should be imposed requiring the details of such tipping operations to be approved to ensure that the existing trees and hedgerows in this area can be safeguarded as far as possible. On this basis, the application is considered acceptable in terms of landscape and site restoration issues.

Conclusion

Cement is an essential construction product and the Ribblesdale Works makes an important contribution towards national and regional production. More locally the works is also important in contributing to the economy of the area through employment and demand for trades and services.

The manufacture of cement demands the ready availability of raw materials with the correct specifications. Whilst the existing stock of permitted reserves relating to the Ribblesdale site is adequate in purely numeric terms, there are issues in relation to quality and availability. These issues are complex but it is considered that a case can be made for the release of additional reserves of high grade limestone provided that these are for cement making use only. It is also important to note that such reserves would be obtained through the deepening of an existing quarry and therefore would ensure the maximum recovery of materials from an existing site avoiding sterilisation and postponing the need to work materials from a greenfield site. The deepening of the quarry is therefore considered acceptable in terms of the policies of the NPPF and Lancashire Minerals and Waste Development Framework that relate to the need for new mineral resources.

The main environmental issue relates to the impacts on water resources. However, the water environment in the area around the quarry is well understood through the system of monitoring that has been undertaken under the requirements of the existing planning permission. The adjacent Bankfield Quarry already has planning permission to deepen to -50m AOD and the proposed deepening of Lanehead Quarry would have similar impacts. Provided that conditions and planning obligations are agreed that provide for the mitigation of present and any future impacts, it is considered that the impacts on the water environment can be addressed to acceptable levels.

The deepening of the quarry would not result in greater levels of noise, dust or blasting vibration and therefore the local amenity impacts would not be any more severe, although they would be experienced over a longer timescale. The impacts on local amenity are therefore considered acceptable.

Taking into account these circumstances, it is considered that the development is acceptable in terms of the policies of the development plan and other planning considerations and can therefore be recommended for approval.

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

That having taken into account considered of the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application subject first to the signing of a section 106 agreement relating to the implementation of a water monitoring and mitigation scheme, 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. The mining operations authorised by this permission shall cease not later than 31st October 2027. The site shall be progressively restored in accordance with the conditions of this permission and all final landscaping and planting works shall be completed by 31st October 2028 or within 12 months from the cessation of mining operations as defined in this permission whichever is the earlier.

Reason : To provide for the completion and final restoration of the site within the approved timescales in the interests of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The applications for the review of Interim Development Orders and Old Mining Permissions refs 3/96/772, 3/96/773 and 3/96/774 dated 23rd December 1996 as amended by the letter from Castle Cement dated 24th July 1997 and planning application 3/12/0940 and accompanying supporting statement received by the County Planning Authority on 17th October 2012
 - b) Submitted Plans and documents:
 - Drawings accompanying applications 3/96/772, 3/96/773 and 3/96/774
 - Drawing 827.90B Final restoration
 - Drawing 827.91 Sections and Elevations of restored lakeside.
 - Drawings accompanying planning application 3/12/0940
 - Drawing R99/29 Planning Application boundary
 - Drawing R99/31 Limit of deepening area
 - Drawing R99/28 Final Quarry development plan with access to Bellman Tunnel
 - 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 DM 2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.

4. Mining operations shall only take place within the area edged green on the drawing labelled 'Development plan 3/96/774/A' attached to planning permission 3/96/774.

Reason : For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

5. No mining operations shall take place below a depth of 17 metres AOD.

The requirements of this condition shall not apply to the area shaded brown on drawing R99/28 where mining operations shall not be undertaken below a depth of -31 metres AOD.

Reason : To safeguard local watercourses and groundwater resources and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

6. Limestone and shale materials quarried from the area shaded brown on drawing R99/31 shall only be used for the production of cement. No aggregates shall be produced from limestone and shale quarried from within this area.

Reason: In order to ensure the sustainable use of materials for cement manufacture and to conform with Policy M1 of the Lancashire Minerals and Waste Local development Framework Site Allocations and Development Management policies DPD.

7. Stockpiling of any minerals, coal, clinker or alternative raw materials shall only take place in accordance with the scheme and programme of details submitted on 13th November 1998 pursuant to the requirements of condition 4(d) of permission 3/97/774.

Reason: In the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

8. No tipping of overburden or soils or quarry waste on the land between the quarry and the River Ribble shall take place until a scheme and programme of such tipping operations has been submitted to and approved in writing by the

County Planning Authority. The scheme and programme shall provide for the following:-

- a) The areas to be used for the disposal of such materials
- b) The trees and hedgerows to be removed to facilitate tipping operations and those that are to be retained
- c) The stripping and stockpiling of soils prior to the tipping operations commencing
- c) The final contours of the tipping
- d) The phasing of tipping operations and restoration
- e) Restoration details including details for the planting to replace that lost during development works.

Thereafter all tipping and restoration works shall be undertaken in accordance with the approved scheme and programme.

Reason: In the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

9. This permission shall permit the mining of limestone and shale only.

Reason : To safeguard the amenity of local residents and adjacent landusers and to secure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

10. A copy of this permission and all other documents referred to in condition 3 shall be available for inspection at the Ribblesdale Works at all times throughout the duration of the development.

Reason : For the avoidance of doubt and to ensure that all site operatives are aware of the planning conditions and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

11. The provisions of Part 19 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any amendment, replacement or reenactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or reenactment thereof.

Reason : To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

12. No topsoil, subsoil or overburden shall be sold or otherwise removed from the site. All such materials shall be retained on site for use in restoration works or shall be deposited within the approved tipping area for such materials approved under the requirements of condition 8.

Reason : To ensure that suitable materials are retained on site for use in approved restoration works and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Hours of Working

13. No mining operations, tipping of overburden or restoration works shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0700 to 1400 hours on Saturdays

No mining operations, tipping of overburden or restoration works 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 or 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 DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies Development Plan documents (DPD).

14. Notwithstanding the provisions of condition 13, mining operations shall be permitted between the hours of 07.00 to 16.00 hours on 8 Sundays in any one calendar year. At least 7 days written notice of such Sunday working shall be given to the County Planning Authority.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

15. Notwithstanding the hours in condition 13, no soils or overburden shall be stripped from any part of the site or any overburden tipping operations undertaken before 08.30 and after 17.30 hours Mondays to Fridays inclusive or before 08.30 and after 13.00 on Saturdays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

16. Notwithstanding the requirements of condition 13, no heavy goods vehicles carrying aggregates shall leave the site before 07.30 hours Monday to Saturday and at no time on a Sunday.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Highway Matters

17. With the exception of emergency use, the only access to and egress from the site shall be to and from the main Ribblesdale Works access off West Bradford Road and the access off West Bradford Road via Chatburn Old Road.

Reason : In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

18. Measures shall be taken at all times to prevent mud, dust or other deleterious materials being tracked out of the site by vehicles associated with the export of aggregates from 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 DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

19. All vehicles transporting aggregates of a size less than 100 mm in any dimension from the site 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

20. No vehicles used for the purposes of transporting cement, aggregates or other cement making materials shall be parked up at any time within the land edged red on drawing R99/29.

Reason : To safeguard visual amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Blasting

21. The vibrations from 95% of all blasts in any calendar month shall not exceed 6mm/sec peak particle velocity in any plane when measured at the properties identified below at a point closest to the blast shot holes.
- a) At the boundary of any residential property located on or adjacent to Chatburn Old Road NGR 7661 4407.
 - b) The northern end of St Chads Avenue NGR 7654 4441
 - c) Rydal Place NGR 7610 4328
 - d) Pendle Trading Estate NGR 7625 4352
 - e) Pimlico Road NGR 7485 4329

The ground vibrations and the air over pressure from all blasts shall be recorded at the properties identified above or at any other location first approved in writing by the County Planning Authority.

As well as the ground vibration levels, records shall be taken of the maximum instantaneous charge, total charge weight, the blast location, the number of holes, the hole diameter and depth, the face height, the type of detonator, the burden and hole spacing and the weather conditions at the time of the blasting exercise. A copy of the blast and weather details recorded shall be retained for a period of 12 months and submitted at annual intervals on the anniversary of this planning permission or on request, to the County Planning Authority.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to enable the County Planning Authority to monitor the operations to ensure compliance with this permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

22. Notwithstanding condition 21, the vibrations from any blast shall not exceed 9mm/sec peak particle velocity in any plane when measured at the locations identified in condition 18.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

23. The use of explosives shall only take place between the hours of 1000 to 1600 hours, Mondays to Fridays and at no other time.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Dust

24. Measures shall be taken at all times to prevent dust or windblown material being carried onto adjacent property and in particular shall include the watering of all haul routes and access roads during dry weather conditions, spraying of storage stockpiles, the fitting of dust suppression measures to mobile crushing and screening plant and the sweeping of all metalled internal haul roads.

Reason : To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Control of Noise

25. 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 development.

Reason : To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

26. Noise emitted from the site shall not exceed 55 dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:

- a) Rydal Place NGR 7610 4328
- b) At the boundary of any property located on or adjacent to Chatburn old Road NGR 7661 4407

Reason : To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

27. All mobile plant used on the site shall be fitted with the types of reversing alarms specified in the scheme and programme submitted under the requirements of condition 4(e) of permission 3/96/774 and approved by the County Planning Authority on 13th March 1998.

Reason : To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Safeguarding of Watercourses and Drainage

28. No deepening of Lanehead Quarry below a level of 17 metres AOD shall take place until a scheme and programme of water monitoring, reporting and mitigation has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall contain the following information:-
- a) Details for the monitoring to be undertaken on the following water courses and surface water features: Bellman Farm Marsh, Worston Brook, Heys Brook, Chatburn Brook, Pimlico Brook, Mearley Brook, Rad Brook, Swanside Brook, Downham Beck and the Middlewood Drain. The details shall include information on the location of the monitoring point, the method of monitoring, the information to be recorded and the frequency of monitoring at each location. The surface water monitoring on the Heys Brook / Chatburn Brook shall be designed in a way that it allows assessment of flow onto and then off the Chatburn Limestone in order to assess any losses from the water course to bedrock.
 - b) Details of the groundwater monitoring to be undertaken to include details of the location of monitoring boreholes, strata to be monitored, construction and design of monitoring equipment and frequency of monitoring at each borehole.
 - c) The setting of levels and parameters to trigger the extension of the surface water monitoring points to additional locations on the Twiston Beck and Ings Beck if the need for such additional monitoring is demonstrated by the groundwater monitoring information.
 - d) Details of the measures that will be undertaken to mitigate low flows in the Chatburn Brook / Heys Brook that cannot be attributed to climatic factors or the actions of other abstractors. The details shall include information on the volume of augmentation required to maintain stream flows and how such augmentation will be controlled.

The mitigation measures for the Chatburn Brook / Heys Brook approved under the requirements of d) shall be implemented prior to the quarry being deepened below 17m AOD and shall thereafter be maintained throughout the restoration and aftercare period until the ground and surface water monitoring indicates that they are no longer required in order to maintain the flows in that watercourse.

The ground and surface water monitoring shall be undertaken in accordance with the approved scheme and programme or any modification to that scheme and programme approved as part of the annual or pent - annual reports submitted under the requirements of conditions 29 and 30 below.

Reason : In order to protect ground and surface waters in the interests of local amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

29. Within one month of each anniversary of this planning permission, an annual report shall be submitted to the County Planning Authority detailing the results of the ground and surface water monitoring obtained over the previous year.

Each annual report shall include a review of the monitoring network including the need to replace and ground or surface monitoring points that are lost or damaged and a comparison of the ground water levels and other relevant data against the trigger levels established by condition 28 c). Each annual report shall also examine the need to extend the monitoring network if the need for such is demonstrated by the data that has been collected. If the need for such extension is demonstrated, the report shall include information on the location, design and frequency of monitoring of any new monitoring points.

The first annual report that is submitted following the cessation of quarrying operations, as defined in this permission, shall include information on the monitoring and mitigation regime that will operate during the restoration and aftercare phase including the monitoring points to be maintained and monitoring infrastructure to be removed.

Reason : In order to protect ground and surface waters in the interests of local amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

30. Within five years of each anniversary of this planning permission, an annual report shall be submitted to the County Planning Authority. Each annual report shall include a review of the monitoring information that has been collected for each ground and surface monitoring point in graphical format, relevant climatic information, details of quarrying operations undertaken over the monitoring period and dewatering exercises undertaken including volumes of water discharged to different water courses, an analysis with respect to ground and surface water levels and a prediction of the likely impacts of dewatering over the next five year cycle. The annual report shall be compiled by a competent appropriately experienced Chartered Hydrogeologist.

The first annual report submitted following the cessation of quarrying activities shall include a detailed review of the likely timescale for the refilling of the quarry and a prediction of final water levels if these would be below 65.5 metres AOD.

Reason : In order to protect ground and surface waters in the interests of local amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

31. No deepening of Lanehead Quarry below a depth of 0m AOD or -20m AOD shall take place until a report reviewing monitoring information and the effectiveness of existing mitigation measures has been submitted to and approved in writing by the County Planning Authority. If the report concludes

that further monitoring or mitigation measures are required the report shall set out the location and design of such measures.

The quarry shall not be deepened below 0 metres AOD or -20 m AOD until such time as any additional monitoring and mitigation measures have been implemented in accordance with the details contained in the approved report. Any such additional monitoring and mitigation measures shall be maintained throughout the restoration and aftercare periods until such time as it is demonstrated through the annual reports that they are no longer required.

Reason : In order to protect ground and surface waters in the interests of local amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

32. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason : To safeguard local ground and surface water resources and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

33. Any chemical, oil or fuel storage containers on the site 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, 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

34. Repair, maintenance and fuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

35. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank. Upon emptying the contents of the tank shall be removed from the site 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Landscaping

36. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected. This condition shall not apply to trees that are removed as part of the landscape management works described in the scheme and programme of landscaping measures approved under the requirements of condition 40 to this permission.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

37. All hedges and trees forming part of the site boundaries or to be retained within the site including the plantations undertaken under the requirements of condition 4 (a) to permission 3/97/0774 shall be protected from any damage and maintained throughout the development and aftercare period. The requirements of this condition shall not apply to any maintenance or management works that are undertaken in accordance with the scheme and programme approved under the requirements of condition 40.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

38. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

39. Stockproof hedges, fences or walls including gates shall be provided and maintained around the perimeter of the site at all times until the completion of restoration.

Reason: In the interests of public safety and to conform to Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management policies DPD.

40. Within six months of the date of this permission a scheme and programme of for the review of existing landscaping shall be submitted for the approval of the County Planning Authority. The scheme and programme shall contain the following details:

- a) A review of all landscape features within the land edged blue on drawing R99/29 including the landscape works undertaken under the provisions of condition 4 (a) to permission 3/97/774. The scheme and programme shall include identification of the need to undertake any further landscaping measures and a review of the existing planting belts to improve their ecological and long term landscape value.
- b) Details for the landscaping of the northern faces of the quarry above the 65.5 m AOD level including areas to be landscaped and landscaping details.
- c) Details for the further landscaping of the south eastern corner of the quarry including the former Horrocksford entrance. The details shall include information on gradients of mounding, impacts on existing trees and the landscaping of any mounding or screening features that are proposed.

The scheme and programme shall contain a timescale for the implementation of the proposed landscaping works.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Restoration

41. By not later than 31st December 2020, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be based upon the restoration concept plan ref 827.90B and shall include details of the following:

- a) The removal of all plant, machinery buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas.
- b) A contour plan showing the final levels and landform of the quarry above the 60 m AOD level. The plan shall show the contours at not less than 1 metre intervals and shall show the final positions of the faces and benches.

- c) The re-spreading of any soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
- d) The landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques and protection measures
- e) The seed mixes to be used including rates of application or natural regeneration or other establishment techniques appropriate to create species rich calcareous grassland.
- e) The works to create the cutting through the northern face of the quarry and the stream outflow necessary to maintain the water level in the lake at 65.5 metres AOD.
- f) The restoration of the bench at the proposed final water level including bench widths to be retained and means of restoration and landscaping.
- g) Details for the phasing of restoration or any progressive restoration that may be possible.

The site shall be restored in accordance with the approved scheme and programme within the timescales imposed by condition 2.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

42. In the event of there being a cessation of mining operations, as defined in this permission, a scheme and programme for the final restoration and aftercare of the site shall be submitted within six months of such cessation to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:-

The scheme and programme shall be based upon the restoration concept plan ref 827.90B and shall include details of the following:

- a) The removal of all plant, machinery buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas.
- b) A contour plan showing the final levels and landform of the quarry above the 60 m AOD level. The plan shall show the contours at not less than 1 metre intervals and shall show the final positions of the faces and benches.
- c) The re-spreading of any soils or soil making materials including details of the materials to be used, depths of replacement and their treatment.
- d) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques and protection measures.

- e) The seed mixes to be used including rates of application or natural regeneration or other establishment techniques appropriate to create species rich calcareous grassland.
- e) The works to create the cutting through the northern face of the quarry and the stream outflow necessary to maintain the water level in the lake at 65.5 metres AOD.
- f) The restoration of the bench at the proposed final water level including bench widths to be retained and means of restoration and landscaping

The site shall be restored in accordance with the approved scheme and programme within one year from the date of approval of the scheme and programme.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

43. If by nine years following the cessation of mining operations as defined in this permission, the level of water in the lake is not at 65.5 metres AOD or at the level subsequently approved under a modification to a scheme and programme, a revised scheme and programme for the final restoration and aftercare of the site shall be submitted within 6 months to the County Planning Authority for approval in writing. The scheme and programme shall include amendments to the restoration scheme approved under conditions 41 or 42 of this permission to provide for the shoreline to the same standard and details but at a revised level taking into account the existing or predicted final water level.

The requirements of this condition shall not apply if quarrying operations within Bankfield Quarry are ongoing.

Reason: To secure the proper restoration of the site in accordance with an approved scheme and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Monitoring

44. A monitoring report shall be submitted to the County Planning Authority within one month of the date of this planning permission and at annual intervals thereafter until the end of the aftercare period referred to in this permission. The report, where appropriate, shall contain the following information:-
- a) The operations carried out on the land during the previous 12 months in respect of mineral extraction including the volume/tonnage of mineral extracted.

- b) The measures taken to implement the landscaping, progressive restoration and habitat creation proposals.
- c) The results of the monitoring of habitat creation and establishment.
- d) The measures taken to implement the aftercare provisions.
- e) The intended operations for the next 12 months.
- f) A topographical survey of the land edged red on drawing R99/29. The survey shall be carried out not more than two months preceding the date of each annual report and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and levels relating to ordnance datum over all the land where mining operations have taken place.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with this permission and to conform with Policies DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.

Aftercare

45. Within 3 months of the certification in writing by the County Planning Authority that the works of restoration, as defined in this permission, have been completed, a scheme and programme for the aftercare of the site to promote the amenity afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) The management of the site to promote its amenity.
- b) Management works to increase the nature conservation interest of the site including management of grasslands and wetland areas.
- c) Maintenance of tree and shrub planting which shall include replacement of dead and dying species, weed control, maintenance of protection measures and thinning works.
- d) Maintenance of lake margins and other water features including the stream outfall to the River Ribble.
- e) Details of any measures required to control noxious weeds.
- f) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority.
- g) Provision for the submission of an annual aftercare report following the annual inspection which shall include details of the aftercare works to be undertaken in the following year.

Thereafter, aftercare works shall be undertaken in accordance with the approved scheme and programme for a period of five years from the date that the County Planning Authority certifies in writing that the works of restoration are complete.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Notes

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

Definitions

Cessation of mining operations: no mining operations having been carried out for a continuous period of 2 years

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

Free field: At least 3.5 metres away from the facade of a property or building.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with conditions 41 and 42 have been completed satisfactorily and that either:-

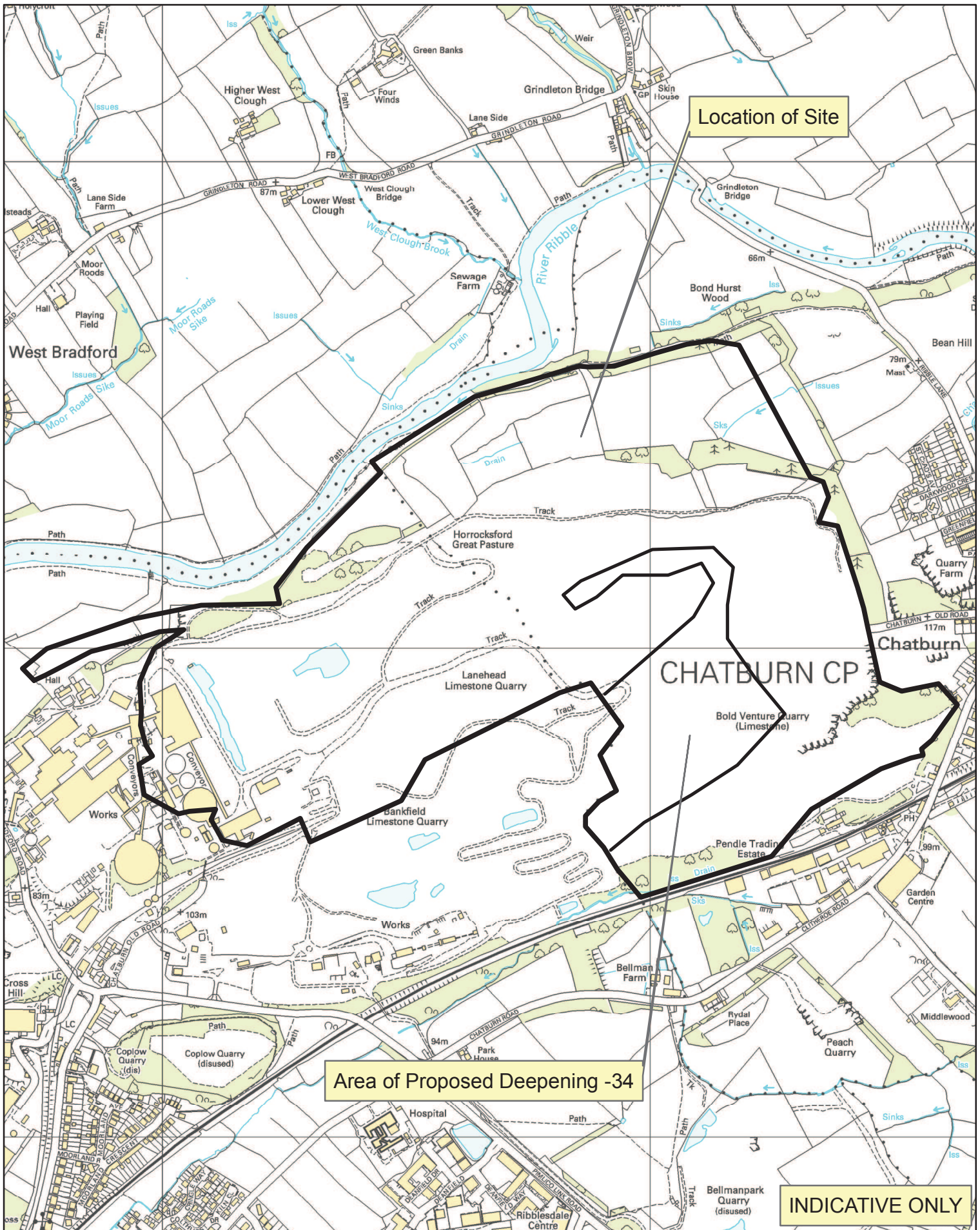
- a) The level in the lake has reached 65.5 metres AOD or
- b) The level of water within the site is at the level approved in condition or 41.
- c) The level of water within the site is at the level approved in condition 42.
- d) The level of the lake is at the level approved under any variation to the restoration scheme.

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

| Paper | Date | Contact/Directorate/Ext |
|-----------|-------------------|------------------------------------|
| 3/12/0940 | 17th October 2012 | Jonathan Haine/Environment/ 534130 |
| 3/97/0772 | | |
| 3/97/0773 | | |
| 3/97/0774 | | |
| 3/97/0636 | | |
| 3/96/0427 | | |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 03/12/0940 VARIATION OF CONDITION 13 OF PLANNING PERMISSIONS 03/96/0772 03/96/0773 03/96/0774 TO ALLOW PART OF LANEHEAD QUARRY TO BE DEEPEMED TO MINUS 31 METRES AOD (ABOVE ORDNANCE DATUM). LANEHEAD QUARRY RIBBLESDALE WORKS CLITHEROE

Agenda Item 7

Development Control Committee

Meeting to be held on 26th February 2014

| |
|--|
| Electoral Division affected: Fylde West |
|--|

Fylde Borough: Application ref 05/12/0729

Variation of Condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 and excluding any drilling or hydraulic fracturing. Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.

Contact for further information:

Rob Jones, 01772 534128, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of Condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 and excluding any drilling or hydraulic fracturing. Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, control of noise, hours of operation, highway matters, protection of water resources, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to vary condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 excluding any drilling or hydraulic fracturing.

Permission 05/10/0634 was granted on 19th November 2010 for the temporary change of use from agriculture to a site for the drilling an exploratory borehole and testing for hydrocarbons including construction of a drilling platform and a highway access point. Condition 2 of the permission requires the site development works, drilling operations and restoration to be completed within a period of eighteen months from the date of the commencement of the development.

The development commenced on the 19 September 2011 and hence the site development works, drilling operations and restoration should have been restored by the 18 March 2013. Problems with the drilling of the borehole resulted in the abandonment of a partially drilled well to a shallow depth. The current application was therefore originally made to extend the time period within which the site had to

be completed to 18 September 2013 to allow the drilling of another well and subsequent restoration of the site. However, the applicant no longer wishes to drill another borehole and the application has now been modified so that it only requests additional time to restore the site to an agricultural after use by the 31 July 2014.

Description and Location of Site

Annas Road Exploration Site is a drilling platform located on an area of flat agricultural land, known as Lytham Moss, on the south side of Anna's Road 4km north of Lytham and 2.1km to the east of Blackpool Airport. Anna's Road is south of the A583 and is accessed from Peel Road. Access to the site is approximately 500m along the south side of Anna's Road from Peel Road; the first 250m from Peel Road being tarmaced and the remaining 260m being via a farm track that has been resurfaced with tarmac.

The site measures 77m x 110m and is a fenced compound surfaced with crushed stone with a 3m high landscaped mound located on its south side. An impermeable membrane has been laid beneath the platform to protect groundwater and nearby water courses. An open ditch for the purpose of pollution prevention control is located on the west side of the platform. A 2m high mesh security fence surrounds the perimeter of the whole of the site along with 2m high double site access gates

The site is surrounded by agricultural land. An area of ponds and wetland which are designated as a Biological Heritage Site is located approximately 200m to the east with Westby Landfill Site located another 90m beyond. On the opposite and northern side of Anna's Road is the former Westby Brickworks, now in use as a glass recycling plant. Kite Hall Wood, a small mature woodland is located 130m to the south of the site. The closest residential properties are situated some 250 metres to the north-east of site. Peel Hall Business Units are located 200 metres to the east on the opposite side of Peel Road. There are residential properties to the south and north-east of the site some 500m distant. There are drainage ditches running along the northern and western sides of the site.

The site is within a large area of agricultural land designated as Lytham Moss Biological Heritage Site due to its value as foraging land for overwintering birds that are associated with the Ribble and Alt Estuary Special Protection Area, an area of European importance for wildlife.

Background

Planning permission for the temporary change of use from agriculture to site for drilling an exploratory borehole and testing for hydrocarbons including construction of a drilling platform and a highway access point was granted on 19th November 2010 (ref. 05/10/0634).

A scoping request to determine the matters to be included within an Environmental Statement to accompany a proposed planning application for the testing and hydraulic fracturing ('fracking') of an exploratory lateral (horizontal) borehole was withdrawn on 7th January 2013 (ref. 05/13/0018).

A planning application for the drilling of a horizontal borehole for the purposes of hydrocarbon exploration including core sampling but excluding hydraulic fracturing was withdrawn on 11th December 2013 (ref. 05/13/0021).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 109, 113, 118, 120, 122, 123, 125, 143, 144 and 147 are relevant with regard to the requirement for sustainable development, core planning principles, conserving and enhancing the natural environment and facilitating the sustainable use of minerals.

Technical Guidance to the National Planning Policy Framework – Flood Risk and Minerals Policy.

Paragraphs 33 – 48 are relevant with regards to the restoration and aftercare of minerals sites.

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

Policy CS5 Achieving Sustainable Minerals Production

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development

Policy DM2 Development Management

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas

Policy EP15 Nature Conservation – European Protected Sites

Policy EP16 Sites of Special Scientific Interest

Policy EP17 Biological Heritage Sites

Consultations

Fylde Borough Council – No objection.

Weeton-with-Plumpton Parish Council – No objection.

LCC Developer Support (Highways) – No objection.

LCC Specialist Advisor (Ecology) – No objection. The time extension would allow the site to be restored outside of the winter wildfowl period (October – March) when land surrounding the site is used by birds foraging for food. The birds are qualifying features of the nearby Ribble and Alt Estuary Special Protection Area.

Environment Agency (EA) – No objection subject to details of the restoration of the site which should include details of the well bore abandonment.

Blackpool Airport Ltd. - No observations received.

Civil Aviation Authority - No observations received.

National Air Traffic Services Ltd. - No objection.

The Health and Safety Executive (HSE) – The HSE do not propose to comment on the application.

The Department for Energy and Climate Change (DECC) - No observations received.

Natural England – No objection subject to the requirement for a restoration plan to be submitted for approval. There should be proposals for post restoration monitoring of the site to ensure it is a suitable habitat for feeding birds.

Representations – The application has been advertised by site and press notice and the nearest residential properties have been notified by letter. No representations have been received.

Advice

Planning permission for the temporary change of use from agriculture to site for drilling an exploratory borehole and testing for hydrocarbons including construction of a drilling platform and a highway access point was granted on 19th November 2010 (ref. 05/10/0634). Condition 2 of the planning permission required the site development works, drilling operations and restoration to be completed within a period of eighteen months from the date of the commencement of the development.

The site development works commenced on the 19th September 2011 and hence the site should have been restored by the 18th March 2013. The drilling works commenced on 6th October 2012 but were suspended due to technical difficulties encountered in the upper elevations of the borehole. The borehole only extended to approximately 2000' and did not reach the target geological horizon of shale. The applicant decided to abandon the partially drilled well and to drill another well from the same platform. The current planning application was therefore submitted to extend the time periods to allow the drilling of another well and for the time periods for restoration of the site to be extended until 18th September 2013. The applicant has now decided not to drill another well and proposes to restore the site back to its former agricultural use by the 31 July 2014.

The abandonment of the partially drilled well process would involve cementing and plugging the well. This would protect any ground water resources that the well dissects. The applicant has advised that the well abandonment would be undertaken in accordance with the regulatory requirements of the HSE.

The well head would be sealed, all surface and subsurface features of the drilling platform would be removed and the subsoil and topsoil (currently stored as a landscaped screen mound on the edge of the site) would be reinstated so that the site could return to agricultural use. The restoration works are expected to take a maximum of three months but the application includes a contingency period of six

weeks for adverse weather conditions, particularly given the nature of the ground and its moss like condition. This would allow for restoration to continue into the drier months of June and until the end of July, should it be required.

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 necessary to take into consideration the relevant policies of the Development Plan and 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.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy development plan documents (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP) and the Fylde Borough Local Plan.

Paragraph 33 of the National Planning Policy Framework Technical Guidance requires that planning authorities should provide for restoration and aftercare of mineral working sites to high environmental standards at the earliest opportunity through the application of appropriate conditions.

Policy CS5 of the LMWDF seeks to ensure that sensitive environmental restoration and aftercare of sites takes place, appropriate to local landscape character and the delivery of national and local biodiversity action plans.

Policy DM2 of the LMWLP supports proposals for mineral extraction operations, including hydrocarbons, where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Impacts and issues to be considered are the restoration of a site, within agreed time limits, to a beneficial afteruse and the management of landscaping.

The proposed time extension would mean that the visual impacts of the site would exist for a longer period in the open countryside than was previously considered acceptable. However, the drilling rig and supporting infrastructure have been removed leaving only a small well head structure, the stone compound and perimeter fencing. The site is not in a prominent location and the infrastructure to be retained over the extended period would have only a very limited landscape impact.

In terms of ecology, the restoration works would be undertaken before the end of July and therefore would not result in a further winter season of potential disturbance to the bird species that use the adjacent fields and which are associated with the nearby Ribble and Alt Estuary Special Protection Area. The restoration proposals and ability to require the aftercare of the site for a period of five years through a planning condition would ensure that the site can be restored to its previous agricultural afteruse which would ensure that the site is able to resume its former function as supporting habitat to the bird species that are associated with the SPA. The comments of Natural England regarding the need to undertake monitoring of bird populations on the restored site are therefore not supported. The ecological and

visual impacts arising from the proposed extension of time are therefore considered acceptable in terms of paragraph 33 of the National Planning Policy Framework Technical Guidance and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

The plugging and abandonment of the partially drilled well are matters for the HSE and the Department for Energy and Climate Change (DECC) and their respective regulatory regimes. It should be noted that this well was never drilled to its full depth and was never subject to fracking activities. The technical issues associated with the plugging and abandonment of the well are therefore less complex than might otherwise be the case.

The existing permission (05/10/0634) was granted subject to conditions some of which sought to address impacts from noise, on highways, floodlighting and the safeguarding of ground and surface waters from pollution, partially from the integrity of the construction of the borehole, and the restoration and aftercare of the site. The conditions to permission 05/10/0634 have been reviewed and carried forward where appropriate and amended to require approved scheme and programmes to be adhered to. The EA has requested details to be required for the restoration of the site including details of the well bore abandonment. However, the precise methods for abandoning and capping the borehole are regulated by the HSE and the County Council only needs to control the restoration of the compound once the borehole has been capped. A condition is proposed specifying the restoration works that should be carried out. The EA is also suggesting a condition should be imposed requiring details of the provisions to be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters. The site is already enclosed by a number of pollution control barriers which will be retained until the later stages of restoration. Therefore it is considered unnecessary to require further details to be submitted and a condition requiring the existing measures to be retained will suffice. Subject to the imposition of these conditions, the development complies with the policies of the NPPF and the policies of the Development Plan.

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. No works other than those associated with the plugging and abandonment of the well and for the restoration of the site shall be carried out on the site. The site shall be restored in accordance with condition 16 of this permission by not later than 31 July 2014.

Reason: To provide for the completion and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and to

conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Working Programme

2. The abandonment of the well and subsequent restoration of the site shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) Planning permission 05/10/0634 as amended by the planning application ref 05/12/0729 received by the County Planning Authority on 30 November 2012 and the letter from ARUP dated 11 December 2013.
- b) Submitted Plans received by the County Planning Authority on 30 November 2012:

Drawing No. 003_AR_Rev0_060710 - Location Plan

Drawing No. 005_AR_Rev1_160810 - Planning Application Area

Figure 03a - HGV Vehicle Route and Signage Plan

Figure 03b - Highway Signage Plan

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Soils and Overburden

3. No topsoils or subsoils shall be exported from the site. All such soils shall be retained for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

4. All topsoil and subsoil mounds shall be retained in a grassed, weed free condition prior to their use in the restoration of the site.

Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Hours of Working

5. No well abandonment or capping or site restoration works shall take place except between the hours of:

07.30 to 18.30 hours Mondays to Fridays (except public holidays)
07.30 to 13.00 hours on Saturdays (except Public Holidays)

No well abandonment or capping or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Highway Matters

6. The access from Annas Road to the exploration site shall be removed following the restoration of the site and thereafter the ground shall be restored to its former condition within the approved time period provided for in condition 1.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

7. Measures shall be taken at all times during the well abandonment, capping or restoration of the site to ensure that no mud, dust or other deleterious material is carried 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 to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

8. The traffic to and from the site during well abandonment, capping and restoration works shall be managed in accordance with the following details received by the County Planning Authority on 30 November 2012:

Figure 03a - HGV Vehicle Route and Signage Plan
Figure 03b - Highway Signage Plan

The details shall be complied with at all times during the duration of the well abandonment, capping and restoration works. The signage shall be retained in position until completion of the restoration works. The details shall only be varied in accordance with proposals submitted to and approved in writing by the County Planning Authority.

Reason : In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

9. All vehicles associated with the abandonment and capping of the borehole or restoration phase of the development shall park in the site. No vehicles associated with the abandonment or capping of the borehole or restoration phase of the development shall park on Anna's Road or Peel Road.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Control of Noise

10. All plant, equipment and machinery used in connection with the abandonment and capping of the borehole and restoration 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 development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

11. Noise emitted from the site shall not exceed 55 dB Laeq (1 hour) (free field) as defined in this permission when measured at either of the following properties at a point closest to the noise source.

- a) Coppice Farm NGR 354 303
- b) Archers Farm NGR 357 314

Reason: To safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

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 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough 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 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough Local Plan.

14. Any chemical, oil or fuel storage containers on the site 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, 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough Local Plan.

Ecology

15. The overwintering bird mitigation measures shall be implemented in accordance with the timescales set out in the letter from ARUP dated 11 December 2013. Such mitigation measures shall be implemented until the completion of restoration.

Reason: In the interests of nature conservation and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Restoration

16. Site restoration shall take place in accordance with the following:-

- a) All plant, buildings, hardstandings, aggregates/ hardcore and lining systems shall be removed from the land.
- b) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
- c) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
- d) Measures to relieve compaction or improve drainage
- e) The perimeter fencing and all foundations shall be removed.

Reason: To secure the proper restoration of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Aftercare

17. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) Maintenance and management of the restored site to promote its agricultural use.
- b) Weed control where necessary to control invasive weeds.
- c) Measures to relieve compaction or improve drainage.
Maintenance of protection measures and replacement of failed plants.
- d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

The aftercare works shall be carried out in accordance with the approved scheme and programme for a period of five years from the date of completion of restoration.

Reason: To secure the proper aftercare of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2, EP15, EP16 and EP17 of the Fylde Borough Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

Free field: At least 3.5 metres away from the facade of a property or building.

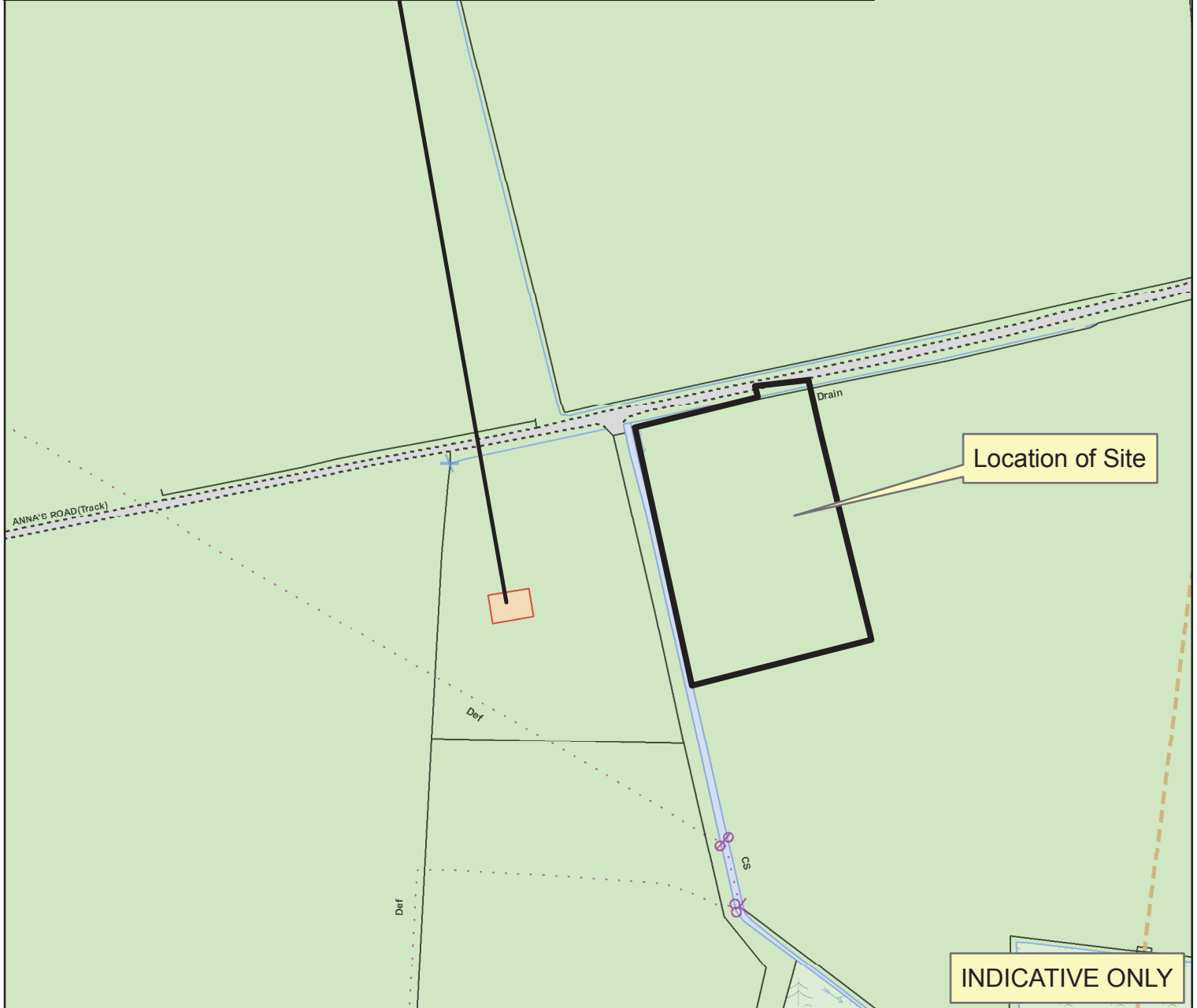
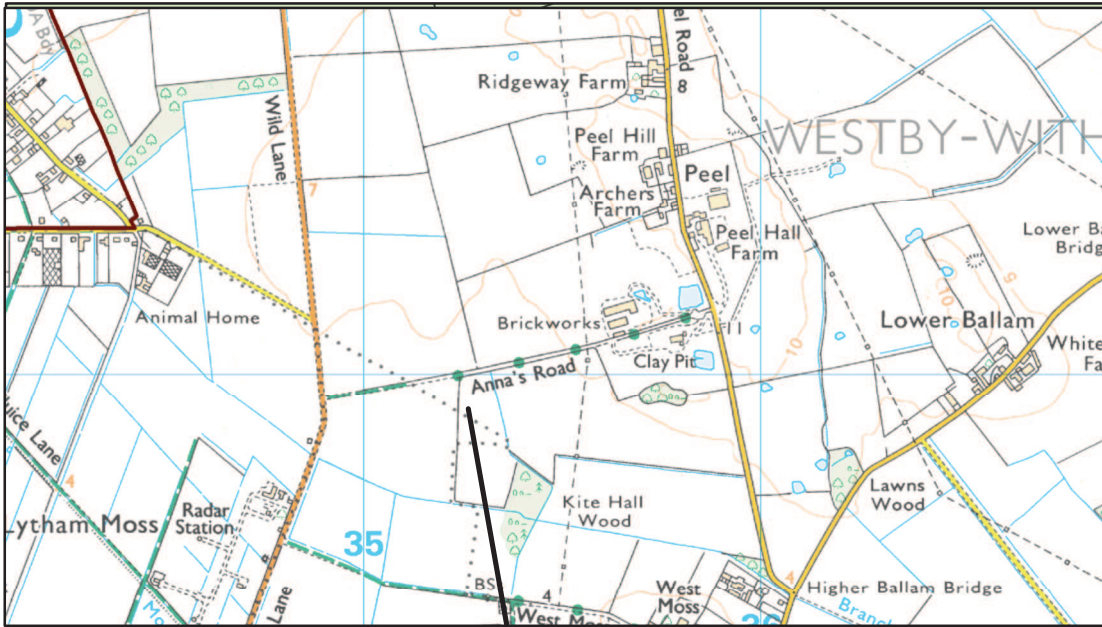
Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|--------------------------|------------------|------------------------------------|
| 05/12/0729 05/10/0634 | 30 November 2012 | Rob Jones, Environment, Ext. 34128 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 05/12/0729 VARIATION OF CONDITION 2 OF PLANNING PERMISSION 05/10/0634 TO EXTEND THE OVERALL TIME FOR THE RESTORATION ONLY OF THE SITE BY 31 JULY 2014 EXCLUDING ANY DRILLING OR HYDRAULIC FRACTURING. ANNAS ROAD EXPLORATION SITE, ANNAS ROAD, OFF PEEL ROAD, WESTBY, BLACKPOOL

Agenda Item 8

Development Control Committee
Meeting to be held on 26 February 2014

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|--|
| Electoral Division affected: Fylde West |
|--|

Fylde Borough: Application No. 05/13/0800
Variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 31 July 2014. Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.

Contact for further information:
Rob Jones, 01772 534128, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 31 July 2014. Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, soils and overburden, hours of working, highway matters, control of noise, safeguarding of watercourses and drainage, landscaping, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to vary condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the Preese Hall exploratory shale gas drilling site to 31st July 2014.

Planning permission for the variation of condition 2 of planning permission 05/09/0572 to extend the period of time for the restoration of the site to 31 December 2013 was granted on 23rd January 2013 (ref 05/11/0431). Condition 1 to permission 5/11/0431 requires that no works other than those associated with the plugging and abandonment of the borehole (well) and for the restoration of the site shall be carried out on the site and the site shall be restored in accordance with condition 14 of the permission by not later than 31 December 2013.

Since permission 05/11/0431 was granted, the well has been partially plugged and is being monitored whilst the applicant, considers the further works necessary for its final abandonment.

Description and location of Site

Preese Hall Exploration Site is located on agricultural land near to Weeton Barracks approximately, 2km north of Weeton and 500m north of Preese Hall Farm. Lucas Flash Wood is on the east side of the site and controlled watercourses are located approximately 85m to the north and 240m to the west (Main Dyke). The nearest residential properties are at Weeton Camp, approximately 450m to the east and, at Preese Hall, 500 metres to the south east.

The site extends over an area of approximately 1ha and was constructed to facilitate exploratory drilling operations to investigate the potential of geological formations to contain shale gas.

The exploration site measures 80m x 128m and contains a drilling platform measuring 60m x 105m which has a crushed stone surface. The well head is located in the centre of the platform. A 5m wide drainage ditch is located along the west side of the platform. The soils that were removed during the construction of the platform are stored in mounds along the north and east sides of the platform.

Access to the site is from the B5260, onto the access road to Preese Hall Farm and then north across two fields via an upgraded access track with two passing places. A 25m section of hedge has been removed part way along the access road to Preese Hall Farm so as to create a passing place for HGV's.

Background

Planning permission for the temporary change of use of land from agriculture to the construction of a drilling platform, upgrade of farm track and removal of hedges to create one of three passing places to allow for the drilling of an exploratory borehole and testing for hydrocarbons was granted on 30th October 2009 (ref. 05/09/0572).

Planning permission for the variation of condition 2 of permission 05/09/0572 to extend the time for the restoration of the site to 31 December 2013 was granted on 23rd January 2013 (ref. 05/11/0431).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 100, 103, 109, 120 - 125, 143, 144 and 147 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, flood risk, conserving and enhancing the natural environment and facilitating the sustainable use of minerals.

Technical Guidance to the National Planning Policy Framework – Flood Risk and Minerals Policy.

Paragraphs 33 – 48 are relevant with regards to the restoration and aftercare of minerals sites.

Joint Lancashire Minerals and Waste Development Framework Core Strategy
Development Plan documents (LMWDF)

Policy CS5 Achieving Sustainable Minerals Production

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and
Development Management Policies (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP12 Conservation of Trees and Woodlands

Consultations

Fylde Borough Council – No observations received.

Weeton-with-Preese Parish Council – No observations received.

LCC Developer Support (Highways) – No objection.

Environment Agency – No objection subject to the imposition conditions requiring provision for the collection, treatment and disposal of all water entering or arising on the site and, details to be submitted of restoration, including well bore abandonment.

National Grid Gas - No observations received.

National Grid Company P.L.C. - No observations received.

United Utilities - No observations received.

The Health and Safety Executive – No comments to make on the application.

The Department for Energy and Climate Change - No observations received.

Representations – The application has been advertised by site and press notice and the nearest properties have been notified by letter. One representation has been received from Friends of the Earth (FOE) on behalf of two local opposition groups, Residents' Action on Fracking (RAFF) and Ribble Estuary Against Fracking (REAF). FoE object to the application for the following summarised reasons:

- The application contains significant omissions concerning environmental impacts that would need to be taken into account in order to reach a robust decision in the determination of the application. The environmental impacts are the potential for the pollution of groundwater via pathways from fugitive gas emissions from the fracked rock and the escape of fracking fluids and naturally occurring radioactive material (NORM) that have been left in the well and the fracked rock, the integrity of the well given that it was deformed by the earth tremors as a result of fracking

at the site and, the potential for fracking fluids left in the rock to induce further fractures and earth tremors.

- The proposed monitoring measures are flawed. No monitoring data has been provided with the application. A 12 month monitoring period in one monitoring borehole after the plugging and abandonment of the well is too short a period to identify underlying trends in groundwater quality. No explanation is given as to why three monitoring boreholes would be closed and only one would remain for post closure monitoring.
- Further information and evaluation is therefore required in relation to the above before the application may be granted.
- The Environment Agency's application of the Mining Waste Directive may breach EU law.
- Experience indicates it will take significantly longer than the end of July 2014 to complete the works required to restore the site.
- Environmental Impact Assessment (EIA) has not been carried out in relation to the previous application and current application for the site. There is a need to re-consider whether EIA is required at each stage of the planning process. An EIA would provide understanding of the site (including the subsurface) and the steps that are required to be taken in order to minimise further pollution and to restore the site to a sufficiently high standard. It is difficult to see how robust planning conditions may be imposed that would achieve these outcomes without first gathering information about impacts and mitigation.

Advice

Planning permission for the drilling of an exploratory borehole to investigate the potential of geological formations to contain shale gas was granted at this site on 30th October 2009 (ref. 05/09/0572). Condition 2 of the planning permission required site restoration to be completed within eighteen months from the date of the commencement.

The site development works commenced on the 16th November 2009 and hence the site should have been restored by the 15th May 2011. The borehole was drilled between August and December 2010. Testing involving hydraulic fracturing (fracking) then commenced on 26th March but was suspended following two seismic events that occurred on 1st April and 27th May 2011. All activities at the site, including site restoration, were then suspended pending the carrying out of a study into the relationship between the earth movement and the fracking process and the consideration of that study by the Department for Energy and Climate Change (DECC). On 13th December 2012, DECC announced that exploratory fracking for shale gas could resume in the UK, subject to new controls to mitigate the risks of seismic activity.

However, the applicant decided not to undertake any further testing or fracking on this site but to restore the site. Application 05/11/0431 was subsequently amended and then planning permission granted to allow the restoration timescales for the site to be extended until 31 December 2013. The restoration works were not completed by that date and now the applicant wishes to further extend the date for the restoration of the site to 31st July 2014.

Restoration would involve sealing the well head and removing all surface and subsurface features of the drilling platform and replacing the subsoil and topsoil

(currently stored as landscaped screens around the site) to return the site to agricultural use. The stone access road and passing places would be restored to their previous condition as an agricultural access track to the field. The restoration works are expected to take a maximum of three months. This time period includes a contingency period of six weeks for adverse weather and would allow for restoration to continue into the drier months of June and until the end of July, should it be required.

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 necessary to take into consideration the relevant policies of the Development Plan and 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.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP) and the Fylde Borough Local Plan. Paragraph 33 of the National Planning Policy Framework Technical Guidance requires that planning authorities should provide for restoration and aftercare of mineral working sites to high environmental standards at the earliest opportunity through the imposition of appropriate conditions.

Policy CS5 of the LMWDF seeks to ensure that the sensitive environmental restoration and aftercare of sites take place, appropriate to the landscape character of the locality and the delivery of national and local biodiversity action plans.

Policy DM2 of the LMWLP supports proposals for mineral extraction operations (including hydrocarbons) where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Impacts and issues to be considered are the restoration of a site, within agreed time limits, to a beneficial afteruse and the management of landscaping.

The proposed time extension would mean that the visual impacts of the site would exist for longer than was previously considered acceptable. However, the proposal to extend the time limits for site restoration until the end of July 2014 is considered to be acceptable given that dry weather is necessary in which to undertake the restoration works including soil spreading. The site is well screened by the adjacent woodland, is remote from any residential properties and has a relatively low visual impact now that the drilling rig and other infrastructure have been removed from the site. The visual impacts arising from the proposed extension of time are therefore considered acceptable. The development is therefore considered acceptable in terms of paragraph 33 of the National Planning Policy Framework Technical Guidance and Policy SP2 of the Fylde Borough Local Plan.

An objection has been received from FoE on behalf of two local action groups raising a number of issues including; the risks of contamination and pollution of ground and surface waters from the escape of fracking fluids and shale gas from the fracked rock and as a consequence of the deformity to the well following the seismic events,

the potential for fracking fluids left in the rock to induce further fractures and earth tremors and the quality and duration of the proposed monitoring measures. FoE consider that Environmental Impact Assessment is required in order to allow an understanding of the site conditions and the steps that are required to minimise further pollution and to secure the restoration of the site to a high standard.

The well has already been partially filled with concrete from its base to a depth of around 2000m. This includes the section of the borehole that was perforated as part of the fracking operations and the section that deformed following the subsequent seismic activity. The concreting is designed to prevent, on a permanent basis, the transfer of any gas from the shale via the borehole and would also prevent the migration of any fracking fluids from the well to both the surrounding rock and the surface. Preventing the escape of fracking fluids and fugitive gas emissions is designed to avoid the contamination and pollution of ground and surface waters.

The ground water is currently monitored via four boreholes located at the site. Three of the boreholes would be plugged and abandoned. A single borehole would be left to monitor the groundwater quality and gas concentrations for up to 12 months after the plugging and abandonment of the gas well. The monitoring frequency is and would continue to be conducted on a quarterly basis. Each quarterly visit would incorporate methane emissions monitoring of the atmosphere above the plugged and abandoned well. The applicant has advised that the well abandonment and monitoring would be undertaken in accordance with the regulatory requirements of the HSE and DECC.

The concerns raised by FoE are understood but the plugging and abandonment of the well including the monitoring of the ground water quality and gas concentrations are matters for the Health and Safety Executive, the Department for Energy and Climate Change and the Environment Agency and their respective regulatory regimes. In particular, the plugging and abandonment of the borehole is regulated by the Health and Safety Executive under the Offshore Installations and Wells (Design and Construction etc) Regulations 1996. These Regulations contain provisions relating to well integrity and abandonment as well as the selection of materials. The Regulations apply to all wells drilled under landward licences, the key objectives of which are to prevent the escape of fluids from the well which might result in pollution of freshwater or ground contamination. Under the Regulations, well abandonment techniques must prevent the transfer of fluids created by pressure gradients between different zones. Such transfer is achieved by means of the original borehole casing and the cementing and plugging operations that are undertaken as part of well abandonment.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the impacts and techniques of well abandonment are regulated through other legislation and it is considered that the planning system should focus on ensuring that the site is restored in a manner that allows the former agricultural activities on this site to resume. The planning application is to allow an extension of time for the restoration of the site. It has previously been concluded that EIA was not required for the development when planning permission was first granted or when planning permission was granted for a time extension to restore the site. It was concluded at the time of the last application that there was sufficient

regulation in place to ensure that the well could be capped and that the risks associated with the migration and fluids using as part of the fracking process and the gasses within such could be managed in a satisfactory way within existing legislation without the need for EIA. It is considered that there are no material changes in circumstances to change this view.

The existing permission (05/11/0431) was granted subject to conditions some of which sought to address impacts from noise, on highways, floodlighting and the safeguarding of ground and surface waters from pollution, partially from the integrity of the construction of the borehole, and the restoration and aftercare of the site. The conditions to permission 5/11/0431 have been reviewed and carried forward where appropriate and amended to require approved scheme and programmes to be adhered to. The Environment Agency consider that the conditions attached to the previous permission relating to the collection, treatment and disposal of all water and site restoration should be re-imposed on any further permission for the site. Subject to the imposition of these conditions, the development complies with the policies of the NPPF and the policies of the Development Plan.

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. No works other than those associated with the plugging and abandonment of the borehole and for the restoration of the site shall be carried out on the site. The site shall be restored in accordance with condition 14 of this permission by not later than 31 July 2014.

Reason: To provide for the completion and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

Working Programme

2. The abandonment of the well and subsequent restoration of the site shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) Planning permission 05/11/0431 as amended by the planning application ref 05/13/0800 received by the County Planning Authority on 19 December 2013.
 - b) Submitted Plans received by the County Planning Authority on 19 December 2013:

Area Plan

Location Plan
Existing Site Layout
Vehicle Route Plan
Preese Hall Exploration Site - Restoration Plan

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2 and EP12 of the Fylde Borough Local Plan.

Soils and Overburden

3. No topsoils or subsoils shall be exported from the site. All such soils shall be retained for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

4. All topsoil and subsoil mounds shall be retained in a grassed, weed free condition prior to their use in the restoration of the site.

Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

Hours of Working

5. No delivery or removal of materials or site restoration works shall take place except between the hours of:

07.30 to 18.30 hours Mondays to Fridays (except public holidays)
07.30 to 13.00 hours on Saturdays (except Public Holidays)

No delivery or removal of materials or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Highway Matters

6. The stone access road and passing places leading to the drilling platform shall be removed following the restoration of the site and thereafter the ground shall be restored to its former condition within the approved time period provided for in condition 1.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

7. Measures shall be taken at all times during the restoration of the site to ensure that no mud, dust or other deleterious material is carried 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 to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

8. The traffic to and from the site during well abandonment and restoration works shall be managed in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 10 of planning permission 5/09/0572 and approved in writing on the 14 December 2009.

The approved details are contained in the following correspondence:

- Email dated 2nd November 2009 enclosing details of routing instructions to be sent to principle contractor.
- Email dated 23rd November 2009 containing details of the signage to be erected in the access track passing place.

The approved details shall only be varied in accordance with proposals submitted to and approved in writing by the County Planning Authority. The routing instructions contained in the approved scheme shall be complied with at all times during the duration of the well abandonment and restoration works. The signage shall be retained in position until completion of the restoration works.

Reason : In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Control of Noise

9. 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 development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy EP27 of the Fylde Borough Local Plan.

10. Noise emitted from the site as part of the well abandonment and site restoration operations shall not exceed 55 dB Laeq (1 hour) (free field) as defined in this permission when measured from any of the following properties at a point closest to the noise source.

- a) Grantham Road, Weeton Camp NGR 380 366
- b) Preese Hall Farm NGR 377 361

Reason: To safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy EP27 of the Fylde Borough Local Plan.

Safeguarding of Watercourses and Drainage

11. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough Local Plan.

12. 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 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough Local Plan.

13. Any chemical, oil or fuel storage containers on the site 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, 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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies EP23 and EP24 of the Fylde Borough Local Plan.

Landscaping

14. All hedges and trees forming part of the site boundaries shall be retained and protected from any damage and maintained throughout the restoration and aftercare period.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP2 and EP12 of the Fylde Borough Local Plan.

Restoration

15. Site restoration shall take place in accordance with the following:-
- a) All plant, buildings, hardstandings, aggregates/ hardcore and lining systems shall be removed from the land.
 - b) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
 - c) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
 - d) Measures to relieve compaction or improve drainage
 - e) Following completion of the works in a) - d) above, the stone access road and two passing places shall be removed and the access road reinstated to its previous condition as an agricultural access track. The restoration of the passing places

shall include the reinstatement of any hedgerow that was removed in order to create the passing places.

Reason: To secure the proper restoration of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

Aftercare

16. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) Maintenance and management of the restored site to promote its agricultural use.
 - b) Weed control where necessary to control invasive weeds.
 - c) Measures to relieve compaction or improve drainage.
 - d) Maintenance of any hedgerow planting undertaken to include weed control, maintenance of protection measures and replacement of failed plants.
 - d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

The aftercare works shall be carried out in accordance with the approved scheme and programme for a period of five years from the date of completion of restoration.

Reason: To secure the proper aftercare of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SP2 of the Fylde Borough Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

Free field: At least 3.5 metres away from the facade of a property or building.

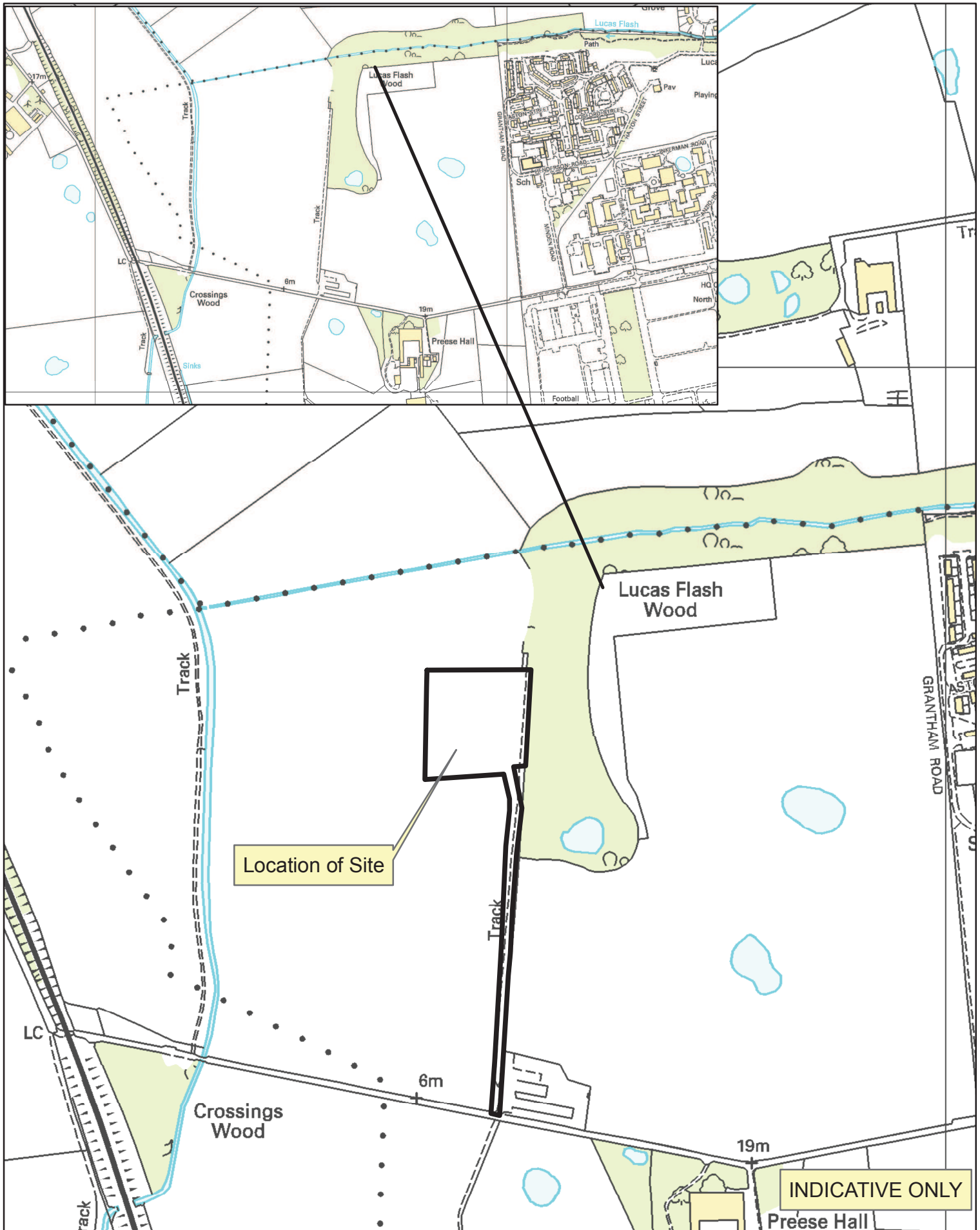
Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|-------|------|-------------------------|
|-------|------|-------------------------|

05/13/0800 14 December 2013 Rob Jones, Environment, Ext. 34128
05/11/0431

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 05/13/0800 VARIATION OF CONDITION 1 OF PLANNING PERMISSION OF 05/11/0431 TO ALLOW THE TIME PERIOD FOR RESTORATION TO BE EXTENDED FROM 31 DECEMBER 2013 TO 31 JULY 2014. PREESE HALL EXPLORATION SITE, PREESE HALL FARM, WEETON, KIRKHAM

Development Control Committee

Meeting to be held on 26th February 2014

Electoral Division affected:
Padiham and Burnley West

Burnley Borough: Application 12/13/0509

Retrospective application for change of use from B2 Industrial use to a vehicle recycling centre, Green Lane Mill, Stockbridge Road, Burnley.

Contact for further information:

Stephen Bergus, 01772 534124, Environment Directorate

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Executive Summary

Application – Retrospective application for change of use from B2 industrial use to a vehicle recycling centre, Green Lane Mill, Stockbridge Road, Burnley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of operation, safeguarding watercourses and drainage and site operations.

Applicant's Proposal

Retrospective planning permission is sought for the continued use of an existing industrial premise at Green Lane Mill as a vehicle depollution and recycling facility. End of life vehicles are imported to the site where engine and hydraulic fluids are drained and salvageable parts stripped and stored for resale. The approximate annual throughput is 625 tonnes. The site currently operates between 09.00 –18:00 Monday to Friday, and between 10.00 –16.00 on Saturdays. No operations take place on Sundays or Bank Holidays. The site extends over 1,336m² and all de-pollution operations and the processing and storage of salvageable parts take place within the existing building.

Description and Location of Site

Green Lane Mill is a series of buildings at Green Lane/Stockbridge Road, Padiham, Burnley, located approximately 0.5km south east of Padiham town centre. The surrounding area is a mix of industrial/commercial properties, including a number of former mill buildings and residential dwellings, the closest of which are located 11m from the site on Green Lane. The River Calder is located approximately 120m to the north, with its tributary Green Brook running immediately adjacent to the site to the west.

The site is located within Flood Zone 2.

Background

History

Green Lane Mill has a long established industrial use and is designated as an Economic Improvement Area on the Burnley Borough Local Plan Proposals Map. There is no relevant planning history.

Planning Policy

PPS10 Planning for Sustainable management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 19, 57 – 58, 100, 103, 111 and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong economy, good design, flood risk and conserving and enhancing the natural environment.

Technical Guidance to the National Planning Policy Framework

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents (LMWDF)

Policy CS7 Managing our waste as a resource
Policy CS8 Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

Policy NPPF1 Presumption in favour of sustainable development
Policy DM2 Development Management
Policy WM1 Capacity of Waste Management Facilities

Burnley Borough Local Plan

Policy GP1 Development Within the Urban Boundary
Policy GP3 Design and Quality
Policy GP7 New Development and the Control of Pollution
Policy EW4 Expansion and Improvement of Existing Buildings.
Policy EW6 Economic Improvement Areas – Thompson Street, Padiham.
Policy E7 Waterbodies and Watercourses
Policy E8 Development and Flood Risk.
Policy E9 Groundwater Resources

Consultations

Burnley Borough Council – No objection.

Padiham Town Council – No observations received.

LCC Assistant Director (Highways) – No observations received.

Environment Agency – Advise that the proposed development will be acceptable if a condition is attached to any planning permission requiring separate drainage systems for clean and contaminated water and that sealed surfaces with water / spillage collection facilities be required for depollution areas.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising concerns regarding possible spillages of oil and contamination of Green Brook and visual impact of storage of vehicles and vehicle parts.

Advice

Director of Environment and Transport - Observations

The applicant is seeking retrospective planning permission for the change of use of land and buildings at Green Lane Mill to accommodate a vehicle de-pollution/recycling operation. End of life vehicles are imported to the site where they are drained of hydraulic and engine fluids and subsequently dismantled within the building. The recovered parts are then stored elsewhere within the building awaiting sale and removal from the site. The external yard area is proposed to be used for the storage of vehicles awaiting depollution and also vehicles which have been depolluted and had any salvageable parts removed prior to being removed from the site as scrap.

When considering applications for waste development including vehicle recycling operations a local planning authority must have regard to the EU Waste Framework Directive, which has been made part of domestic law by the Waste (England and Wales) Regulations 2011. 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.

National policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy', which is reduction, re-use, recycling, composting, using waste as a source of energy and only disposing of waste as a last resort. The proposed development would assist in the recycling of end of life vehicles and would therefore contribute towards meeting the objectives of Government policy.

The Development Plan for the site is made up of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies, the Joint Lancashire Minerals and Waste Development Framework Core Strategy and the Burnley Borough Local Plan. The Minerals and Waste Local Development Framework Development Plan documents were prepared with regard to the EU Waste Framework Directive and the need to ensure that waste management is carried out without endangering human health and without harming the environment. The plans and the policies were prepared to reflect these intentions.

PPS 10 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.

Policies EW4 and EW6 of the Burnley Borough Local Plan seek to support applications for the redevelopment and improvement of existing industrial premises, including those located within the Thompson Street Economic Improvement Area, insofar as the development would not conflict with the surrounding land uses or adversely affect adjacent residential areas.

Policy DM2 of the Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management Development Plan documents supports proposals for waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

The application site is located in an area where there is a mix of land uses including residential properties and industrial buildings. The nearest houses are a pair of semi detached properties located on Green Bridge Lane (11m from the site boundary) and a terrace of properties on Thompson Street 30m from the application site. The site, along with land immediately to the east of the site which is a former industrial site, has outline planning permission for further commercial and residential development granted by the Borough Council. Burnley Borough Council has not raised any objection regarding any loss of amenity or possible conflict between future residential and commercial activities. If the site were to be developed for residential purposes in the future it is likely that the use of the premises would cease to facilitate such.

The existing houses on Thompson Street are close to the application site but there is a row of industrial buildings on Livesey Street between the application site and Thompson Street which serve to screen views of the site from these properties. The representation received makes reference to the visual appearance of the existing site. However, the application site is screened by intervening buildings and is not readily visible from the objector's property.

The external yard area would be visible from the two houses on Green Bridge Lane and potentially, depending on site layout, from the new properties proposed on land to the east. However, provided that conditions are imposed requiring all breaking operations to be undertaken within the building and to restrict the storage of vehicles awaiting depollution and vehicles having been depolluted and stripped of salvageable parts, in the external hard surfaced yard area and not to be stacked, there would be no unacceptable visual and amenity impacts on the surrounding area and the development would be acceptable. The external yard area is only small which would therefore restrict the number of vehicles that could be stored externally.

The application site has historically been used for uses falling within Class 'B' (Business, Industry & Storage) of the Town and Country Planning Use Classes Order. Vehicle depollution centres are a 'sui-generis' use in that they do not fall within any of the defined use classes. However, given the scale and nature of the operations and that all de-pollution operations are undertaken within the existing building, it is considered that the vehicle breaking operations would not be dissimilar to the general industrial operations that could be undertaken without any further permission.

The operations have the potential to generate noise nuisance given the relatively close proximity of local residents. The site is located in an industrial area and the applicant has applied for operating hours of 09.00 –18:00 Monday to Friday, and between 10.00 –14.00 on Saturdays with no operations taking place on Sundays or Public Holidays. It is considered that the vehicle depollution operations that currently take place at the site do not generate any greater level of noise than could be generated by the broad range of general industrial uses that could be employed at the site without the benefit of planning permission. Given that all the depollution operations take place within the building and that the proposed hours of operation are reflective of the majority of businesses within the area, it is considered that the use does not generate any unacceptable impact through noise nuisance. Subject to conditions being imposed regarding external activities and hours of operation, the application is considered acceptable in terms of Policy DM2 of the JLMWLP.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies seeks to prevent development where there would be an unacceptable detrimental impact to the quality of surface water resources. Vehicle de-pollution operations have the potential to result in land and water contamination. Although the site is located in close proximity to Green Brook all depollution operations take place within a building which has an impermeable floor. The site has existing foul drainage provision and operations are unlikely to generate any significant pollution risks. However to safeguard against potential risk to surface water resources, conditions are proposed requiring all depollution activities to be undertaken within the building, any chemical, oil or fuel storage containers on the site to be sited on an impervious surface with bund walls, or alternatively within double skinned tanks and to require that vehicles that have not been depolluted be stored on hard surfaced areas. Additionally, the operations are subject to the applicant satisfying the regulations of the Environment Agency's Environmental Permitting regime which stipulates the operational standards and practises that must be employed to ensure the protection of the local environment and the amenity of local residents. Subject to the conditions outlined above, it is

considered that the operations do not present an unacceptable risk to local surface water courses.

The NPPF and Policy E8 of the Burnley Borough Local Plan seek to prevent development where there would be an unacceptable risk of flooding of the development site or where the proposed development would create an unacceptable risk of flooding elsewhere. Green Lane Mill is located within Flood Zone 2 which is defined as the high-risk flood zone and the applicant has provided a Flood Risk Assessment in support of their application.

The Environment Agency has not raised any specific comments in relation to flood risk as the existing building is in Flood Zone 2. It is considered that the assessment adequately demonstrates the acceptability of the development and hence it is also considered that the development accords with the objectives of the NPPF and Policy E8 of the Burnley Borough Local Plan.

The building has good access to the existing road network and the vehicle movements associated with the operation do not have a significant impact on the highway and hence it is considered unnecessary to restrict vehicle numbers in this instance.

In view of the nature, location and design of the development, no Convention Rights as identified by the Human Rights Act 1998 would be affected.

Recommendation

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

Working Programme

1. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application received by the Director of Transport and Environment on 17th December 2013.
 - b) Submitted Plans and documents:

Location Plan
Site Plan MILL/01 Dwg 02
Site Plan @ A2 MILL/01 Dwg 03

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

Hours of Working

2. No vehicles shall be delivered to the site and no vehicle de-pollution or recycling operations or sales of recycled parts to the general public shall take place at the site outside the hours of:

0900 to 1800 hours, Mondays to Fridays (except Public Holidays)

1000 to 1600 hours on Saturdays

No vehicles shall be delivered to the site and no vehicle de-pollution or recycling operations or sales of recycled parts to the general public 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 DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4 and EW6 of the Burnley Borough Local Plan.

Safeguarding of Watercourses and Drainage

3. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site 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 Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP7, E7, E8 and E9 of the Burnley Borough Local Plan.

4. Any chemical, oil or fuel storage containers on the site 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, 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 Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP7, E7, E8 and E9 of the Burnley Borough Local Plan.

Site Operations

5. No more than 10 vehicles shall be stored in the outside yard area at any one time. Such vehicles shall comprise either vehicles awaiting depollution or those having been depolluted and stripped of salvageable parts and awaiting removal from the site for disposal purposes.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

6. Vehicles stored on the site for the purposes of depollution, breaking or pending removal from the site shall not be stacked or stored on any racking systems.

Reason : In the interests of visual and residential amenity and to conform with policy DM2 of the Lancashire Minerals and Waste local Development Framework Site Allocations and Development Management policies Development Plan documents.

7. All depollution/breaking operations and storage of parts shall be undertaken within the building as outlined on the Location Plan

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

Notes

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

Green Brook adjoining the site is a designated Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written consent of the Environment Agency. Full details of such works must be submitted for consideration.

The Environment Agency has a right of entry to the Green Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

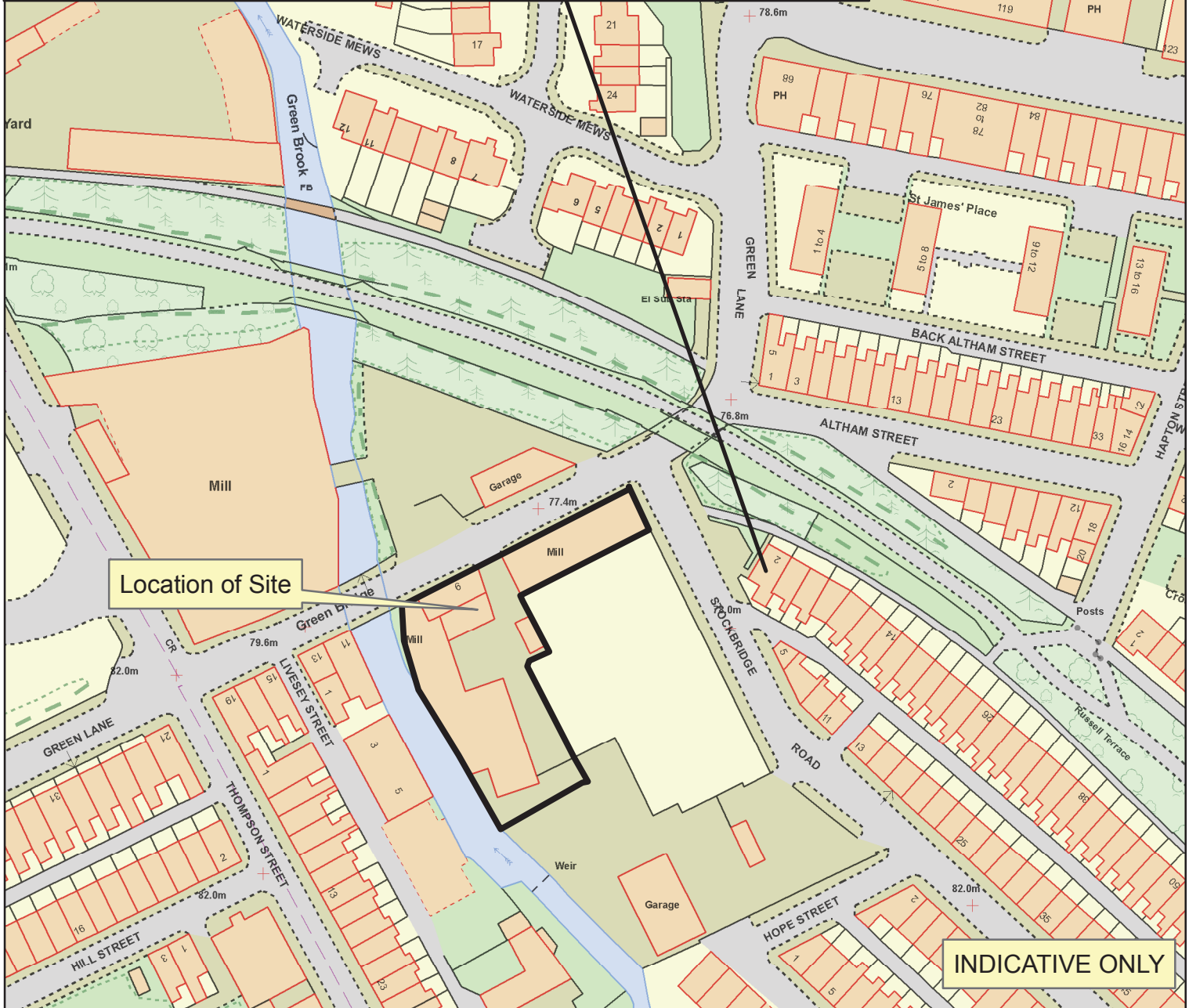
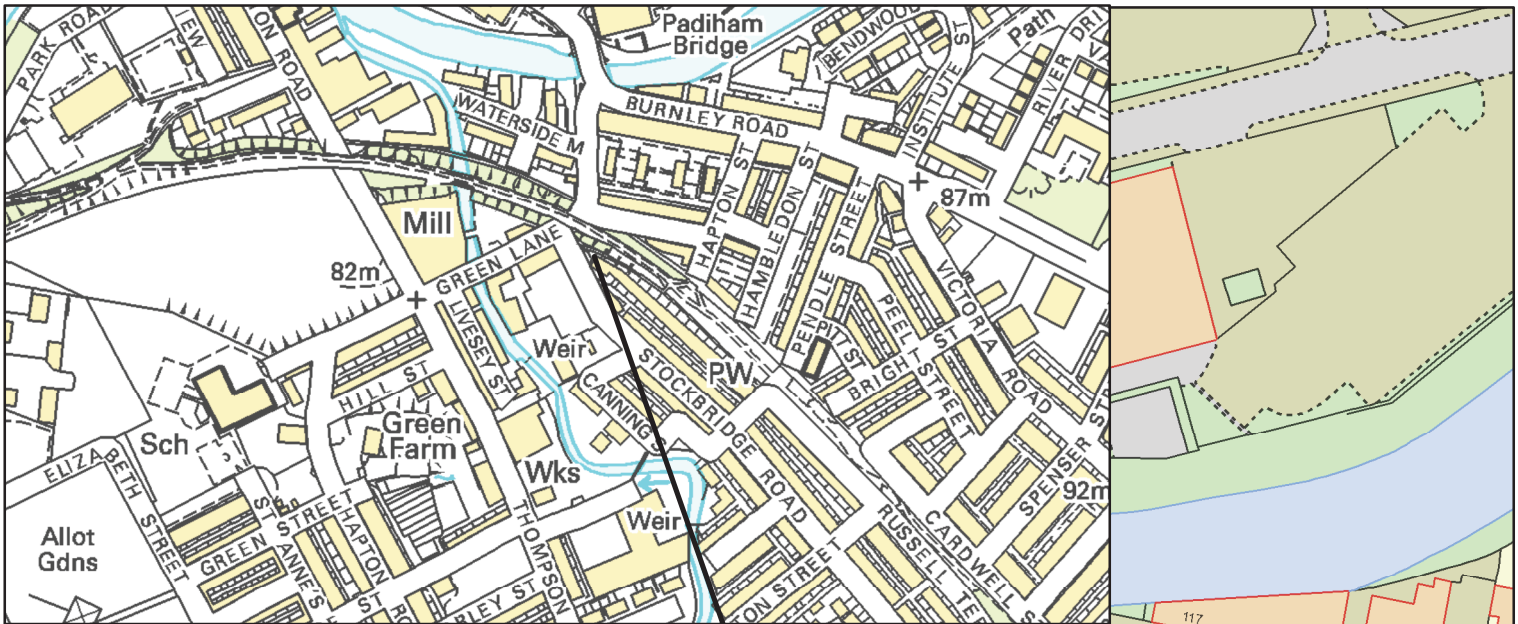
Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|-------|------|-------------------------|
|-------|------|-------------------------|

12/13/0509 17th December 2013 Steve Bergus/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



Location of Site

INDICATIVE ONLY

APPLICATION 12/13/0509 RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM B2 INDUSTRIAL TO A VEHICLE RECYCLING CENTRE. GREEN LANE MILL, STOCKBRIDGE ROAD, BURNLEY

Development Control Committee
Meeting to be held on 26 February 2014

Electoral Division affected:
South Ribble Rural East, Ribble
Valley South West

**South Ribble Borough: application 07/13/0660/1
Compliance with condition 4, site layout, condition 6, contractors compound,
condition 7 noise, condition 10, traffic light layout and condition 12
landscaping of permissions 07/13/0660 and 03/13/0852. Land at
A59/Samlesbury Enterprise Zone, Samlesbury**

Contact for further information:
Stuart Perigo, 01772 531948, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Compliance with condition 4, site layout, condition 6, contractors compound, condition 7 noise, condition 10, traffic light layout and condition 12 landscaping of permissions 07/13/0660 and 03/13/0852. Land at A59/Samlesbury Enterprise Zone, Samlesbury

Recommendation – Summary

That the details submitted for the purposes of conditions 4, 6, 7, 10 and 12 to planning permission 07/13/0660 and 03/13/0852 are acceptable and can be approved.

Background

Planning permission for the creation of a new signalised junction on the A59 and access road to form an entrance to Samlesbury Enterprise Zone was granted by the Development Control Committee at the meeting of 15th January 2014 subject to conditions. Conditions 4, 6, 7, 10 and 12 require details to be submitted for approval prior to the commencement of development as set out below. As the proposal is by the Executive Director of Environment the acceptability of the details submitted for the purposes of the conditions must be determined by the Development Control Committee.

- 4. No development shall commence until an amended site layout plan has been submitted to and approved in writing by the County Planning Authority. The amended plan shall show the two right turn lanes from the junction merging after 100m in an easterly direction on the A59, the re-orientation of the bus stop west of the junction so that stopped buses do not obstruct the*

carriageway and so not forcing cyclists to move out into the main traffic lanes, the provision for a suitable crossing across the proposed access road for cyclists to navigate from the end of Myerscough Smithy Road to the off-road Ribble Valley cycle route and for a facility for cyclists to leave/join the carriageway to use the toucan crossings, and any other changes to the design of the junction and access road. Following approval in writing, the new junction shall be constructed in accordance with the approved details.

6. *No development shall commence until details of the contractor's compound has been submitted and approved in writing by the County Planning Authority. 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.

7. *No development shall commence until a noise survey has been undertaken to establish the background noise levels at Sykes Holt and Carter Fold and the need or otherwise for noise attenuative fencing along the boundary of the highway to the frontage of the properties to address any predicted increase in noise generated by the new junction by more than 5dB (A). Details of any noise attenuative fencing including height, design and proposed alignment shall be submitted to the County Planning Authority for approval in writing. The fencing shall be erected in accordance with the approved details before the junction is brought into use and shall thereafter be maintained.*
10. *No development shall commence until details of the traffic light layout and associated loop systems including details of the central turning reservations into and out of Sykes Holt have been submitted to and approved in writing by the County Planning Authority. Thereafter the junction shall be constructed in accordance with the approved details.*
12. *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 County Planning Authority. 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 to compensate and replace for the vegetation removed to include species, types numbers, spacing's, planting techniques and**

- protection measures to offset the loss of any semi improved grassland.*
- c) *Details of the works to be carried out to the existing landscaped mounding on the northern side of the A59 including the revised contours of the southern side of the mounding to ensure that the crown of the mounding is retained at its present height*
 - d) *Details of mowing and management of grassed areas and weed control.*
 - e) *Any hard landscaping areas including surfacing.*

Applicant's Proposal

By application dated 7 February 2014 details were submitted for the purposes of the conditions. The details include:

Condition 4 – a series of plans showing general arrangements of the road scheme,; site clearance plans; drainage plan; typical cross sections; construction plans; road marking plan; road signs plans; sign schedule; traffic signals; and details of road lighting and illuminated traffic sign cabling works.

Condition 6 – details of the contractor's compound, its construction, illumination, parking and restoration and plans identifying vehicle routing during the construction phase of the development to ensure vehicles avoid the use of Branch Road.

Condition 7 – a noise survey and associated calculations and results concluding that there would be no discernable increase in noise levels at Sykes Holt and Carter Fold that would be sufficient to necessitate additional noise mitigation measures.

Condition 10 – details of traffic tight loop system and turning reservations to ensure the safe egress and ingress to Sykes Holt.

Condition 12 – details of landscape and ecology specification.

Description and location of site

The proposed junction would be located on the A59 at Samlesbury between the existing BAE Systems access and Mellor Brook Roundabout, located 340m to the east. The new site access road would run between the south side of the A59 and across a small pasture area to dissect the end of Myerscough Smithy Road (which is a dead end and the old route of the A59) to join the existing entrance road to the east side of the BAE Systems site. Myerscough Smithy Road would be shortened but continue to be a dead end.

The new junction would be 10m to the east of an existing private entrance road on the north side of the A59 that serves the residential properties of Sykes Holt and Carter Fold. The A59 would be widened on land either side of the private road and would involve removing the screen bunding and its tree planting in that location, as well as on the south side of the A59 in the vicinity of the access road.

The A59 dissects the route of the Public Footpath No. 54 which joins the north side of the A59 from the private road, and the south side of the A59 through the screen bund.

A section of the Ribble Valley cycle route is located on the old route of the A59 from the end of Myerscough Smithy Road to the A59.

The nearest buildings to the development would be a brick built electricity substation and a security building that would be 20m and 35m to the east and west, respectively, of the access road. The nearest water body to the site would be a brick built/ concrete water tank located 45m to the south of the access road.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 22, 28 – 29, 32, 34 – 36, 56, 64 – 66, 109, 111, 123 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, supporting a prosperous rural economy, promoting sustainable transport, good design 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 EMP8 | Industry/ Employment Extensions and Expansions |
| Policy T1 | Development Proposal and Transport |
| Policy T2 | Road Hierarchy |
| Policy T3 | Primary Road Network |
| Policy T12 | Cycling |
| Policy T15 | Pedestrian Routes |

Ribble Valley Local Plan Submission Draft Core Strategy 2008-2028

| | |
|---|--------------------------|
| Key Statement EC1 Business and Employment Development | |
| Policy DMG2 | Strategic Considerations |

South Ribble Local Plan

| | |
|-------------|---|
| Policy EMP8 | Employment Policy 8: Land at Samlesbury Aerodrome |
|-------------|---|

South Ribble Borough Council Submission Draft Site Allocations and Development Management Policies Development Plan Document (as modified) (June 2013)

| | |
|-----------|-------------------------|
| Policy C5 | BAE Systems, Samlesbury |
|-----------|-------------------------|

Central Lancashire Core Strategy

| | |
|-----------|--------------------------------|
| Policy 1 | Locating Growth |
| Policy 9 | Economic Growth and Employment |
| Policy 10 | Employment Premises and Sites |

Consultation Draft Samlesbury EZ Master Plan

Consultations

N/A

Advice

Planning permission for the creation of a new signalised junction on the A59 and access road to form an entrance to Samlesbury Enterprise Zone was granted by the Development Control Committee at the meeting of 15th January 2014 subject to conditions. Conditions 4, 6, 7, 10 and 12 require details to be submitted for approval prior to the commencement of development. As the proposal is by the Executive Director of Environment the acceptability of the details submitted for the purposes of the conditions must be determined by the Development Control Committee.

Details have been submitted to address the requirements of condition 4. The amended plan shows the two right turn lanes from the junction merging after 100m in an easterly direction on the A59, the re-orientation of the bus stop west of the junction so that stopped buses do not obstruct the carriageway and consequently do not force cyclists to move out into the main traffic lanes. Provision is made for a crossing across the proposed access road for cyclists to navigate from the end of Myerscough Smithy Road to the off-road Ribble Valley cycle route and for a facility for cyclists to leave/join the carriageway to use the toucan crossings. The submitted details are acceptable.

For the purposes of condition 6 details of the contractor's compound, its construction illumination and restoration have been submitted along with details identifying vehicle routing during the construction phase of the development.

The construction compound would be located on the section of Myerscough Smithy Road beyond the BAE junction beyond which there is no vehicular access. The compound would be easily accessible from the junction of Myerscough Smithy Road and the A59, would not impede any other traffic and would be for a short construction period after which it would be removed. The associated lighting would be adjacent to the entrance to BAE and would have no greater impact on any nearby residential properties.

Vehicles would be directed to the compound from the east and the west via a routing agreement and signage that would preclude the use of Branch Road.

The submitted details of the compound and vehicle routing are acceptable for the purposes of condition 6.

A noise survey has been undertaken to establish the background noise levels at Sykes Holt and Carter Fold and the need or otherwise for noise alternative fencing along the boundary of the highway to the frontage of the properties to address any predicted increase in noise generated by the new junction by more than 5dB(A) for the purposes of condition 7. The noise survey was carried out over the course of 4 days at both Sykes Holt and Carter Fold. It concludes that the predicted increase in noise levels at each of the properties as a result of the junction would be 0.6dB(A) and 0.5dB(A) respectively, significantly less than the 5dB(A) referred to in the condition. The design of the junction, the slope of the land between the junction and the properties and the distances between the junction and the properties and intervening landscape and development is such that any noise mitigation measures are not required. The details submitted for the purposes of condition 7 are therefore acceptable.

Details of the traffic loop system have been submitted for the purposes of condition 10. The details demonstrate that the loop system will prioritise vehicles exiting and entering Sykes Holt to ensure they can access the residential properties safely. The submitted details are considered to be acceptable for the purposes of condition 10.

Landscape details and details for protecting ecology have been submitted for the purposes of condition 12. Extensive native landscaping is proposed around the corners of the new road linking into Myerscough Smithy Road and to the frontages of the A59 as part of the junction improvement works along with new grass verges. Myerscough Smithy Road would become a cul-de-sac before the entrance to BAE. The landscaping details are considered acceptable.

A 15m standoff zone would be maintained to the sub-station which has been identified as a potential bat roost. All landscaping and protection of ecology would be carried out in accordance with a manual of contract for highway works.

The landscape details and details relating to ecology are acceptable for the purposes of condition 12.

In conclusion, the details submitted for the purposes of conditions 4, 6, 7, 10 and 12 accord with the policies of the development plan and are acceptable.

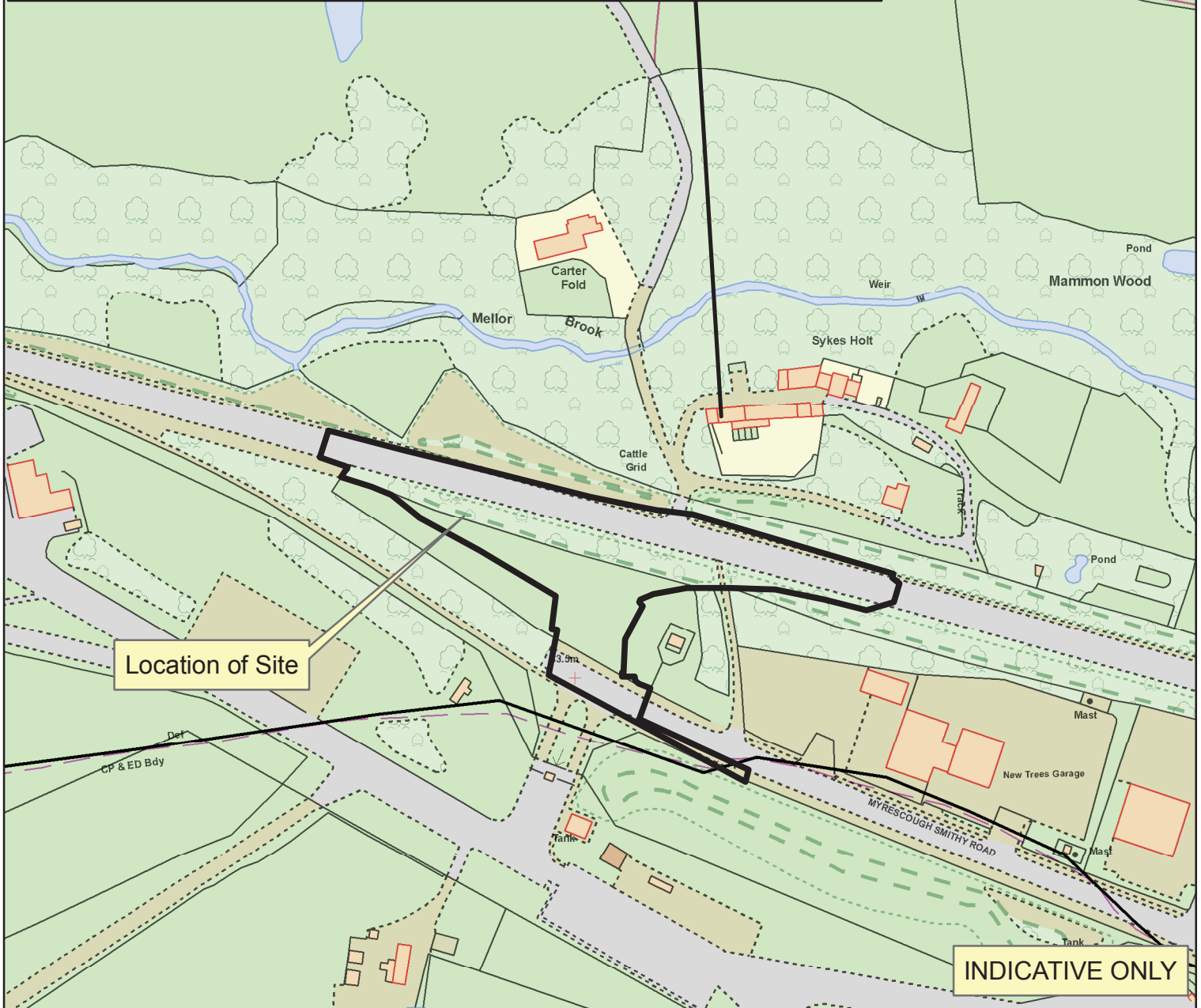
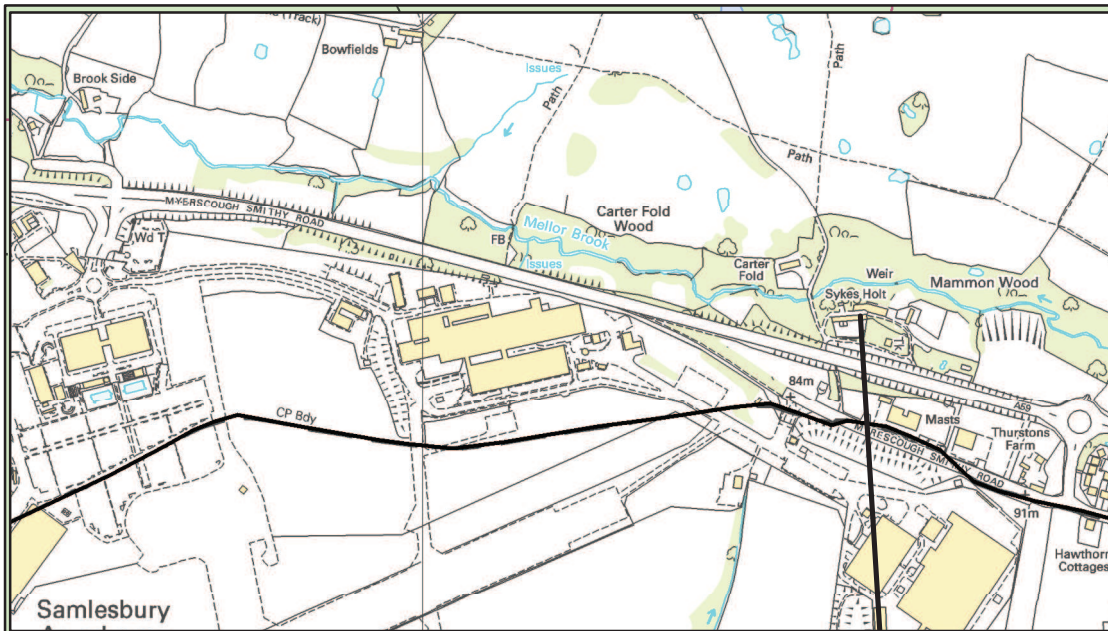
Recommendation

That the details submitted for the purposes of conditions 4, 6, 7, 10 and 12 to planning permission 07/13/0660 and 03/13/0852 are acceptable and can be approved.

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

| Paper | Date | Contact/Directorate/Ext |
|------------|-------------------|-----------------------------|
| 03/13/0852 | 25 September 2013 | |
| 07/13/0660 | 25 September 2013 | Rob Jones/Environment/34128 |

Reason for Inclusion in Part II, if appropriate – N/A



APPLICATION 07/13/0660/1 & 03/13/0852/1 COMPLIANCE WITH CONDITION 4, SITE LAYOUT, CONDITION 6, CONTRACTORS COMPOUND,, CONDITION 7 NOISE, CONDITION 10, TRAFFIC LIGHT LAYOUT AND CONDITION 12 LANDSCAPING OF PERMISSIONS 07/13/0660 AND 03/13/0852.
 LAND AT A59/SAMLESBURY ENTERPRISE ZONE, SAMLESBURY

Development Control Committee
Meeting to be held on 26 February 2014

| |
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| Electoral Division affected: West Craven |
|---|

Pendle Borough Council 13/13/0571

Two new access points to rear building elevation to Leonard Street and existing wall to be removed to form a level play area at Gisburn Road Primary School, Gisburn Road, Barnoldswick

Contact for further information:
Jess Manfield, 01772 531942, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Two new access points to the rear building elevation to Leonard Street and existing wall to be removed to form a level play area at Gisburn Road Primary School, Gisburn Road, Barnoldswick.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement and working programme.

Applicant's Proposal

Planning permission is sought to create a new infant play area which would also include the creation of two new entrances into the rear of the school building located off Leonard Street. One of the entrances would replace an existing window. Each proposed entrance would have a ramp and handrail leading to the proposed new playground. The playground would be created by removing a low retaining wall and an area of former garden soil measuring approximately 25m x 4m (and typically 0.5 - 1m deep) located behind the wall. It would be surfaced with an all weather sports surface. An existing stone wall along the boundary of the school grounds would be retained.

Description and Location of Site

Gisburn Road Primary School is located off Gisburn Road (B6251) in Barnoldswick, close to the town centre. The school occupies a sloping site dating from the 19th century constructed of coursed natural stone with steeply pitched roofs of blue slate. The school is surrounded by residential development on Leonard Street to the south west, Dam Head Road to the north west and Gisburn Road/Skipton Road to the east.

The proposed development would be located to the south west of the site adjacent to Leonard Street on an area previously used as the school garden which is now no longer in use. To the east of the site and on the opposite side of Leonard Street are residential properties fronting the highway.

The school falls within the 'Barnoldswick' Conservation Area.

Background

History

The site is an established primary school and children's centre.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11-14, 17, 56-64, 72-73 are relevant with regard to the requirement for sustainable development, core planning principles, the need for high standards of design and the need to provide educational facilities.

Pendle Borough Council Local Plan

Policy 10 Areas of special architectural/ historic interest
Policy 13 Quality and Design of New Development

Consultations

Barnoldswick Parish Council - No observations received.

Pendle Borough Council - No objection.

LCC Developer Support (Highways) - No objection.

LCC Archaeology Service – No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by letter. Three representations have been received objecting to the proposed development on the following grounds:

- The area would provide no useful benefit.
- The area would be better used for car parking.
- Will bring children closer to residential property.
- Excessive cost to the tax payer.
- Increase noise from children.
- Loss of green space.
- Replacement of wall with railings would be out of keeping with the area.

Advice

At present the school does not have a separate playground for infants and juniors. The location of the proposed play area would be adjacent to the school boundary to Leonard Street and has been chosen as it can be accessed directly from the infant's classroom from which two new doorways would be created. The proposed playground would cater for a maximum of 60 children at any one time.

The site is currently stepped and sloping presenting hazards to pupils; the school is of the view that the area is currently unsuitable for general play use. It is therefore proposed to reduce the level of the play area to the current pathway necessitating the removal of an estimated 60m³ of earth from site.

The new play area, entrances and ramps would be provided in line with the recommendations for 'school grounds' facilities as outlined by the Government's Department for Children, Schools and Families partnership the 'Council for Learning Outside the Classroom'. Furthermore, Central Government has released a draft framework proposal for the revised '2014 National Curriculum' to be implemented from September 2014. Within this document, it sets out Keystages 1-2 for 'Physical Education' provision in Primary Schools. It proposes that by the end of Keystage 2 all pupils can master a range of specified activities.

Policy 10 of the Pendle Borough Local Plan seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. In addition to general design criteria, any development proposals must have regard to the effect on land use mix, activities, noise levels and sense of place.

Policy 13 of the Pendle Borough Local Plan seeks to ensure the protection and enhancement of the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development.

The proposed design and materials for the new external doors would match those already existing within the school building and are considered appropriate. The ramps and rails would ensure safe access and are acceptable.

The proposed removal of a small retaining wall, earthworks and creation of a new play space would have no impact on the conservation area as the existing site boundary wall would be retained. The appearance of the site from Leonard Street would remain largely unchanged and in some respects improved given the neglected condition of the former garden area. The play area would be within the school grounds, below street level and its use would be unlikely to generate noise levels that would be considered unacceptable at a school site or bring children any closer to residential properties than they already are given the land falls within the school grounds. The resident's concerns in terms of noise and bringing children closer to residential properties cannot therefore be supported.

The removal of earth from behind the site boundary wall would create an additional 1m fall from street level (2m from the top of the boundary wall). Whilst the applicant has suggested that additional fencing will be considered as part of health and safety assessment, this does not form part of the planning application and could be

undertaken with the benefit of permitted development rights. However, given the sensitivity of the boundary and the proximity of residential properties, it is considered that the permitted development rights for the erection of such should be removed and details of any fencing be submitted for approval. A condition is proposed to address this.

A number of local residents have raised objection that the project would be a waste of taxpayer's money. However, this is not a material planning consideration.

Overall, the proposed development would create a more useable space within the school grounds and provide a much needed play space for pupils. It is therefore considered it would not result in the loss of green space, would bring into use an area that is currently under used and would have considerable benefit for the school. It is acknowledged that there may be parking issues in the area; however, there are no proposals for parking as part of the application and the creation of a play area is considered acceptable. The proposed development complies with the policies of the NPPF and the policies of the development plan.

In view of the scale, nature and design 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 in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the Director of Transport and Environment on 13/12/2013
 - b) Submitted Plans and documents:

Site Location Plan

Drawing no. 13/287.02 Rev B - Part Proposed Floor
Layout and Elevation

Drawing no. 13/297.01 Rev A - Existing Floor Layout and
Elevation

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies 10 and 13 of the Pendle Borough Local Plan

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no fencing shall be erected on the school boundary with Leonard Street until details of the design and colour of the fencing have been submitted to and approved in writing by the Director of Transport and Environment. The fencing shall thereafter be constructed in accordance with the approved details and painted in the approved colour within one month of its erection on site.

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies 10 and 13 of the Pendle Borough Local Plan.

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).

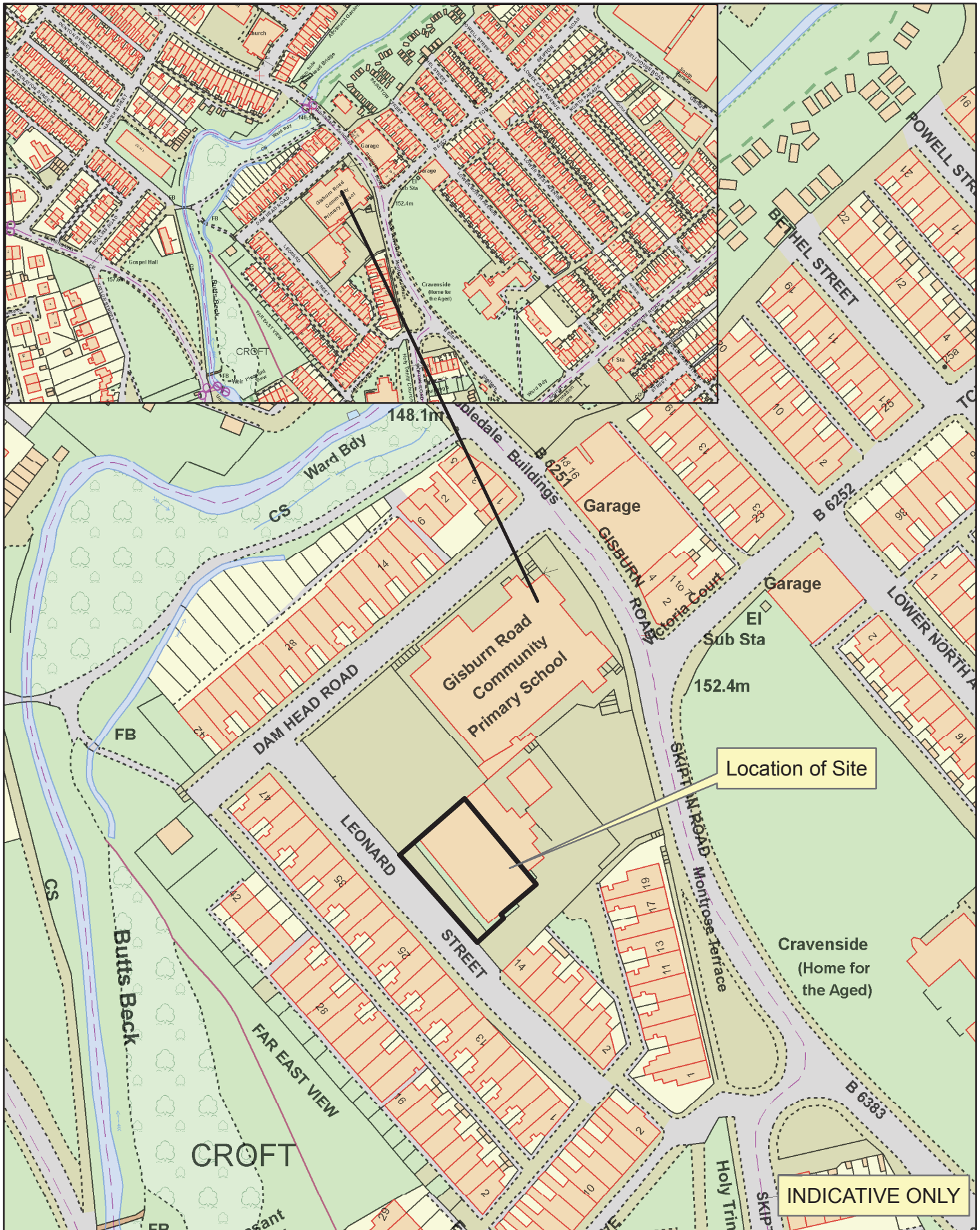
Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|------------|------------|---------------------------------|
| 13/13/0571 | 13/12/2013 | Jess Manfield/Environment/53194 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION 13/13/0571 TWO NEW ACCESS POINTS TO REAR BUILDING ELEVATION TO LEONARD STREET AND EXISTING WALL TO BE REMOVED TO FORM A LEVEL PLAY AREA. GISBURN ROAD PRIMARY SCHOOL, GISBURN ROAD, BARNOLDSWICK

Development Control Committee
Meeting to be held on 26 February 2014

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| Electoral Division affected: Accrington West |
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Hyndburn Borough Council: Application Number: LCC/2014/0004
New single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy. Fairfield Children's Centre, Fairfield Street, Accrington

Contact for further information:
Jess Manfield, 01772 531942, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - New single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy. Fairfield Children's Centre, Fairfield Street, Accrington.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement and working programme.

Applicant's Proposal

Planning permission is sought for an extension to provide additional nursery accommodation for children aged 2, 3 and 4 years old and an additional office space. An existing canopy would be dismantled to accommodate the proposed extension and then reinstalled in a new location. The proposed extension would be located at the back of the nursery and would provide approximately 18m² of new office floor space and 15.3m² of space for children in association with a re-modelling of the internal layout of the building to accommodate an increase in children. It would have a flat roof, facing brickwork, white powder coated aluminium windows and oak veneer folding sliding patio doors all to match the existing building.

Description and Location of Site

Fairfield Nursery is located off Fairfield Street approximately 2km to the south west of Accrington town centre. Residential properties lie to the south west and north of the school, with industrial premises to the north west. Play areas lie to the south and east of the school building. To the north is an access area with limited parking provision and an independent pedestrian access ramp taken from Fairfield Street to

the nursery entrance. The school is immediately adjacent to Springhill Community Primary School, which lies to the north east of the nursery.

Background

History

Planning permission for a single storey extension to provide additional accommodation together with the formation of car parking area for 5 cars was granted in January 2003 (ref.11/02/0576).

Planning permission for the erection of a new 2.4m high security fence to part of the school boundary together with widening of the vehicular access gate and new pedestrian access was granted in May 2005 (ref.11/05/0069).

Planning permission for the erection of a ground and first floor extension to the existing nursery including new entrance and re-alignment of the existing boundary fence was granted in December 2005 (ref.11/05/0687).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11-14, 17, 65-64, 72-73, are relevant with regard to the requirement for sustainable development, core planning principles, good design, and the need for additional school places.

Hyndburn Core Strategy

Policy ED1 New and Improved educational facilities
Policy ENV6 High Quality Design

Hyndburn Local Plan

Policy E10 General Development Control Policy

Consultations

Hyndburn Borough Council – No observations received.

LCC Developer Support (Highways) – Object on the grounds that there is insufficient parking at the site which leads to parking, both by staff and parents, on Fairfield Street, effectively reducing this to single lane running and exacerbating existing highway problems and having a detrimental impact on the surrounding highway network. The presence of this parking also creates a potential hazard for pedestrians wishing to cross the road in the vicinity of the site, through reduced visibility both for the pedestrians and for vehicles approaching the site. There have been 2 accidents in the last 5 years at the site to which this parking has contributed. Under the locally adopted (Hyndburn Borough Council) Car Parking and Access standards this size of facility would normally be expected to have 32 off road parking spaces to minimise

the impact on the highway network. This is calculated based on a ratio of 1.5 spaces per 2 staff and 1 space per 10 pupils. The site currently has less than 10 spaces. The proposal will see a change to the structure of the nursery and the mix of children attending, with 2 sessions of 94 children in each session. This is equivalent to 94 full time places. This is believed to be a reduction in full time equivalent places at the nursery but will see greater vehicle movements associated with the site as people drop off and collect children. This in turn is likely to lead to greater on street parking in the vicinity of the site at certain peak times (4 a day), extending the reduction to single carriageway.

Representations – The application has been advertised by site notice, and neighbouring residents informed by individual letter. Thirteen representations have been received. Whilst recognising the excellence of the nursery, objections are raised for the following summarised reasons:

- Parking – teachers/parents/workers park in front of residential properties.
- The residents living in the extra care bungalows rely on the limited parking spaces to the front of their bungalows in order to access their vehicles without having to cross a busy road.
- Staff from the nursery park the full length of the street making it at times difficult for the ambulance service.
- The street cannot accommodate parking for more people.
- Previously the police have been called due to the parking problems from the Nursery Staff.

County Councillor Dad has expressed concern about the traffic and noise in the area.

Advice

The proposed extension would increase office provision that is required to support the running of the Children's Centre at the nursery and provide a small increase in floorspace.

The proposed extension would be very small and would be built of materials and to a design reflective of the existing building. Whilst the new development would increase the scale and massing of the nursery buildings it is considered that the proposal would not have a detrimental effect on the nearest neighbouring residential properties (located some 30m away) due to overlooking or and loss of light.

The existing canopy would be dismantled and re - located maintaining approximately 40m² of outdoor covered recreational space and incorporating new electrically operated powder coated steel roller shutter doors and a glazed panel.

The proposed extension and relocation of the canopy are therefore considered acceptable and comply with Policy ED1 and Policy ENV6 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

The nursery is reorganising the delivery of its service to provide Nursery School places split over two sessions, morning and afternoon having 94 places in each

session, meaning 188 in total rather than the 200 places currently provided on a full time basis. This would actually lead to a small reduction in pupil numbers and possibly two full time staff. The reorganisation of the nursery does not require the benefit of planning permission but the split sessions will lead to children arriving and leaving the nursery twice rather than once a day. However, the proposal has generated a number of objections most particularly relating to parking and the obstruction of Fairfield Street.

At present there is existing parking on site for approximately 6-7 vehicles however this is not marked out. There are no proposals to provide additional parking as part of the planning application. Due to the provision of a disabled access ramp and the change of use in levels to the frontage of the nursery to Fairfield Street, there is insufficient space to provide more car parking. The Director of LCC Developer Support (Highways) has raised an objection to the proposed development due to it having a detrimental impact on the surrounding highway network.

Whilst it is recognised that there may be existing parking problems associated with the nursery, it is considered that they are not something that can be addressed as part of this proposal. The extension is small; it will not lead to a significant increase in the size of the nursery or the numbers of pupils that could be accommodated at the nursery at any one time. However, the re-organisation of the nursery to provide split shifts would lead to children being dropped off and picked up on two occasions per day, albeit two occasions would be at lunch time as shifts change and when it could be expected to be a lower frequency of vehicles. Similarly, whilst the objection of the Director of LCC Developer Support (Highways) is understandable, it is considered that if there is an issue with parked vehicles causing an obstruction or compromising highway safety necessitating traffic management measures, these should be considered as part of a traffic regulation order process and not on the back of a planning application for a small extension to the existing building which in its own right would not lead to an increase in pupil numbers.

It is therefore considered that the objections cannot be supported and that the proposed development complies with the policies with the NPPF, the policies of the Hyndburn Core Strategy and the policies of the Hyndburn Local Plan.

In the view of the nature, design and location 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, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority Director of Transport and Environment on 23/12/2013
 - b) Submitted Plans and documents:
 - B01 Rev D1 Layout as Existing
 - B02 Rev D1 Elevations as Existing
 - B03 Rev D1 Layout as Proposed
 - B04 Rev D1 Elevations as Proposed

Reason : To minimise the impact of the development on the amenities of the area and to conform with Policies ED1 and ENV6 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan

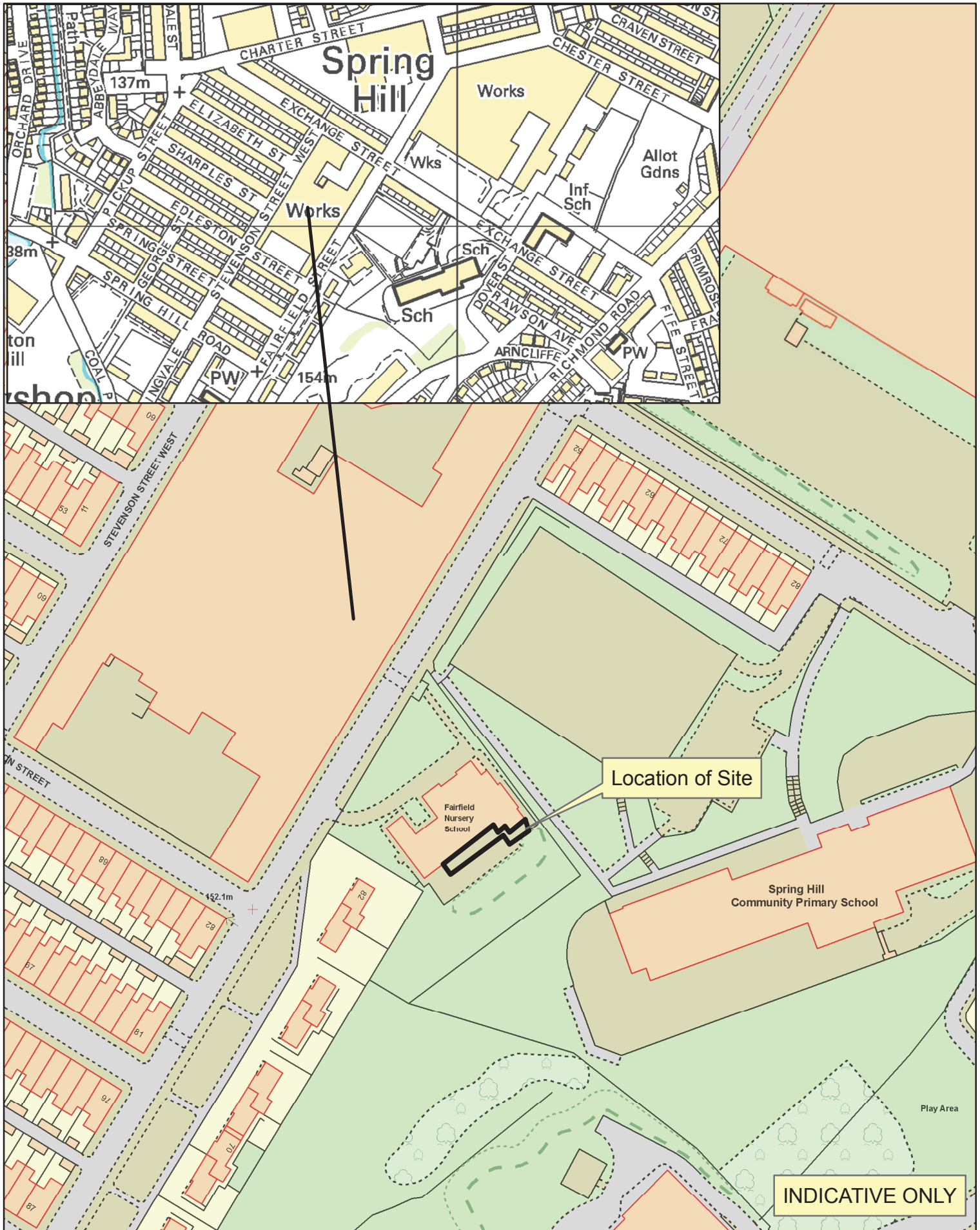
Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|---------------|-----------|-------------------------|
| LCC/2014/0004 | 7/02/2014 | Jess Manfield/ENV/31942 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0004 NEW SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL NURSERY AND OFFICE ACCOMMODATION INCLUDING THE RELOCATION AND EXTENSION TO THE EXISTING CANOPY. FAIRFIELD CHILDRENS CENTRE, FAIRFIELD STREET, ACCRINGTON

Development Control Committee
Meeting to be held on 26 February 2014

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| Electoral Division affected: Preston North |
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Preston City: application no. LCC/2014/0012
Detached 30 pupil classroom at Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston

Contact for further information:
Catherine Lewis, 01772 530490, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application – The construction of a detached 30 pupil classroom at Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme, materials and hours of construction working.

Applicant's Proposal

Planning permission is sought for the construction of a detached classroom measuring 11m x 9m x 3.4m high.

The building would be finished with timber cladding 'Thermawood' Pine, and treated to colour reference 'Autumn Gold'. The flat roof would have a waterproof membrane with a solar reflective finish which would be dark grey in colour.

Description and Location of Site

Queens Drive Primary School is located approximately 3.0 km north of the centre of Preston. To the west of the site is Black Bull Lane and to the north and east are residential properties. The Harris playing fields and residential properties are located on the southern boundary.

The proposed classroom would be located on the northwest boundary of the school site on land currently forming part of the school playground. The nearest residential properties are located on the north west boundary with the corner of the proposed building some 4m away from the boundary with 108 Black Bull Lane.

Background

History

Planning permission for a single storey extension to provide an additional IT suite, Head Teacher's office and storage accommodation together with new main entrance and reception facilities was granted in February 2005 (ref 06/04/1381).

Planning permission for an extension to car park to provide additional 13 spaces including 2 dedicated disabled spaces was granted in May 2011 (ref 06/11/0226).

Planning permission for two free standing canopies and one wall mounted shelter was granted in May 2011(ref 06/11/0227).

Planning Policy

National Planning Policy Framework (NPPF)

Section 8 - Promoting healthy communities (including Paragraph 72)

Central Lancashire Core Strategy

Policy 17 Design of New Buildings

Preston Local Plan

Policy DP3 Development and Flood Risk

Policy H5 Development Proposals in Existing Residential Areas

Policy D1 Design Criteria

Consultations

Preston City Council - No comments received.

LCC Developer Support (Highways) - No comments received.

LCC Ecology Service - No comments received.

Environment Agency - No objection in principle but the applicant needs prior written consent for any proposed works or structures in, under, over or within 8 metres of the culvert Boundary Brook along the boundary of the site.

United Utilities - No objection, but the applicant should contact them regarding connection to the water mains.

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

Advice

Planning permission is sought for the construction of a detached classroom to provide accommodation for up to 30 pupils. Due to the rising school numbers in the Preston area there is a need to provide additional pupil places for a 'bulge' year group. This is classed as an enlargement that would only last for the time that the group move through the primary school (7 years). The applicant has advised that the County Council has consulted with schools in the area and Queens Drive Community Primary School has agreed to accommodate the increase in pupils. Paragraph 72 of the NPPF attaches great importance to the delivery of sufficient school places to meet the needs of existing and new communities.

The detached building would be located within the boundaries of an existing school which is situated within the settlement boundary of Preston as defined in the Preston Local Plan. The development is therefore considered acceptable in principle.

The main issue is the impact that the detached building would have on the amenities of nearby residential properties and the visual amenities of the area. Queens Drive Primary is located in generous grounds with a large playing field on the eastern boundary. The detached classroom would be located to the north west of the site on existing playground adjacent to the rear of the properties on Black Bull Lane and Queens Drive. The applicant has provided a planning statement to support the proposed location and has discounted a number of other locations:

- Location 1- to the rear of 45 Queens Drive - although the classroom in this location would be 4m away from the boundary there is mature landscaping which would screen the classroom and in this location it would be 45m away from the residential building. However, the site is unsuitable because of ground stability issues, a surface water drain and trees.
- Location 2 - Opposite the school garden area. If sited in this location the classroom would severely restrict the main pedestrian access and thoroughfares of the school children in and out of the school building. Further, there would be issues of restricted light in to the hall classrooms and toilets.
- Location 3 - to the rear of the main school building. There would be issues of light to the existing classrooms and a potential increased vandalism and fire risk.

One of the advantages of a detached purpose built classroom is that potentially it could be located at a number of different locations within the school grounds. However, this needs to be weighed against the operational needs of the school and the impact upon residential amenity. Initially it was proposed to build the classroom tight to the boundary with 108 Black Bull Lane. However, this could have created an unacceptable impact upon residential amenity of the adjoining property. Consequently the applicant has agreed to move the footprint of the building to provide a 4m standoff between the corner of the classroom and the rear boundary of 108 Black Bull Lane.

A fire door and associated ramp would be located on the elevation closest to the adjoining property. The boundary between the proposed classroom and the adjoining property consists of a 1.8m high timber fence. There are some shrubs and trees within the garden to the property. Whilst the proposed classroom would still be in close proximity to the rear boundary of 108 Black Bull Lane, it remains the

preferred location for the applicant's purposes due to the operational requirements of the school. It is considered that given the increase in standoff, the boundary treatment and presence of landscaping within the garden area that the proposed classroom would not have an unacceptable impact on the amenities of the adjoining residential property.

To protect the amenities of the adjoining property during the construction phase a condition restricting hours of operation is proposed. It is considered that the proposed classroom in the revised location would meet the requirements of Policy D1 of the Preston Local Plan and Policy 17 of the Central Lancashire Core Strategy.

The building would be timber clad with "Thermawood" Pine, but treated to colour reference Autumn Gold. The roof would be constructed using a water proof membrane with a solar reflective finish to be dark grey on colour. The existing school is a mix of single and two storey buildings and constructed of a white engineering brick. The proposed timber clad building would offer a contrast to the existing building styles, but which would be acceptable in this location. It is considered that the proposal meets the aims of Policy 17 of the Central Lancashire Core Strategy and Policy D1 of the Preston Local Plan.

The application is accompanied by a Flood Risk Assessment report as the site is within Flood Zone 3 with a greater than a 1 in 100 chance of flooding in any one year. The Environment Agency has raised no objection to the proposed development. It is therefore considered that the development is acceptable in this location and the proposal meets the aims of Policy DP3 of the Preston Local Plan.

The application is accompanied by an extended Phase 1 Habitat Survey Report which states that although historic records of great crested newts exist within 1km of the site, the proposed development affects only hard standing which is not suitable to support amphibian species.

In summary, the school require a new classroom block on a permanent basis to accommodate a rise in pupil numbers for one particular year group. The proposed location would meet the operational needs of the school and subject to conditions restricting the hours of construction and material types the development complies with the policies of the development plan and can be supported.

In view of the location and scale 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 24 January 2014.
 - b) Submitted Plans and documents:

Drawing No A1 entitled "Existing Site Plan"
Drawing No A2 Rev A entitled "Proposed Site Plan"
Drawing No A4 entitled Existing Site Photos
Drawing No A5 Rev A entitled "Proposed elevations, site sections and visual impressions".
Drawing No A6 Rev A entitled "Existing and proposed floor plans, drainage & Roof Plans"

Reason : To minimise the impact of the development on the amenities of the area and to conform with Policy D1 of the Preston Local Plan and Policy 17 of the Central Lancashire Core Strategy.

Hours of Working

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

0730 to 1730 hours Monday to Friday (except Public Holidays),
0800 to 14:00 hours on Saturday.

No 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 use of pumping equipment and 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 17 of the Central Lancashire Core Strategy.

Building Materials

4. The building elevations shall be timber clad and the roof shall be coloured dark grey.

Reason: In the interest of the visual amenities of the area.

Notes

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

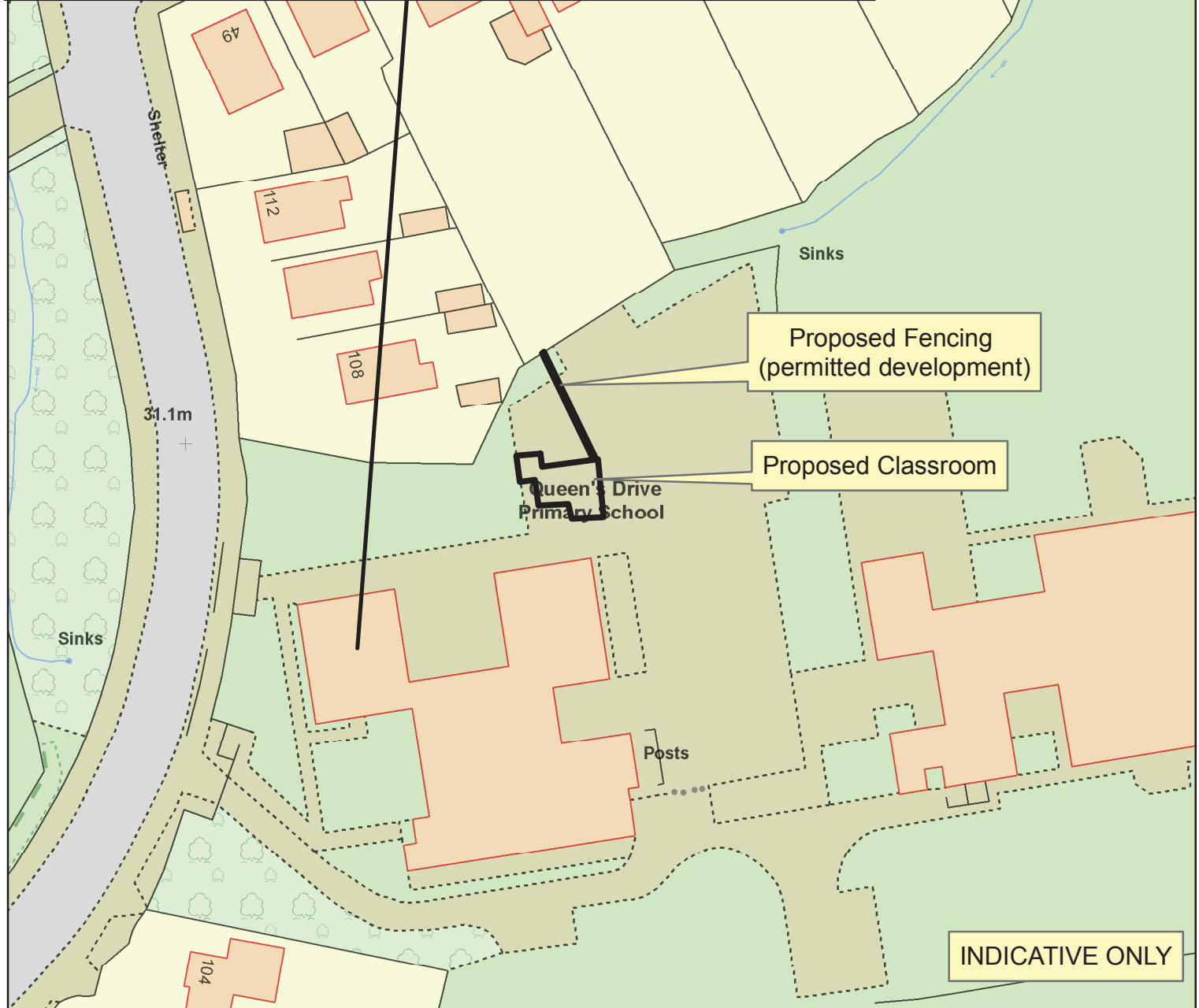
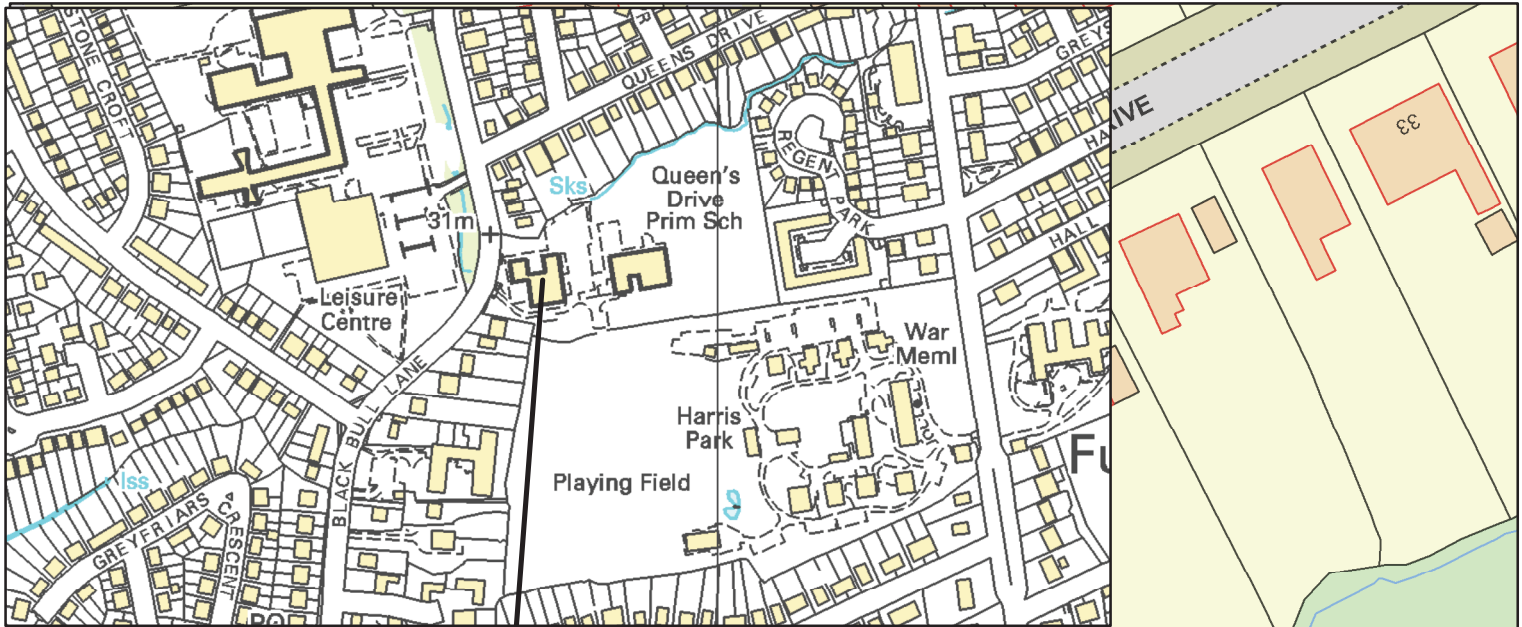
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the 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 |
|---------------|----------|-----------------------------------|
| LCC/2014/0012 | 24.01.14 | Catherine Lewis/Environment/30490 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0012 DETACHED 30 PUPIL CLASSROOM.
 QUEENS DRIVE COMMUNITY PRIMARY, BLACK BULL LANE, FULWOOD, PRESTON.

Development Control Committee
Meeting to be held on 26 February 2014

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| Electoral Division affected: Skelmersdale Central |
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West Lancashire Borough: application LCC/2014/0015
Extension to car park to create an additional 11 car parking spaces and the erection of 4x6m high lighting columns at Whiteledge Centre, Spencer Lane, Skelmersdale

Contact for further information:
Catherine Lewis, 01772 530490, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application – Extension to car park to create an additional 9 car parking spaces and an additional 2 disabled parking spaces and the erection of 4x6m high lighting columns at Whiteledge Centre, Spencer Lane, Skelmersdale.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit, working programme, hours of construction working and hours of flood lighting.

Applicant's Proposal

Planning permission is sought for an extension to an existing car park to provide an additional 11 car parking spaces and the erection of 4 x 6m high lighting columns. Nine car parking spaces would be constructed on land currently forming a grassed bank to the east of the existing car park, and the two disabled spaces would be located to the north of the existing access gates adjacent to the main entrance. Vehicular access to the site would be as existing off Spencers Lane. The column mounted floodlights would be controlled by a time clock and photoelectric sensor arrangement to operate the lights from 07:45 until day light and from dusk until 21:30pm, seven days a week.

Initially the application was advertised as nine extra car parking spaces but this did not include the two additional disabled car parking spaces, which were shown on the plans but not within the description. The applicant has amended the description to reflect this alteration.

Description and Location of Site

Whiteledge Day Centre is located at the junction of Spencers Lane and Ormskirk Road, approximately 0.5km to the south of Skelmersdale Concourse

Shopping centre. To the north and west of the site are Grimshaw Road and Whiteledge Road.

The curtilage of the nearest property, a Grade II Listed Building abuts the site. The residential properties on the opposite side of Spencers Lane are approximately 16m from the boundary of the day centre. There are a large number of trees to the north and western boundaries of the site. The site boundary consists of 2.4m high weld mesh fencing.

Background

History

The proposed development is at the existing Whiteledge Day Centre, an adult day care centre.

Planning permission for the construction of a single storey front extension, new entrance porch, glazed canopy to the rear of the building and a roof to the existing bin store was granted in July 2013 (ref. 08/13/0706).

Planning Policy

National Planning Policy Framework (NPPF)

Section 8 Promoting healthy communities
Section 11 Conserving and enhancing the natural environment
Section 7 Requiring Good Design

West Lancashire District Local Plan

Policy GD1 Design of Development
Policy EN5 Buildings of Historic Importance

Consultations

West Lancashire Borough Council - No comments received.

LCC Developer Support (Highways) - No comments received.

LCC Lighting Engineer - There would be no light trespassing into the windows of any nearby properties and there is only a very small amount encroaching slightly onto the highway. Given this, and taking into account the part time nature of the lighting to turn off at 09:30pm every day, there are no comments to make from a lighting perspective.

Representations – The application has been advertised by site notice and neighbouring residents informed by individual letter. One letter of representation has been received raising questions in relation to potential light pollution and whether lights would be left switched on overnight or on a timer. Concern is raised that the security lights already shine directly into a residential bedroom.

Advice

Whiteledge Day Centre, originally a day care facility for adults with learning difficulties, now provides a shared service for adults with learning difficulties, physical and/or sensory impairments. The building also acts as an administrative base for the Domiciliary Care Service. Recent refurbishments formed part of planning permission 08/13/0706 granted in the summer of 2013.

The current application seeks to provide additional car parking and lighting to support the use of the building. It is intended that the building would be in use until 21:00pm and that the lighting would be restricted until 21:30pm.

The potential impacts are associated with the proposed lighting and the impact of such on residential and visual amenity. The four lighting columns are required to provide lighting to the car park particularly for occupants of the building when it is dark. Initially the applicant considered 4m high lighting columns instead of 6m but this would mean more columns across the site and would have had a more intrusive impact within the street scene.

The nearest residential property is located at a distance of 14m on the southern boundary and is adjacent to a 17th Century Grade II listed building. The nearest residential properties to the lighting columns on the eastern boundary are located some 22m away on the opposite side of Spencer's Lane. The applicant has submitted a drawing to demonstrate the lux levels associated with the lighting and which illustrates that there would be no measurable light spillage at residential properties. LCC's lighting engineer has confirmed that there should be no light migration into the windows of any nearby properties.

One letter of representation has been received that raised questions as to whether the lights would be left on all night or whether they would be on a timer. The applicant has advised that the lights would be controlled by a time clock and photoelectric sensor arrangement to operate the lights from 07:45 until day light and from dusk until 21:30pm seven days a week. The letter of representation also raises issues of the lights on the building on all night. The applicant has advised that all wall mounted fittings would be controlled by the same timer clock to be used for the proposed car park. Therefore the lights upon the building would operate from 07.45am until daylight and from dusk until 21.30pm during the periods when daylight is not adequate to illuminate the areas around the building. It is therefore considered that the amenities of these properties would not be unduly affected and that the proposed lighting scheme complies with Policy GD1 and Policy EN5 of the West Lancashire Replacement Local Plan subject to a condition controlling hours of illumination.

The existing car park provides for a total of 26 car parking spaces including two disabled spaces. The proposed development would provide for an extra 11 spaces including two further disabled spaces. The extension to the car park to provide 9 of the additional spaces would be constructed on the grass bank to the east of the existing car park. A further 2 disabled spaces would be located opposite the main entrance. Therefore, the total number of car parking spaces would be 37 and would

include four disabled spaces. It is considered that the increase in car parking spaces can be supported as it would alleviate any potential for on street parking within this residential area associated with the Centre. The proposal therefore meets the aims of Policy GD1 of the West Lancashire Replacement Plan.

Overall it is considered that the proposals are acceptable subject to a condition controlling hours of construction working (consistent with the previous permission) to protect residential amenity and a condition controlling hours of lighting.

In view of the location, scale and nature 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 in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the Director of Transport and Environment on 17 January 2014 as amended by the emails from A. Hurst to C. Lewis dated 6 and 10 of February 2014
 - b) Submitted Plans and documents:

Drawing Number A00 Rev E entitled "Existing Site Plan - Car Park Extension"

Drawing Number A35 Rev C entitled Proposed Site plan - Car Park Extension

Drawing Number A38 A entitled "Proposed Site Plan -Car Park Extension"

Drawing Number 6250-E6 Rev D entitled "External Lighting Plot"

Lighting Column details - Thorlux "Starguard"

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies GD1 of the West Lancashire Replacement Local Plan.

Hours of Working

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

0800 to 1800 hours, Mondays to Fridays (except Public Holidays)
0800 to 1200 hours on Saturdays

No 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 GD 1 of the West Lancashire Replacement Plan.

4. The floodlighting shall not be illuminated outside of the following hours:-

07:45 hours to 21:30 hours Mondays to Sundays

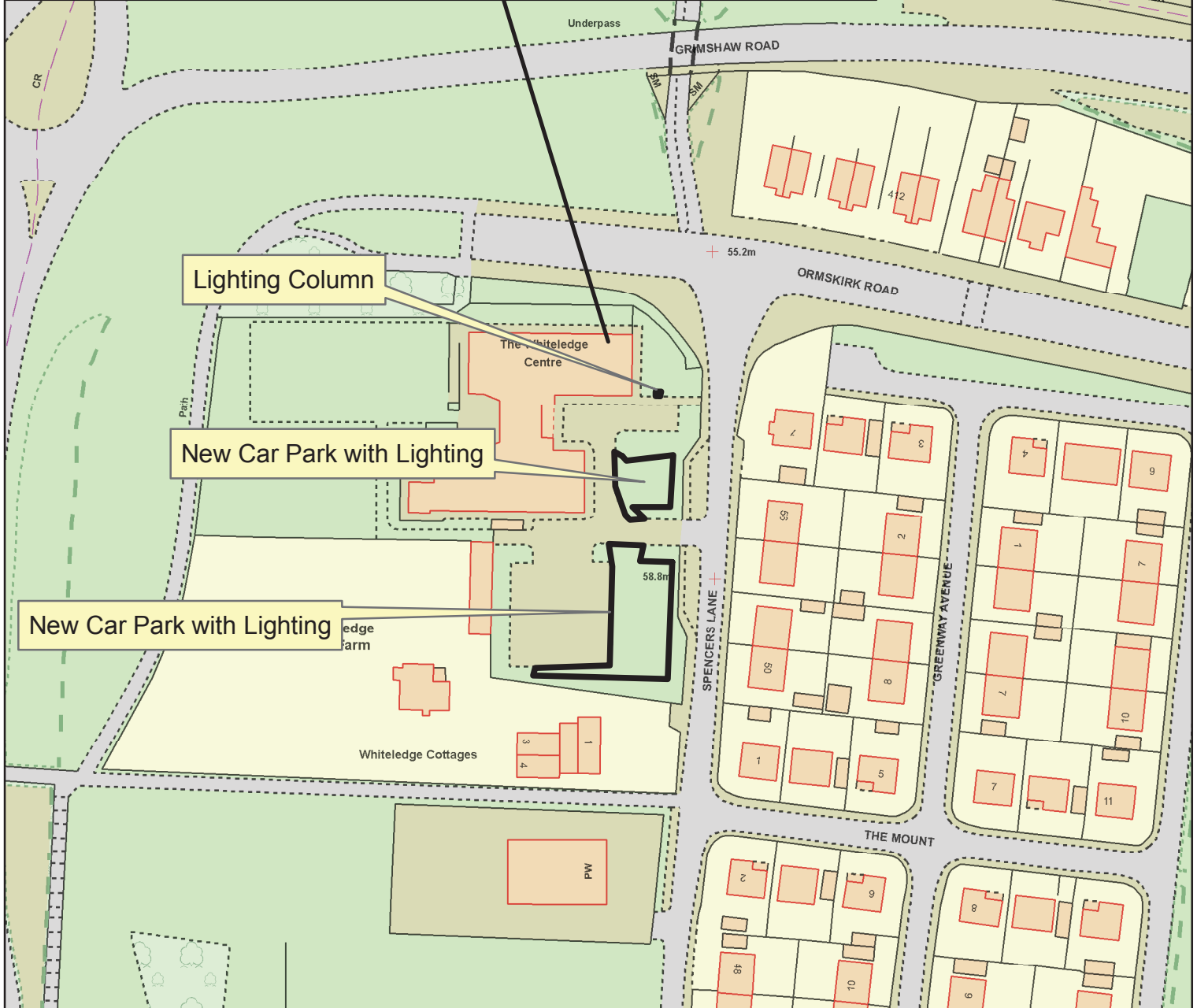
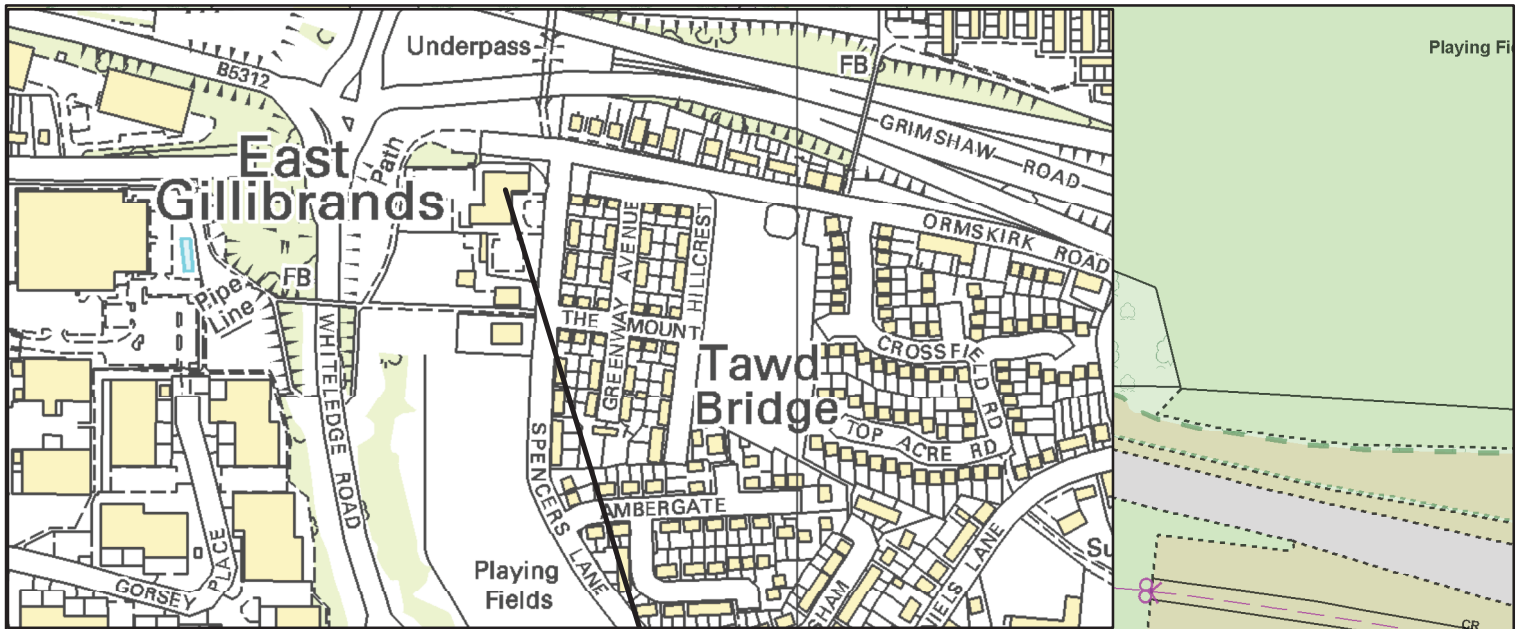
Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy GD 1 of the West Lancashire Replacement Local Plan.

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

| Paper | Date | Contact/Directorate/Ext |
|---------------|------------|-----------------------------------|
| LCC/2014/0015 | 17.01.2014 | Catherine Lewis/Environment/30490 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0015 EXTENSION TO CAR PARK TO CREATE AN ADDITIONAL 11 CAR PARKING SPACES AND THE ERECTION OF 4X6M HIGH LIGHTING COLUMNS. WHITELEDGE CENTRE, SPENCER LANE, SKELMERSDALE

Development Control Committee
Meeting to be held on 26 February 2014

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| Electoral Division affected: Whitworth |
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Rossendale Borough: application LCC/2014/0016
30 pupil classroom extension and additional tarmac area at Britannia
Community Primary, Rochdale Road, Bacup

Contact for further information:
Catherine Lewis, 01772 530490, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - 30 pupil classroom extension and additional tarmac area at Britannia Community Primary, Rochdale Road, Bacup.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit and working programme.

Applicant's Proposal

Planning permission is sought for the construction of a 30 pupil classroom measuring 10m x 12m with a maximum height of 6m to the ridge of a pitched roof. A small link corridor would be constructed to link through from the existing school building to the proposed extension. The external elevations would be constructed of reconstituted stone incorporating stone quoins and cill detailing. The proposed roof materials would be brown concrete tiles and the windows would be white uPVC double glazed units.

Additionally, a small triangular area of existing grass playground, measuring approximately 50m², would be surfaced with tarmac to provide a compensatory all weather play area. This would extend the playground in a northerly direction.

Description and Location of Site

Britannia primary school is located to the south east of Bacup town centre. The proposed extension would be located to the north west boundary of the existing school building and the proposed play area would be located on the north western boundary of the school site. Residential properties are located to the north and west with a public playground to the south.

Background

The development would be at an established educational facility.

History

Planning permission for the construction of an external raised play area with steps, canopy and 1.5m high railings was granted in February 2012 (ref 14.12.0001).

Planning Policy

National Planning Policy Framework (NPPF)

Section 8 - Promoting healthy communities Paragraph 72

Rossendale Council Core Strategy

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|-----------|--|
| Policy 1 | General Development Locations and Principles |
| Policy 23 | Promoting High Quality Design and Spaces |
| Policy 24 | Planning application requirements |

Consultations

Rossendale Borough Council - No comments received.

LCC Developer Support (Highways) - No comments received.

Environment Agency - No comment to make.

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

Advice

Due to the rising school numbers in the Bacup area there is a need to provide additional school places. The applicant has advised that the authority has consulted with schools in the area and Britannia has agreed to accept additional pupils. Paragraph 72 of the NPPF attaches great importance to the delivery of sufficient school places to meet the needs of existing and new communities.

The extension would be located within the boundaries of an existing school which is situated within the settlement boundary of Britannia as defined in the Rossendale Local Plan proposals map that forms part of the Rossendale Core Strategy. The development is therefore considered acceptable in principle.

The main issue is the impact that the extension to the building and the extended play area would have in terms of residential and visual amenity. Britannia Primary School is located in an elevated position off the A671 (Rochdale Road) with generous grounds. The proposed extension would provide an additional classroom and

cloakroom and be located to the north west of the site to the rear of the existing school buildings. The line of the proposed extension would not protrude further than the existing building line and as the nearest residential properties to the extension are located on the western boundary some 20m away it is considered that the residential amenities would not be unduly affected.

The proposed playground extension would provide additional hard play space for the children and would be constructed on an existing grassed area adjacent to some play equipment. The western boundary of the play area would be adjacent to some weld mesh fencing, approximately 1m in height, which forms the boundary with the residential property known as "The Bungalow". Whilst this boundary also includes some mature trees, the playground would be visible from the rear garden of the Bungalow. However, the proposed hard surface area would be used for play in the same way as the grassed area and therefore would not constitute a significant change in use. It is considered that the extension to the school and the extension to the playground would meet the aims of Policy 24 of the Rossendale Core Strategy.

Britannia Primary School is a traditionally built Victorian school of stone and slate construction. Recently there have been a number of extensions that have utilised brown concrete roofing tiles and stone walls. The proposed extension would not be visible from the main road and the use of reconstituted stone with concrete tiles to the roof to marry in with an existing extension is considered acceptable in this location. The link corridor would be constructed with a flat roof and the entrance area would be colour coated aluminium. The proposed design and materials meet the aims of Policy 23 of the Rossendale Core Strategy.

The applicant has submitted a bat report dated December 2013 which concludes that the area where the proposed extension would join in with the existing school building has negligible potential to support roosting bats. Therefore development works could proceed without the need for further bat surveys.

In summary the proposal would provide for increased accommodation and play space to meet the requirements of the additional pupil numbers. The proposed extension and playground would not have an unacceptable impact on the amenities of the adjoining residential property.

In view of the scale and location 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 in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the Director of Transport and Environment on 17 January 2014 as amended by the email from Glyn Jones dated 30 January 2014.
 - b) Submitted Plans and documents:
 - Drawing Number A2 Rev A entitled "Site Plan"
 - Drawing Number A3 rev A entitled "Site Location Plan"
 - Drawing Number A1 rev A entitled "Existing Site Block Plan"
 - Drawing Number A4 entitled "Proposed floor plans, elevations, section levels, drainage".
 - Drawing Number A5 entitled "Existing Elevations, Photos"
 - Drawing Number A6 entitled "Proposed Roof Plan, Existing School Floor Plan"

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy 24 of the Rossendale Local Plan.

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).

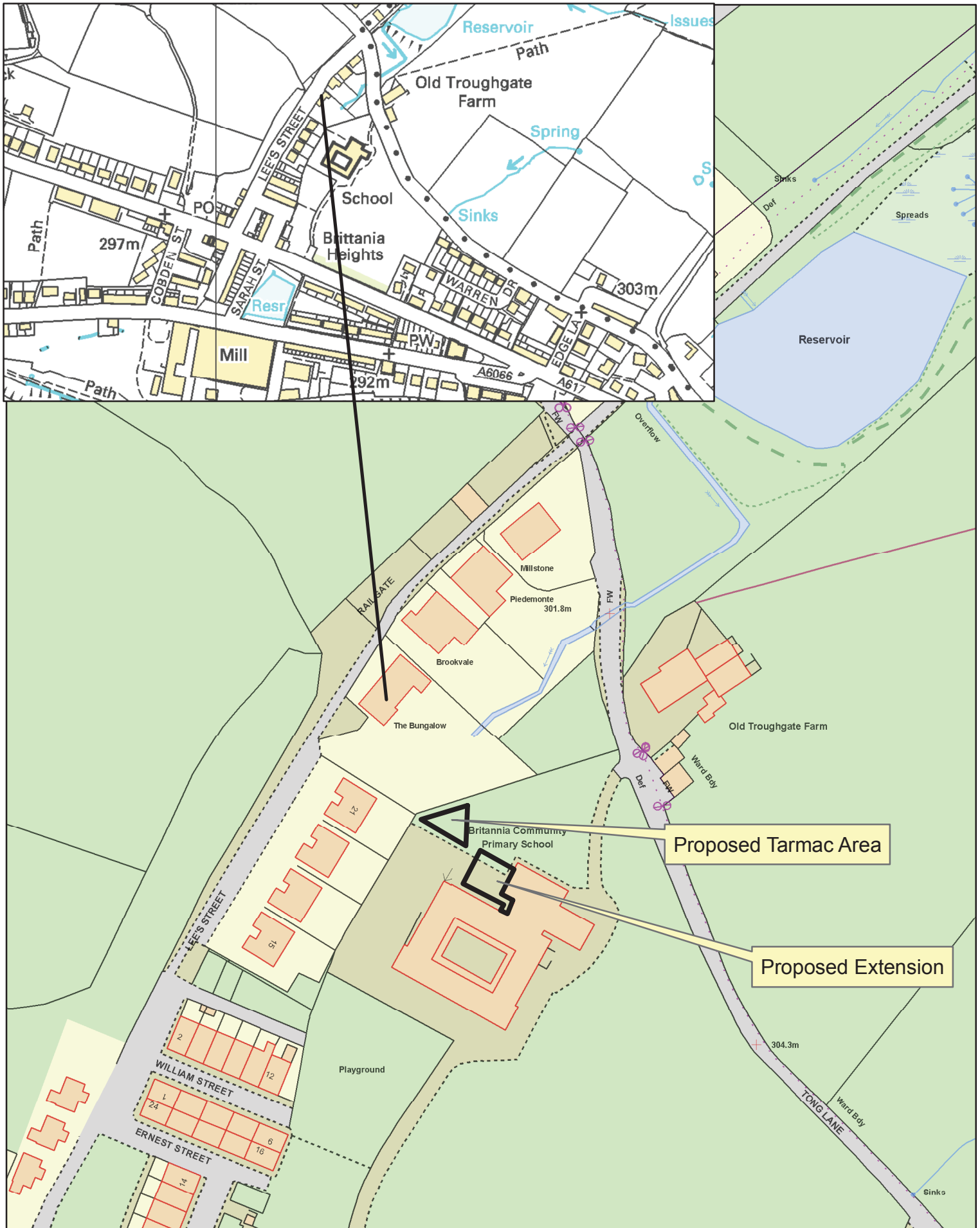
Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Ex |
|---------------|----------|------------------------------------|
| LCC/2014/0016 | 17.01.14 | Catherine Lewis/Environment/ 30490 |

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0016 30 PUPIL CLASSROOM EXTENSION AND ADDITIONAL TARMAC AREA.
 BRITANNIA COMMUNITY PRIMARY, ROCHDALE ROAD, BACUP.

Development Control Committee
Meeting to be held on 26 February 2014

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| 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:
Pauline Kelly 01772 531929, Environment Directorate

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 15 January 2014, the following planning applications have been granted planning permission by the Executive Director of Environment in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. 01/13/1190
Bowerham Primary School, Bowerham Road, Lancaster.
Gates, railings and signage to front elevation.

Application: 01/13/1278
Morecambe Library, Central Drive, Morecambe.
Erection of security fencing, infill to window opening and new external door.

Ribble Valley

Application: 03/13/0993
Hillside School, Ribchester Road, Hothersall.
Retention of a demountable unit to provide additional two classrooms and link corridor.

Fylde

Application: 05/13/0696

Clifton Marsh Landfill Site, Lytham Road, Clifton.

Change of use of existing concrete pad to a combined use for open air windrow composting, wood shredding and road sweeping recycling.

Application: 05/13/0698

Clifton Marsh Landfill Site, Lytham Road, Clifton, Preston

Variation of conditions 3, 4 and 5 of permission 5/05/0614 to require the storage barn to be removed not later than 1st May 2033, to remove the requirement for the building to only be used for the storage of compost and to vary the hours the building can be used.

Application: 05/13/0723

Former Poulton Waste Water Treatment Works, off Old Mains Lane, Skippool.

Construction of a new vacuum sewer station building and associated access road to serve new sewer.

South Ribble

Application: 07/13/0934

Leyland Methodist Infants School, Canberra Road, Leyland

Erection of modular building to provide nursery accommodation.

West Lancashire

Application: 08/13/1223

Moorside Community Primary School, Back Lane, Holland Moor, Skelmersdale.

Erection of modular building to provide nursery accommodation.

Application: 08/13/1238

Ormskirk C of E Primary School, Greetby Hill, Ormskirk

Sports equipment store and extension to existing reception playground with new canopy and play equipment including timber outdoor play cabin, corner stage with benches, timber clamber stack and timber post bridge feature.

Application: 08/13/1350

St Marks Primary School, Southport Road, Scarisbrick, Ormskirk

Erection of canopy of four roller shutters to reception playground.

Hyndburn

Application: 11/13/0470

Unit 9 Moorfield Drive, Moorfield Industrial Estate, Altham.

Retrospective extension to the existing site to allow car recycling operations.

Application: 11/13/0476

St Andrews C of E Primary, Springfield Street, Oswaldtwistle.

single storey extension to provide additional teaching accommodation, extension to car park to provide additional seven spaces and one disabled space, one 6m high lighting column, relocation of existing fence, erection of new 2.4m high fencing and creation of new vehicular crossing at junction of Ash Street and Springfield Street.

Burnley

Application: 12/13/0506

Whitegate Children's Centre, Victoria Road, Padiham, Burnley.

Single storey extension to rear of building to create a new class base.

Rossendale

Application: 14/13/0574

Bacup Nursery School, Cowtoot Lane, Bacup.

Single storey extension to nursery.

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

01/13/1190, 01/13/1278, 03/13/0993,
05/13/0696, 05/13/0698, 05/13/0723
07/13/0934, 08/13/1223, 08/13/1238
08/13/1350, 11/13/0470, 11/13/0476
12/13/0506, 14/13/0574

Contact/Directorate/Ext

Pauline Kelly Environment
Ext: 31929

