

Lancashire County Council

Development Control Committee

Wednesday, 9th April, 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 26 February 2014** (Pages 1 - 12)

The committee are asked to agree that the Minutes of the last meeting held on the 26 February 2014 be confirmed and signed by the Chair.
- 4. Hyndburn Borough: application number LCC/2014/0018** (Pages 13 - 20)

Retrospective change of use from garage to end of life vehicle authorised treatment centre and car repairs at Gillies Street Garage, Gillies Street, Accrington
- 5. Wyre Borough: Application number 02/13/0914** (Pages 21 - 30)

Change of use of land to a Waste Water Pumping Station, comprising of 1.8m high security fencing, control kiosk, pressure relief column, hard standings and access track with turning area. Vacant land north of no. 70 Normoss Road, Poulton-le-Fylde.

6. **Wyre Borough: Application number 02/13/0915** (Pages 31 - 46)
Erection of a 78 metre high wind turbine, control kiosk and hardstanding and amendments to existing internal site access road and line of fencing.
Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.
7. **Burnley Borough: application number** (Pages 47 - 54)
LCC/2014/0034
Erection of a modular building including a disabled access ramp, installation of play equipment and bin store on adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley
8. **Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.** (Pages 55 - 58)
9. **Hyndburn Borough: Application 11/13/0264** (Pages 59 - 86)
The extension of Whinney Hill Quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities
10. **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.
11. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday 21 May 2014 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

12. Exclusion of Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate of Part 1 of Schedule 12A to the Local Government Act, 1972, indicated against the heading to the item.

Part II (Not open to Press and Public)

13. Rossendale Borough: Application number 14/10/0452 (Pages 87 - 92)

Report on investigations into alleged breaches of planning control and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill Newchurch Road, Stacksteads, Bacup.

Not for Publication – Exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

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, 26th February, 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	N Penney
P Buckley	P Rigby
M Dad	K Sedgewick
S Holgate	R Shewan
D Howarth	B Yates
M Johnstone	A Schofield

County Councillor Alan Schofield replaced County Councillor Michael Green on the Committee.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor Tony Jones.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor R Shewan declared a non pecuniary interest in agenda item 5 as the local member for the area concerned.

County Councillor P Buckley declared a non pecuniary interest in agenda items 7 and 8 as his wife is a member of the Borough Council for the area concerned.

County Councillor P Rigby declared a pecuniary interest in agenda items 7 and 8 as the applicant had been allowed to access his land for testing purposes.

County Councillor M Johnstone declared a non pecuniary interest in agenda item 9 as the local member for the area concerned.

County Councillor B Yates declared a non pecuniary interest in item 10 as a member of South Ribble Borough Council and as a parish councillor for the area concerned.

County Councillors D Howarth declared a non pecuniary interest in agenda item 10 as a member of South Ribble Borough Council.

County Councillor A Schofield declared a non pecuniary interest in item 10 as the local member for the area concerned.

County Councillor M Dad declared a non pecuniary interest in agenda item 12 as the local member for the area concerned.

County Councillor K Sedgewick declared a non pecuniary interest in item 13 as his grandson attends Queens Drive CP School.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 14 as a member of West Lancashire Borough Council.

3. Minutes of the last meeting held on 15 January 2014

Resolved: That the Minutes of the meeting held on the 15 January 2014 be confirmed and signed by the Chair.

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

A report was presented on an application for the erection of three kiosks, a transformer compound and landscaping at Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

The report included the views of Lancaster City Council, Lancashire County Council's (LCC) Developer Support (Highways) LCC Specialist Advisor (Ecology), LCC Specialist Advisor (Landscaping), the Environment Agency, National Grid Gas and Electricity and details of one letter of objection 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 access roads to the site.

It was reported orally that Lancaster City Council's Environmental Health Officer had recommended that further information should be provided regarding noise emissions from kiosks and transformers and the likely impact on the nearest residential properties.

The committee was advised that Condition 4 requires that equipment shall be fitted 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.

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

**5. 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.**

A report was presented on an application for the erection of an odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds at Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

The report included the views of Wyre Borough Council, the LCC Developer Support (Highways) and the Environment Agency. The committee noted that no letters of representation had been 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 an illustration of the site layout and proposed landscape plan and a photograph of the access road to the site.

Members welcomed the proposals especially the proposed odour control unit which it was hoped would mitigate any odours emanating from the site.

Resolved: 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 conditions set out in the report to the committee.

**6. 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**

A report was presented on an application for the 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 was accompanied by an Environmental Statement that examined 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.

The report included the views of Ribble Valley Borough Council, Natural England, Network Rail, LCC's Developer Support (Highways), the Environment Agency and details of five 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 a photograph of the site and illustrations showing the geology of the site, the groundwater impacts and a cross section of the site.

Officers responded to concerns raised by the members in relation to the proximity of nearby residential properties and the effects of blasting vibration on those properties. Officers also responded to concerns raised with regard to the impact of the proposals on the local highway network.

In response to further concerns raised by the Members, it was agreed that condition 28 to the planning permission be amended to ensure that the discharge pipeline to the Chatburn/Heys Brook was in place prior to the quarry being deepened below 17m AOD. It was agreed that the wording of such condition be delegated to the Executive Director for the Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

Resolved: That having taken into account the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, planning permission be granted, subject to the conditions set out in the report to the committee and subject first to:

- i) the signing of a section 106 agreement relating to the implementation of a water monitoring and mitigation scheme; and
- ii) an amendment to the wording of Condition 28 to ensure that the discharge pipeline is in place prior to the quarry being deepened below 17m AOD. Such amendment to be delegated to the Executive Director of Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

**7. 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.**

County Councillor Rigby left the room during consideration of this item as he had declared a pecuniary interest.

A report was presented on an application for the 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 at Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.

The report included the views of Fylde Borough Council, Weeton-with-Plumpton Parish Council, the LCC Developer Support (Highways), the LCC Specialist Advisor (Ecology), the Environment Agency, National Air Traffic Services Limited and Natural England. It was noted that no letters of representation had been received from local residents.

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 site layout plan, a vehicle routing plan and a map showing biological heritages site designations together with photographs of the site from various aspects.

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

**8. 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.**

County Councillor Rigby left the room during consideration of this item as he had declared a pecuniary interest.

A report was presented on an application for the 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 at Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.

The report included the views of the LCC Developer Support (Highways), the Environment Agency and details of one representation received from Friends of the Earth (FOE) on behalf of two local pressure groups.

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 site layout plan, a vehicle route plan and photographs of the site and access road.

It was reported orally that the Health and Safety Executive (HSE), the Environment Agency (EA) and the LCC Specialist Advisor (Ecology) had submitted additional comments in response to the representation from Friends of the Earth. These were set out in the Update Sheet circulated at the meeting. (Copy set out at Annex A to the Minute book).

The committee was advised that the additional comments made by the EA and the HSE demonstrated that there was sufficient regulation in place to ensure the well was abandoned in a way that was safe and prevented contamination and that the risks associated with such would be properly managed. On this basis it was considered reasonable for the County Council to defer to such regulations and be satisfied that the risks associated with such did not need to be addressed by an Environmental Impact Assessment.

To avoid impacts on the adjacent Lucas Flash Wood and areas of vegetation such as hedges, the following additional conditions were proposed requiring the implementation of protection measures and the restriction of vehicle movements and the storage of materials only to those areas within the red edge of the planning application.

'All hedges and trees forming part of the boundaries of the red edge of the application site shall be protected from any damage and maintained throughout the restoration of the site.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

'Vehicle movements and the storage of materials shall be restricted only to those areas within the red edge of the planning application.

Reason: In the interests of local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

The following advice note was also proposed:

'Note: The developer should be aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works including the possibility of the presence of amphibians in the open drainage ditch along the west side of the drilling platform.'

In response to questions raised by the Members, the Group Head confirmed that the HSE had confirmed that the Offshore Installations and Wells (Design and Construction etc) Regulations 1996 were applicable to both onshore and off-shore wells/installations. In terms of liability for any potential failure of plugged boreholes, it was confirmed that the plugging and abandonment of any well were matters for the HSE, the Department for Energy and Climate Change and the Environment Agency and their respective regulatory regimes.

Resolved: That planning permission be **granted** subject to the conditions set out above and the inclusion of the additional conditions and note as set out above.

9. 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, Padiham, Burnley.

A report was presented on a retrospective application for the change of use from B2 industrial use to a vehicle recycling centre at Green Lane Mill, Stockbridge Road, Padiham, Burnley.

The report included the views of Burnley Borough Council, the Environment Agency and details of one letter 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 a photograph of the access road to the site.

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

**10. 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**

The committee was reminded that at their last meeting they had granted planning permission for the creation of a new signalised junction on the A59 and access road to form an entrance to Samlesbury Enterprise Zone subject to the submission of details for the purposes of conditions 4, 6, 7, 10 and 12 to the planning permission.

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

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.

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 site and an illustration of the site layout, the contractor's compound, the traffic light loop indicator system, proposed vehicle routing and proposed landscaping.

The Group Head reported orally that the submitted details for the lighting of the contractor's compound for the purposes for condition 6 were acceptable and could be approved.

Officers responded to concerns raised with regard to a recent noise survey that had been undertaken to assess the predicted increase in noise levels at the two properties, Sykes Holt and Carter Fold. Following debate it was agreed that the Executive Director for Environment be asked to undertake further noise monitoring following the construction of the junction should complaints relating to noise be received from the two properties concerned.

Councillor Schofield pointed out that noise levels at the properties could be mitigated further by replacing the current fencing to the frontage of the properties with solid fencing.

The committee welcomed the proposed footpath improvements and proposed signage for contractor's vehicles on Branch Road.

Resolved: 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 be approved.

**11. Pendle Borough: 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 at Gisburn
Road Primary School, Gisburn Road, Barnoldswick**

A report was presented on an application for the 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

The report included the views of Pendle Borough Council, the LCC Developer Support (Highways), the LCC Archaeology Service and details of three letters of representation 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 photographs of the access roads to the site.

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

**12. 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**

A report was presented on an application for a new single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy at Fairfield Children's Centre, Fairfield Street, Accrington.

The report included the views of the LCC Developer Support (Highways) and details of thirteen letters of representation 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 an illustration of the proposed extension and photographs of the site, the entrance to the Centre and Fairfield Street.

The Group Head reported orally that a further representation had been received showing three photographs, two photographs taken during mid-week showing parked cars on Fairfield Street and the third photograph taken on a Saturday with no parked cars.

The Head Teacher of the Children's Centre, Liz Klavins, addressed the committee and spoke in support of the application. She explained that the school was not seeking to increase the number of children attending the Centre but to reorganise the delivery of service to provide nursery school places split over two sessions, morning and afternoon. This would lead to a small reduction in pupil numbers and possibly two full time staff. It was also proposed to decrease the number of weeks the nursery would open from 52 to 38 in line with school term time. It was acknowledged that the parking situation on the surrounding residential streets was unsatisfactory however; some of the vehicles were associated with the industrial factory across the road from the school and nearby community building and church. It was hoped that changing from a day care provider to a term time provider would help improve the traffic situation.

County Councillor Dad informed the committee that as the local member for the area, he had raised concerns with regard to the traffic situation and had worked

with the school and local businesses to bring about some improvements including the imposition of a 20 mph speed limit on Fairfield Street.

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

**13. Preston City: application no. LCC/2014/0012
Detached 30 pupil classroom at Queens Drive Community Primary,
Black Bull Lane, Fulwood, Preston**

A report was presented on an application for the construction of a detached 30 pupil classroom at Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston.

The report included the views of the Environment Agency and United Utilities.

The Group Head, Development Management, reported orally that since the publication of the committee report, the views of Preston City Council, the LCC – Developer Support (Highways) and one letter of representation which included a petition of 20 signatures had been received. Details of the representations together with the officer's response were set out in the Update Sheet and circulated at the meeting (copy set out in the Minute Book at Annex A).

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 an illustration of the proposed building in situ and a photograph of the site.

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

**14. 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**

A report was presented on an application for the extension to a 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.

The report included the views of the LCC Lighting Engineer and details of one letter 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 a site layout plan and a photograph of the access road to the site.

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

**15. Rossendale Borough: application LCC/2014/0016
30 pupil classroom extension and additional tarmac area at
Britannia Community Primary, Rochdale Road, Bacup**

A report was presented on an application for a 30 pupil classroom extension and additional tarmac area at Britannia Community Primary, Rochdale Road, Bacup.

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 an illustration of the proposed extension and photographs showing the location of both the extension and tarmac area.

The Group Head reported orally that Rossendale Borough Council had raised no objection to the proposal.

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 15 January, 2014 fourteen 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 next meeting of the committee be held on Wednesday 9 April 2014 at 10.00 am.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 4

Development Control Committee

Meeting to be held on 9 April 2014

Electoral Division affected:
Accrington South

Hyndburn Borough: application number LCC/2014/0018 Retrospective change of use from garage to end of life vehicle authorised treatment centre and car repairs at Gillies Street Garage, Gillies Street, Accrington

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective change of use from garage to end of life vehicle authorised treatment centre and car repairs at Gillies Street Garage, Gillies Street, Accrington.

Recommendation – Summary

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

Applicant's Proposal

Retrospective planning permission is sought for the change the use of a car repair garage to a garage that also includes end of life vehicle waste recycling. The site area of the garage is approximately 220m².

There are no proposals to alter the external facades of the building and all entrances would remain in existing locations. Vehicular access to the site would be as existing from Gillies Street via a roller shutter door. The applicant has advised that 3 vehicles a week are processed. The cars are dismantled in the garage where they are drained of all fluids and then the parts are stored on the shelves ready for sale via the internet. No vehicles or parts are stored outside the building as the remainder of the cars are then taken to a scrap metal merchant in Huncoat.

Although there are no skips, a wheelie bin is kept in the garage. The fluids are stored in steel drums on pallets inside the building prior to collection by a licensed waste carrier. Approximately 40 litres of waste fluid derived from vehicles being dismantled are collected and removed off site each week.

The hours of operation are 09:00 to 17:00 Monday to Friday with no workings on Saturday, Sunday or Bank Holidays.

Description and Location of Site

Gillies Garage is located in an area of mixed uses approximately 0.5km to the east of Accrington town centre.

An alley way and rear yards of terraced properties on Lee Street from the western boundary. Gillies Street with terraced properties opening on to the pavement forms the eastern boundary. Residential properties are directly opposite the garage premises some 9m away. To the north are industrial buildings some of which are vacant. Immediately to the south of the garage building is an off-street car park with a row of three attached bungalows some 10m away.

Background

The building is an established garage. There is no relevant planning history.

Planning Policy

Planning Policy Statement (PPS) 10 - Planning for Sustainable waste management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 19, and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong economy, and conserving and enhancing the natural environment.

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

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 (JLMWLP)

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

Hyndburn Core Strategy

Policy ENV 7	Environmental Amenity
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Consultations

Hyndburn Borough Council - Policy Env7 of the Hyndburn Core Strategy states, proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to

unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. Hyndburn Borough Council object to the proposed change of use until such a time as a pre-determination Acoustic Assessment has taken place in accordance with the advice received from the Environmental Health Officer.

Should the application be approved, a condition is recommended in relation to the control of fumes, vapours and odour, and an informative for the developer to have regard to BS 8233:1999 'Sound insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the building(s).

LCC Developer Support (Highways) - No objection.

Environment Agency (EA) - The operation requires an Environmental Permit.

County Councillor Dawson – Has requested that the application be determined by the Development Management Committee in light of requests from local constituents.

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

Advice

The applicant is seeking retrospective planning permission for the change of use of a former garage at Gillies Street to accommodate a vehicle de-pollution/recycling operation.

The applicant has advised that approximately three vehicles per week 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. No vehicles or parts are stored outside the building. The remains of dismantled cars are taken to a scrap metal merchant in Huncoat.

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.

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. Policy DM2 of the JLMWLP 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 use of the premises assists in the recycling of vehicles which are no longer fit for purpose and therefore contributes towards meeting the objectives of Government policy.

The application site is not defined within the proposals map of the Hyndburn Local Plan as having a specific site allocation. However, it has an existing use as a car repair garage, which typically falls within a B2 (general industrial) Use Class. Vehicle de-pollution centres are typically regarded as 'sui-generis' uses in that they do not fall within any of the defined planning use classes and therefore require separate planning permission. Nevertheless, given the scale and nature of the operations, which are currently undertaken within the existing building, it is considered that the proposal is not dissimilar to many general industrial operations that could be undertaken at the site without any further permission including a continuation of works associated with a car repair garage.

The operations do have the potential to generate some disturbance given the relatively close proximity of local residents but not to an extent that could be readily distinguished from general noise associated with a car repair garage. However, the applicant has applied for operating hours of 09:00 to 17:00 Monday to Friday with no workings on Saturday, Sunday or Bank Holidays and de-polluting activity would take place within the building. Subject to conditions preventing external activities and applying controls to hours of working to those proposed for the operation of the premises for all purposes, it is considered that noise nuisance and general disturbance is unlikely to be unacceptable given the history and previously permitted uncontrolled use of the site.

With regards to general pollution control measures including prevention of water pollution, the operations are subject to the applicant satisfying the requirements of the EA's Environmental Permitting regime, which stipulates the operational standards and practices that must be employed to ensure the protection of the local environment. Paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of

the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

In view of the NPPF guidance and the existing permitted rights at the site it is considered unreasonable to request the applicant to submit a noise assessment or impose conditions relating to the control of noise, odour, vapours, fumes, contrary to the recommendations of Hyndburn Borough Council. The EA has confirmed that the operations would require an Environmental Permit, which would control the day to day operations for the purposes of Policy ENV7 of the Hyndburn Core Strategy.

The application site relates to the use of the building. The building does not have a yard or off-street car parking area. However, the applicant has advised that the cars that are brought to the site are unloaded into the building where they are stored pending dismantling and removed from the premises following dismantling for further recycling. There is on street parking adjacent to the site where the existing two employees park and which does not conflict with residential parking. Therefore, it is considered that the vehicle movements associated with the operation would not have a significant impact on the highway network.

Whilst County Councillor Dawson has requested the application to be determined by the Committee at the bequest of his constituents, no details of their concerns or why they wish the application to be determined by the committee have been provided and no representations have been received. It is therefore not possible to understand the concerns of local residents or address them.

It is considered that given the proposed development would be an acceptable use of the site and it is unlikely that there would be any unacceptable impacts in view of the previous use. The development complies with the policies of the NPPF and the policies of the development plan.

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

Recommendation

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

Working Programme

1. The development shall be carried out, except where modified by the conditions of this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 29 January 2014.
 - b) Submitted Plans:

Location Plan - Barnes Street Garage, Accrington.

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 DM1 of the Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies - Part One.

Hours of Working

2. No car repairs/vehicle breaking/de-pollution operations shall take place outside the hours of:

0900 - 1700 Monday to Friday (excluding Public Holidays).

No car repairs/vehicle breaking/de-pollution operations shall take place on Saturday, Sundays or Public Holidays.

Reason: To safeguard the amenity of adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies - Part One and Policy Env7 of the Hyndburn Core Strategy.

Site Operations

3. All car repairs/vehicle breaking/de-pollution operations shall be undertaken within the building outlined in red on the Drawing entitled "Barnes Street Garage, Accrington"

Reason: To safeguard the amenity of 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 -Part One and Policy Env7 of the Hyndburn Core Strategy.

Notes

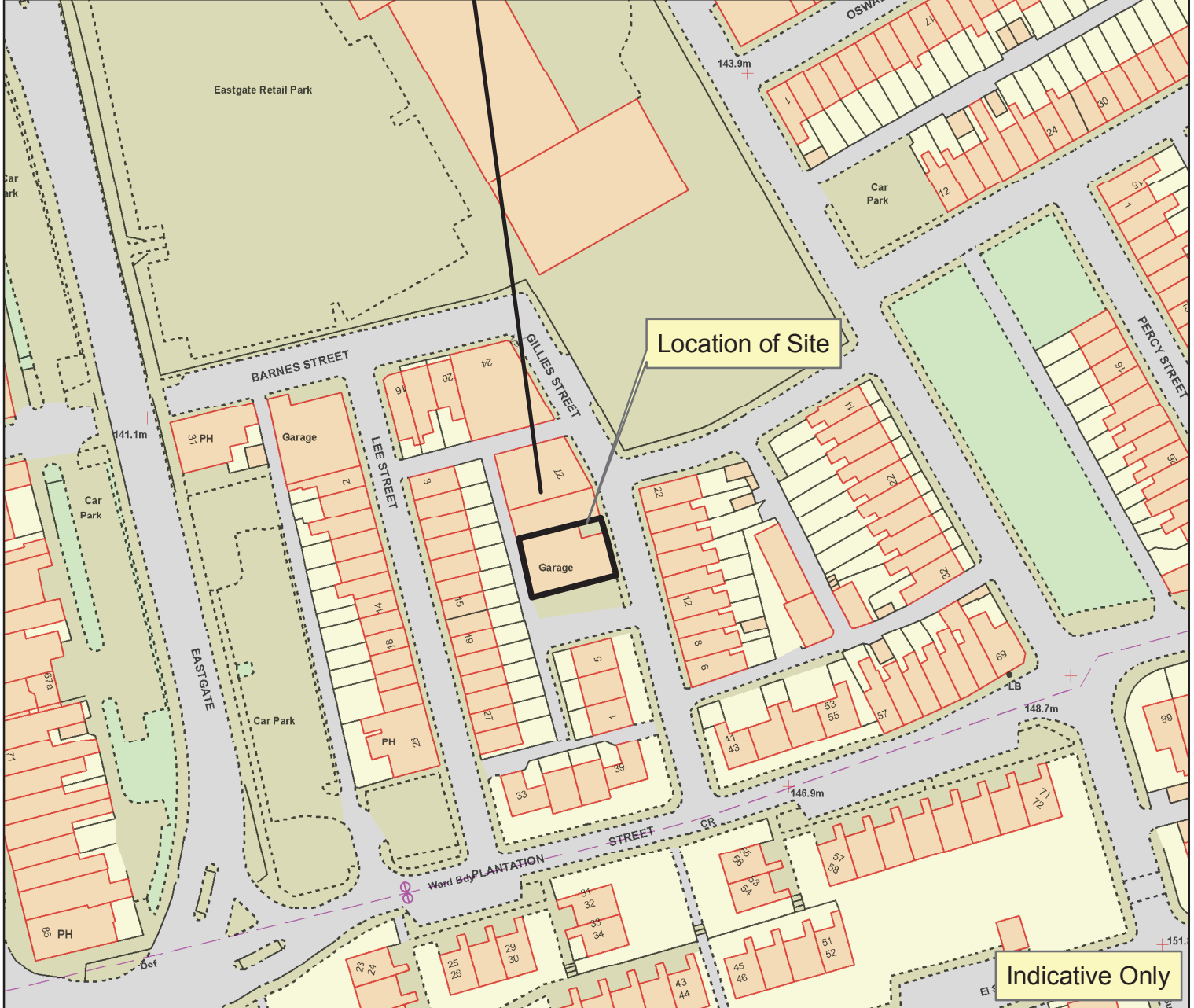
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/Directorate/Ext
LCC/2014/0018	March 2014	C Lewis/ENV/30490

Reason for Inclusion in Part II, if appropriate

N/A.



Indicative Only

APPLICATION LCC/2014/0018 RETROSPECTIVE CHANGE OF USE FROM GARAGE TO END OF LIFE VEHICLE AUTHORISED TREATMENT CENTRE AND CAR REPAIRS. GILLIES STREET GARAGE, GILLIES STREET, ACCRINGTON.

Development Control Committee
Meeting to be held on 9th April 2014

Electoral Division affected: High Cross
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Wyre Borough: Application number 02/13/0914
Change of use of land to a Waste Water Pumping Station, comprising of 1.8m high security fencing, control kiosk, pressure relief column, hard standings and access track with turning area. Vacant land north of no. 70 Normoss Road, Poulton-le-Fylde.

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

Executive Summary

Application - Change of use of land to a Waste Water Pumping Station, comprising of 1.8m high security fencing, control kiosk, pressure relief column, hard standings and access track with turning area. Vacant land north of 70 Normoss Road, Poulton-le-Fylde.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour of building materials, hours of working, landscaping, wheel cleaning facilities, contractor's compound details, landscaping, safeguarding of watercourses and drainage and site operations.

Applicant's Proposal

Planning permission is sought for the change of use of land to allow the construction of a new waste water pumping station (WWPS). The whole development would cover an area of approximately 770sq.m. and would consist of the WWPS and a site access road. Significant below ground works are also proposed in the form of an underground detention tank but these would be undertaken with the benefit of permitted development rights.

The WWPS would measure 27m x 20m and would include the construction of a control kiosk, pressure relief column, concrete hardstanding, the underground detention tank and part of the access road. The pumping station would be enclosed by 1.8m high Paladin security fencing.

The control kiosk would be constructed from glass reinforced plastic (GRP) and would measure 5.9m x 2.9m x 2.9m high. The pressure relief column would be constructed from GRP and would be 0.6m high with a diameter of 0.25m. The control kiosk, pressure relief column and fencing would all be powder coated coloured dark green. The underground detention tank would have a concrete cover.

The access road would be 30m in length by 4.5m wide with a tarmac surface at its junction with Benedict Drive and porous surfacing elsewhere.

The construction works would take approximately 1 year and would be carried out between 0730 to 1730, Mondays to Friday, and 0800 to 1630 hours on Saturdays, with no working on Saturdays and Bank Holidays. A contractor's compound consisting of office and welfare cabins, parking and equipment and materials storage areas would be located in the field on the north side of the proposed area of the WWPS throughout the construction phase of the development. The compound area would be accessed as per the development site.

Description and Location of Site

The application site is located off Normoss Road, 2 km south west of Poulton le Fylde. The site is in a field bound by post and wire fencing on the north and west sides, Benedict Drive on the east side and the boundary fence to the rear residential properties off 70 Normoss Road to the south. A field drain is located along the northern boundary of the field.

The site access would be off Benedict Drive which leads to Normoss Road to the south. The site is located within the Green Belt.

Background

There is no relevant planning history.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66, 79 – 81, 87 - 90 and 109 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design, protecting green belt land 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

Wyre Borough Local Plan

Policy SP3 Development within Green Belts
Policy SP14 Standards of Design and Amenity
Policy CIS1 Provision for Community Services

Consultations

Wyre Borough Council – No objection.
LCC Developer Support (Highways) – No objection.

Environment Agency – No objection.

Representations – The application has been advertised by site notice and press notice and neighbouring residents notified by letter. One objection has been received that the WWPS would reduce the area that water could soak away into the land and hence increase the risk of flooding from the land into surrounding properties. There is also concern as to the risk of foul flooding from the detention tank in the event of equipment or power failure. It is also suggested that the WWPS should be sited adjacent to the drainage ditch at the north-east end of the field which would also reduce the length of required access road.

Advice

Planning permission is sought for the provision a new waste water pumping station that would include below ground works in the form of a detention tank that would be permitted development.

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.

During heavy rainfall the existing sewer in Normoss Road becomes surcharged which results in foul flooding to several residential properties in the area. The hydraulic model shows that the sewers in the area are inadequate and numerous flooding incidents have been reported by the property owners. The improvements are required to be operational by 31 March 2015.

To provide the necessary improvements, UU are proposing to install a new short length of sewer, which will connect to a new below-ground wastewater storage tank, fitted with pumps and control equipment, which will store storm flows and return them to the existing sewer system at a controlled rate once the storm event has abated. The solution is designed to prevent flooding to the affected properties for storms up to and including a 1 in 30 year event.

The layout and hydraulic characteristics of the existing sewer network severely constrains the area in which a solution can be constructed. Two sites have been considered; one to the north of Normoss Road (which is the application site) and one in the field to the south of Normoss Road. On investigation, the site to the south was found to suffer from localised surface water flooding in heavy rain. Therefore the proposed site has been selected due it being the only available land in the affected area that is free of flooding issues and will also provide the hydraulic gradient to accommodate the design needed to alleviate the flooding problems.

The proposed WWPS would permit the operation and maintenance of a below-ground detention tank and its associated pipework and infrastructure. The control kiosk would house the electrics and controls for the associated below-ground detention tank. The pressure relief column would enable controlled release of

displaced air from the below-ground detention tank during storm-flows. The hardstanding is required around maintenance hatches, to facilitate the safe maintenance of the detention tank and pumping equipment. It is proposed that areas around access covers and the turning area of the 'hammer head' are to be surfaced with smooth concrete as they will be subject to high stresses from operational vehicles' power steering. Other areas would have an impermeable surface and water would be collected via drains, connected directly in to the below-ground detention tank.

The site is located within the Green Belt. Paragraphs 87-90 of the NPPF advise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Policy SP3 of the Wyre Borough Local Plan states that planning permission will not be granted for the erection of new buildings other than where they are required for agriculture or forestry, where they are essential facilities for outdoor sport and recreation, for limited extension of dwellings or the reuse of existing buildings for employment uses. The proposed development is not one of the types of development considered as appropriate for the Green Belt within policy SP3. The development is therefore inappropriate within the Green Belt and very special circumstances have to be demonstrated to permit the development in this location.

The applicant has an obligation under the legislation quoted above to provide effective facilities for the collection and transmission of waste water. Improved facilities therefore have to be provided somewhere in this location in order to address the sewer capacity problems in this area. The application site is the only location in the area where a technically feasible solution can be constructed. It is therefore considered that very special circumstances exist for the location of the development within the Green Belt.

The only part of the development above ground level would be the kiosk and vent pipe which would both be relatively small structures and would have very limited impact upon the openness of the Green Belt. The proposed colour of the equipment would be acceptable and the development as whole would be acceptable in terms of visual amenity. Conditions can be imposed relating to the colour of the control kiosk, pressure relief column and fencing.

The contractor's compound would be located in the field adjacent to the proposed area of the WWPS throughout the construction phase of the development. No details of the contractor's compound have been provided. Conditions are proposed to provide for the restoration of the area following completion of the construction phase of the development. Many of the aspects of the development including the construction of the below ground tank would be undertaken with the benefit of the applicant's permitted development rights. Some of these works have

the potential to cause harm to the amenities of the area and therefore the conditions relating to issues such as noise, dust, hours of operation and wheel cleaning have been worded so that the controls within the conditions would also apply to the permitted development works.

The concerns of the local resident are that the current proposed location of the pumping station may increase the risk of flooding from the site onto land forming part of adjacent properties and that there is a risk of foul flooding from the detention tank in the event of equipment or power failure. The resident also considers that an alternative site would be a better location. The applicant has advised that the alternative location is not possible as they do not own the land and the landowner will not allow them to construct the WWPS in the proposed amended location. In relation to the other issues, the tank would have sufficient capacity to hold storm water arisings and in the event of any power cut, there would be an ability to pump water within the tank into a road tanker. The water from the hard surfaced areas would drain into the underground tank so the development should not increase flooding on adjacent land. However, it is considered that a condition should be imposed requiring a detailed level plan of the hardstanding areas to be submitted to demonstrate that they will fall to a drainage system and not increase run off onto adjacent land.

Subject to conditions as recommended above, it is considered that development accords with the requirements of the NPPF, Policies NPPF 1 and DM2 of the LMWLP and Policies SP3, SP14 and CIS1 of the Wyre Borough Local 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. The development shall commence not later than 3 years from the date of this permission.

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

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 20th December 2013.
 - b) Submitted Plans and documents:

Drawing DG5117/8000303387/00/97/20001 Rev A -
Proposed Site Plan

Drawing DG5117/80030387/00/97/20002 Rev A -
Elevations

Drawing DG5117/80030387/00/97/20003 Rev A -
Miscellaneous details

- 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 DM2 of the Lancashire Minerals and Waste Development Framework - Site Allocation and Development Management Policies and policy SP14 of the Wyre Borough Local Plan.

Working Programme

3. The proposed kiosk building, pressure relief column and perimeter fencing shall be coloured dark green (BS colour code 4800 14 C 39) within one month of their construction on site 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 Policies DPD.

4. All plant, equipment and machinery used in connection with the construction, operation and maintenance of the site including those works to be carried out with the benefit of 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 construction phase of the development.

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 Policies DPD.

5. Measures shall be taken at all times during the construction of the development, including those works to be 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 Policies DPD.

6. No construction development, delivery or removal of materials, including those works to be carried out with the benefit of permitted development rights, shall take place outside the hours of:

07.30 to 18.00 hours Monday to Friday (except Public Holidays),
07.30 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials including those works to be carried out with the benefit of permitted development rights 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 : 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 Policies DPD.

Highway Matters

7. Measures shall be taken at all times during the construction phase of the development including those works 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 materials 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 Policies DPD.

8. No construction works including those works to be undertaken under permitted development rights shall be undertaken until the site access road from Benedict Drive has been constructed in the location shown and surfaced in accordance with the details shown on drawing no. DG5117/800030387/00/97/20001 Rev A.

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 Policies DPD.

9. No development including those works to be carried out with the benefit of permitted development rights shall commence until a plan has been submitted to and approved in writing by the County Planning Authority showing the levels of the proposed hardstanding and access road in relation to the levels of adjacent land in order to demonstrate that all water arising from the site will drain to collection facilities and will not result in flooding of adjacent land.

Thereafter the development shall be constructed in accordance with the approved plan.

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

10. All topsoils shall be stripped from the area of the proposed contractor's compound before any surfacing materials are spread over the area or the land used for the storage of any construction plant and materials. All such topsoils shall be retained on site and stored in bunds for use in the restoration of the contractor's compound.

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

11. Within six months of the completion of construction works including those works to be carried out with the benefit of permitted development rights, the site compound area shall be restored in accordance with the following:-
- a) All plant, buildings and construction materials shall be removed from the land.
 - b) All surfacing materials and protective membranes shall be removed from the site.
 - c) The site surface shall be ripped to relieve compaction and any surfacing materials or other materials injurious to the future agricultural use of the site shall be removed.
 - d) The stored topsoil materials shall then be respread over the entire surface of the site and then cultivated to provide a graded surface suitable for seeding.
 - e) The site shall then be seeded with a grass seed mix.

Following the completion of restoration works, the site shall be subject to aftercare works for a period of five years including control of weeds and works to repair any damage caused by surface water runoff.

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

Notes

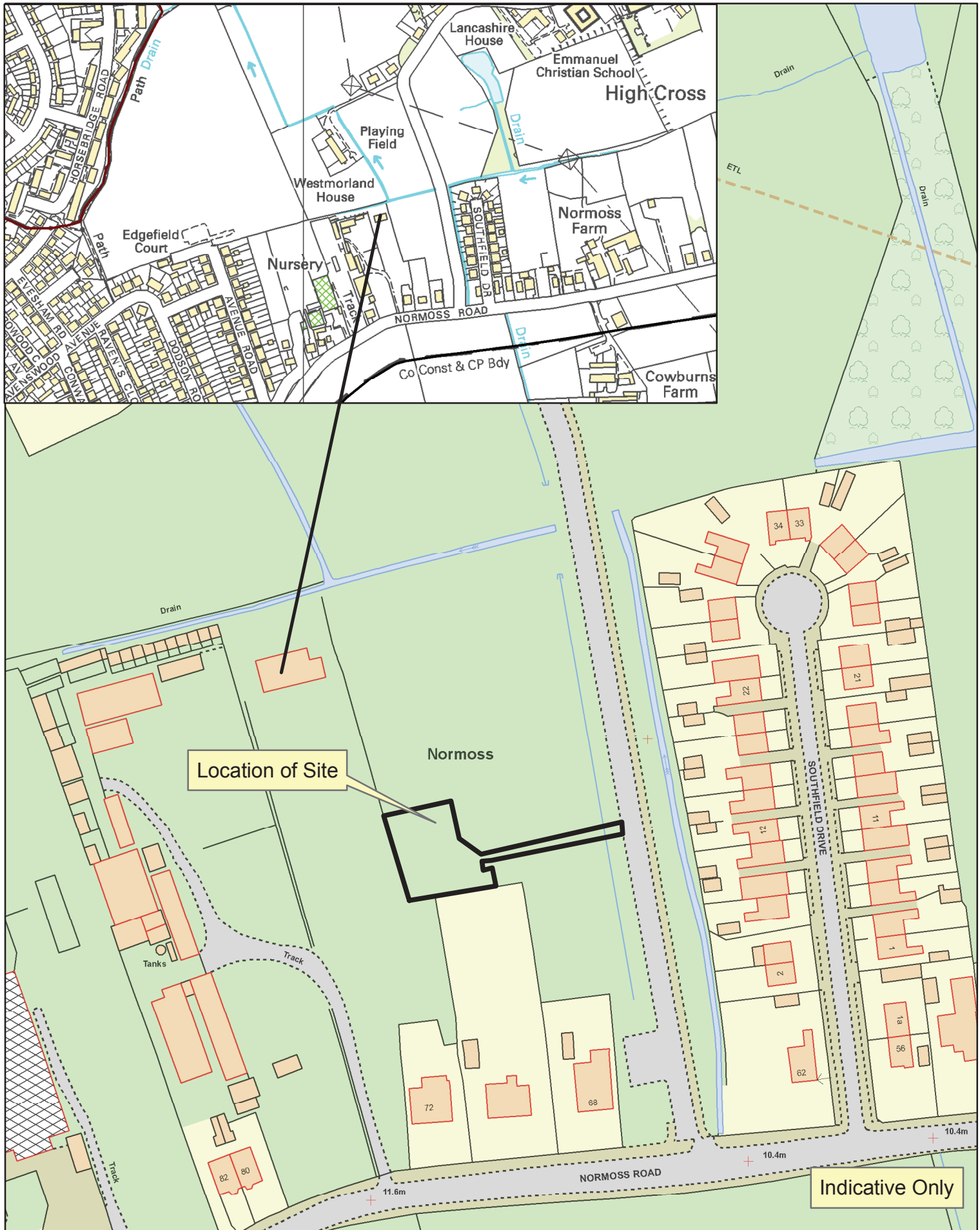
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
	2/13/0914,	Rob Jones/534128/Environment

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



APPLICATION 02/13/0914 CONSTRUCTION OF A WASTE WATER PUMPING STATION, COMPRISING OF 2.2M HIGH SECURITY FENCING, CONTROL KIOSK ON A RAISED CONCRETE PLINTH, PRESSURE RELIEF COLUMN, HARD STANDING AND ACCESS TRACK WITH TURNING AREA. VACANT LAND NORTH OF NORMOSS ROAD, POULTON LE FYLDE.

Agenda Item 6

Development Control Committee
Meeting to be held on 9th April 2014

Electoral Division affected: Fleetwood East
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Wyre Borough: Application number 02/13/0915
Erection of a 78 metre high wind turbine, control kiosk and hardstanding and amendments to existing internal site access road and line of fencing.
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 a 78m high wind turbine, control kiosk and hardstanding and amendments to existing internal site access road and line of fencing. Fleetwood Waste Water Treatment Works (WWTW), Jameson Road, Fleetwood.

Recommendation – Summary

That subject to the applicant first entering into a section 106 agreement relating to the investigation and mitigation of any TV interference that may be caused by the turbine, planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, highway matters, landscaping, safeguarding of watercourses and drainage, noise and dust.

Applicant's Proposal

Planning permission is sought for the erection of a wind turbine consisting of a 50m high tower to the hub with three blades each with a length of 28m. The overall vertical height would be 78m from the base of the tower to the tip of the blade at its highest point. The turbine tower would be cylindrical and constructed from steel with carbon fibre blades. The colour of the tower and blades would be a non-reflective matt white/grey. The turbine would have a generating capacity of 500kw (0.5MW) producing between 1,095MWh and 1,971MWh of electricity per annum. The wind turbine would have an operational lifespan of 25 years. Underground cabling would connect the turbine to the existing on-site transformer.

A control kiosk measuring 2.9m x 2.6m x 2.6m high would house the electrical equipment required for the operation of the turbine. The colour of the kiosk has not been provided.

A permanent laydown and crane hardstanding area with a stone surface measuring 35m x 21m would be to the side of the turbine to enable construction, maintenance and eventual decommissioning.

The existing main access entrance to the WWTW from Jameson Road would be marginally widened on one side and three sections of the internal tarmac site access road would be widened to ensure that heavy goods vehicles and turbine delivery vehicles could access the proposed turbine location. A part of the internal access road adjacent to the existing northern boundary would be realigned to provide access to the turbine and hardstanding area.

The line of fencing along the northern boundary that encloses the internal site access road and plant and equipment would be moved 25m to the north to enclose the wind turbine, hardstanding and realigned internal site road.

Description and Location of Site

The proposed turbine would be located at Fleetwood Waste Water Treatment Works which is located approximately 2 km south east of Fleetwood town centre. The site is accessed from Jameson Road, a minor road linking to 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. The wind turbine would be located in the north-east corner of the site approximately 50m from both Jameson Road and the northern boundary of the site. The control kiosk and permanent hardstanding area would be located at the base of the turbine.

Immediately to the north of the existing treatment works is a waste transfer station beyond which is the Fleetwood Marsh Nature Park and residential houses approximately 620m away. To the east beyond Jameson Road is Jameson Road Landfill site. To the south are areas of settlement lagoons forming part of a former chemical works and Cala Gran Caravan Park approximately 850m away. The western boundary of the site is a disused railway line which is designated as Fleetwood Marsh Industrial Lands Biological Heritage Site that also extends to include the Fleetwood Marsh Nature Park. An area of undeveloped land is located between the western boundary of the site and the A585. Beyond the A585 are industrial and residential areas approximately 650m away on the edge of Fleetwood. Broadwater Caravan Park is on the south west side of the boundary of the WWTW approximately 600m away.

The Morecambe Bay Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) are approximately 640m to the east. The Wyre Estuary Coastal Path is along the western and northern boundaries of the WWTW.

Background

Fleetwood WWTW was constructed in the mid 1990's to treat waste water arising from the urban areas of Wyre and Blackpool.

A number of planning permissions have been granted at this site for waste water treatment infrastructure.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 - 66, 93 - 98, 109, 111, 117 – 119, 120, 121 and 123 are relevant with regard to the requirement for sustainable development, core planning principles, good design, meeting the challenge of climate change, and conserving and enhancing the natural environment

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity

Policy CIS1 Provision for Community Services

Wyre Borough Council Fleetwood / Thornton Area Action Plan

Policy 1 Environmental Quality and protection

Policy 2 Housing provision and choice

Policy 3 Industry and Business

Consultations

Wyre Borough Council – Object as the potential impacts on land allocations under the Fleetwood-Thornton Area Action Plan (AAP) and on existing planning permissions have not been addressed. The potential impacts are from noise, shadow flicker and safety impacts in the event of structural or mechanical failure of the turbine or de-icing. Without comprehensive assessment on these allocations and existing permissions there are concerns that the amenity of the site allocations of the AAP and existing permissions would be prejudiced by the wind turbine. This would be contrary to the NPPF, Policy SP14 of the Wyre Borough Local Plan and the adopted Fleetwood-Thornton Action Plan.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No objection subject to the imposition of a condition requiring a Traffic Management Plan to be submitted and approved in writing. The Plan should include operational arrangements for the management of heavy goods vehicles and abnormal loads to and from the site, together with details of the temporary works required to the existing highway infrastructure to accommodate deliveries to the site and their removal on completion.

Environment Agency – No objection subject to a condition to require that a pre-development site investigation be undertaken and that there be containment of excavated contaminated materials, with precautions to prevent migration of potentially contaminated run-off to surface waters & drains.

Natural England – The application site is within close proximity to Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) and the Wyre and Lune Estuary Sites of Special Scientific Interest (SSSIs). The proposal has the potential to affect the interest features of the European designated site and

hence a Habitats Regulations Screening Assessment should be undertaken to determine if the wind turbine would give rise to a significant effect on the qualifying interest features of the European designated site as defined in the Habitats Regulations 2010.

Ministry of Defence Lands (Safeguardings) - No observations received.

Civil Aviation Authority – No observations received.

Blackpool Airport – No objection.

The Joint Radio Company Limited – No potential problems are foreseen with interference to radio systems.

OFCOM – No objection.

Representations – The application has been advertised by site notice and press notice and neighbouring caravan parks have been notified by letter. Two representations have been received raising the following issues:

- The applicant claims that there will be no impacts when the reality is often different.
- The turbine may affect the resident and migratory wildlife including bats and birds frequenting the Fleetwood Marsh Nature Park.
- There may be impacts from noise and radio and telecommunications interference to residents in the area and particularly from shadow flicker to those living on the Harbour development to the north and on Radcliffe Road to the west.
- Local residents still occasionally suffer from odour problems from the WWTW. The turbine may add to the problem by dispersing the odours to the surrounding area.
- The height of the turbine would create a significant visual impact, particularly from the Harbour development.
- The application may encourage many more similar applications that are too close to residential areas.

Advice

Planning permission is sought for the erection of a wind turbine consisting of a 50m high tower to the hub and three blades each with a length of 28m to be sited on the north-east corner of Fleetwood WWTW.

Fleetwood WWTW treats waste water arising from the urban areas of Wyre and Blackpool. It has been extended substantially since it was first constructed in the 1990's in order to handle the increased volumes of water from increases in population and to ensure compliance with stricter controls on discharges from the works. The equipment used to power pumps and other treatment infrastructure is electrical. The electricity consumption of the site per year is around 23GW and the site is therefore a major consumer of electricity. The applicant estimates that the turbine would have a generating capacity of 500kw (0.5MW) producing between 1,095MWh and 1,971MWh of electricity per annum, based on estimated capacity factors of 25% and 45%. The turbine would provide approximately 7.5 % of the

annual energy consumption of the treatment works and would therefore reduce the reliance of the site on conventionally generated electricity. Using standard emission reduction calculations, the applicant estimates that that the turbine would result in CO² emission reductions of between approximately 471 tonnes and 848 tonnes per year. Based on an estimated lifespan of 25 years, it can be estimated that the turbine could offset between 11,775 tonnes and 21,200 tonnes of CO² emission over its lifetime.

Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

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 policies of the Development Plan that are relevant to this application are contained in the Wyre Borough Local Plan and the Fleetwood / Thornton Area Action Plan.

The NPPF advises that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable. The proposed turbine would reduce reliance on electricity generated by conventional means using fossil fuels and would therefore reduce the green house gas emissions associated with such generation. The proposal is therefore considered to accord in principle with the policies in the NPPF relating to renewable energy.

The main policies dealing with development in this area are contained in the Wyre Borough Fleetwood / Thornton Area Action Plan. Policy 1 of the AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality environment, that designated sites of nature conservation interest should be protected, development should contribute towards habitat connectivity and respect the open character of coastal marshes. There are also requirements that development should respect archaeological settings, should not increase flood risk, should mitigate against carbon emissions and contribute towards renewable energy and should be of a high design quality. Policy 2 of the AAP allocates a number of sites around the Fleetwood Docks area for housing land and policy 3 of the AAP

allocates a number of areas of the land including between the WWTW and the A585 for business and industrial uses.

Some policies of the Wyre Borough Local Plan have also been saved including Policy SP14 of the Wyre Borough Local Plan which seeks to achieve high standards of design and amenity for all types of development. Policy CIS1 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, or the provision of a new service or undertaking.

The main issues to consider when assessing the environmental implications of the proposed wind turbine are the visual impacts upon the immediate and surrounding landscape, surrounding land uses, the impacts on ecology, the effect of electromagnetic disturbance on telecommunications, shadow/light flicker, noise, traffic impacts, aviation and ground and surface waters.

Visual and landscape implications

The wind turbine would be located in the north-east corner of the WWTW. The applicant has submitted information to allow an assessment of the visual impacts of the development to be made including plans showing the locations from where the turbine would be visible, information on other wind turbine developments showing inter visibility and photomontages showing the likely visual impact from particular locations.

The turbine would be located on the eastern edge of Fleetwood and would not be located within any area covered by special landscape designations. The main views of the turbine would be from Fleetwood itself. The nearest residential properties are located approximately 620m to the north at the residential Harbour development, 650m to the west beyond the A585 and to the south-west at Broadwater Caravan Park approximately 600m away. As the application is for a single turbine, the horizontal field of view occupied by the development would be relatively small. Whilst it is considered that no properties would experience an overbearing visual impact as a consequence of the wind turbine, it is accepted that there would be a significant change in view from many of these properties and the surrounding roads. It is considered, however, that the separation distance between the nearest residential properties would substantially reduce the scale of the structure when viewed from them. From the streets within the main urban area of Fleetwood, the turbine would not always be visible as views are sometimes obscured by existing buildings.

The turbine would be very prominent in views from the footpath and bridleway around the west and north boundaries of the site, from the Fleetwood Marsh Nature Park and Jameson Road. Views from the rural area to the east beyond the Wyre Estuary would be partially screened by Jameson Road landfill site and, when combined with the separation distance of a minimum of 2km, the impact from these locations is considered to be small. The turbine would have some impact on the open nature of the coastal marshes which fringe the River Wyre but in some of these views the lower part of the turbine would be obscured by the higher land of the adjacent landfill site. To some extent the area of visual impact is limited by the location of the turbine on the Fleetwood peninsula as many of the points from where

the turbine would be visible are located out to sea. The visual impacts of the turbine are therefore perhaps more limited than would be the case with an inland location.

In conclusion, it is considered that the proposed wind turbine, due to its scale would inevitably result in some visual impacts, particularly when seen from the nearest residential properties on the edge of Fleetwood and surrounding roads and from adjacent rights of way network. Whilst the proposed wind turbine would have visual impacts particularly in the area immediately surrounding the turbine, the significance of such impacts does depend upon on an individual's perception of the acceptability of wind energy development in landscape terms. Whilst it is accepted that the visual impacts from some locations would be significant, such impacts will need to be weighed in the balance against the other impacts and benefits resulting from the development.

In terms of visual appearance, the proposed turbine tower would be cylindrical and constructed of steel. The blades would be constructed of carbon fibre. The colour of the tower and blades would be a non-reflective matt white/grey although the exact colour has not been provided. The colour of the turbine and kiosk could be the subject of a condition. It is considered that the proposed colours and materials to be used would be acceptable.

Impacts on Surrounding Land Uses

The operation of a wind turbine has the potential to generate shadow flicker. Shadow flicker is a phenomenon that occurs under certain combinations of geographical position, wind direction and time of day, when the sun may pass behind the turbine rotors, resulting in a flickering effect. When this phenomenon is observed through a window in a property, the shadow flickers can be a cause of annoyance to residents, affecting their residential amenity. A Shadow Flicker Assessment submitted with the application has calculated the areas that could be affected by shadow flicker given certain combinations of the required sunshine and wind direction conditions. Modelling has been carried out at a number of existing buildings within the area of likely impact. The maximum theoretical duration that any of the existing industrial buildings could experience shadow flicker would not exceed 96 minutes per day which in the worse case would exist for around 3 months in any year. However, such a scenario would require a certain combination of sunshine and wind direction which would be unlikely to occur over a long period of time. The area of likely effect does include some areas of currently disused land that would be developed should the industrial and housing land allocations in the Area Action Plan be taken up. However, impact at these locations would require the same combination of factors and which is unlikely to occur over a prolonged period. It is therefore considered that shadow flicker would not affect existing industrial premises or proposed industrial or residential properties to an unacceptable level.

The wind turbine would generate noise, although the noise climate of the area is dominated by traffic on the nearby A585 and general noise associated with an urban area. The nearest properties are located approximately 600m to the south-west at the Broadwater Caravan Park. Such a distance between residential properties and a wind turbine would usually be considered sufficient to ensure there would not be any noise disturbance. A noise assessment has been submitted with the application to

assess the likely noise impacts of the development on four surrounding residential locations. The assessment advises that the predicted noise levels at all four locations during the day and night would be less than 35dB(A). This is less than the noise standards as referred to in the NPPF that are 55dB(A) during the day and 42dB(A) at night. Should any reasonable noise complaint be made during the operation of the turbine then the problem could be addressed by a condition requiring noise levels from the turbine not to exceed 5dB(A) above background noise levels at the nearest properties. If such noise levels cannot be complied with due to particular climatic conditions, the turbine could be temporarily shut down. It is considered that the imposition of such a condition would enable the development to be acceptable in terms of noise impacts.

One representation has expressed concern that the turbine would exacerbate existing odour problems from the treatment works. There have been odour issues at the site and significant works have recently been undertaken to provide improved attenuation of odour impacts. However, it is considered that the turbine would not create air turbulence that would increase the migration of odour from the treatment works into the Fleetwood area.

Wyre Borough Council has objected to the potential impacts of the turbine on the land allocations contained in the Fleetwood-Thornton Area Action Plan (AAP) and because impacts on existing planning permissions on nearby sites have not been addressed.

The nearest land allocations in the Fleetwood-Thornton Area Action Plan (AAP) relate to the undeveloped area of land immediately to the west of the site boundary which is allocated as an employment area within Policy 3 of AAP. Land on the south side of the existing docks to the north of the application site is also allocated for housing under Policy 3 of the AAP. Any employment uses would be industrial in nature and are therefore not considered to be particularly sensitive to the impacts that might be associated with a turbine in the proposed location and it is not considered that the impacts of the turbine would affect the ability to attract investment into such an employment location. The visual and noise impacts on the Harbour residential development has been assessed by the applicant and addressed above.

Nature Conservation interests

The development would not directly affect any site with statutory ecological designations although the Morecambe Bay SPA and candidate SAC is approximately 640m to the east. The SPA is a European designated site due to its ornithological interests and the turbine may have some implications for bird flight paths, bird strikes, disturbance and feeding patterns. Given the close proximity of the application site to the SPA, Natural England considers the proposal has the potential to affect the interest features of the European designated site. The County Council, as the competent authority who are determining the planning application, has undertaken a Habitats Regulations Screening Assessment which concludes that the wind turbine would not give rise to a significant effect on the qualifying interest features of the European designated site of the SPA and candidate SAC and would

therefore not give rise to a likely significant effect as defined in the Habitats Regulations 2010.

The Fleetwood Marsh Industrial Lands Biological Heritage Site along the western boundary of the site would not be directly affected by the turbine. There may be some botanical interests in the vegetation on the landscaped mound along the northern perimeter of the WWTW, that would be partially removed to accommodate the turbine, but the site has no designations for its plant life. A landscaping scheme should be submitted for approval and which can be the subject of a planning condition.

There are no features of nature conservation interest within the development footprint. Botanical, bat, Great Crested Newt, reptile and bird surveys have been submitted with the application and the assessment concludes there would not be any impacts on such species.

Electromagnetic disturbance on telecommunications and TV

The rotation of wind turbine blades has the capacity to interfere with telecommunications through electro-magnetic interference that would include interference to microwave links, radio and television reception. Ofcom (the independent regulator and competition authority for the UK communications industries) and the Joint Radio Company (JRC) have been consulted on this application. No objections were received and hence it is considered that no interference with regards to wireless communication links is expected as a result of the proposed turbine.

In certain circumstances the operation of wind turbines can also interfere with TV reception. To address this issue it is considered that any planning permission for the turbine should be subject to a section 106 agreement to ensure that the applicant has to investigate and if necessary remediate any interference to TV reception, should any substantiated complaints about such be made.

Traffic impacts

Traffic impacts of the development would be restricted to the construction period. Once constructed there would be negligible traffic associated with the development. Construction vehicles would access the site using the existing access and egress to Fleetwood WWTW from Jameson Road. They are expected to reach Jameson Road from Junction 3 of the M55 via the A585 and Fleetwood Road. Jameson Road would need to be widened at its junction with the entrance to Fleetwood WWTW to enable construction traffic to access the site. Existing internal roads within the site would be widened and new roads constructed to facilitate construction and permanent access to the turbine. A traffic and route assessment has been submitted with the application to detail the expected traffic types, numbers and access routes to the site.

The LCC Assistant Director (Highways) has not objected subject to the imposition of a condition that, prior to the commencement of development, a Traffic Management Plan be submitted and approved in writing. The Plan should include operational arrangements for the management of heavy goods vehicles and abnormal loads to

and from the site, together with details of the temporary works required to the existing highway infrastructure to accommodate deliveries to the site and their removal on completion. The development should not commence until the approved scheme has been implemented in accordance with the agreed scheme details. The plan shall be implemented and adhered to during the construction of the development. It is recommended that such a condition would be appropriate. Subject to this condition, it is considered that the development is acceptable on highway grounds.

Aviation

The wind turbine has the potential to affect aviation interests through either interference with radar or by presenting a physical obstacle to the path of an aircraft. Blackpool Airport has not objected subject to the applicant making arrangements to have the wind turbine position shown on Blackpool Airport's radar map. The applicant has already complied with this request. It is therefore considered that the development is acceptable in relation to risks to aviation.

Protection of ground and surface waters

The Environment Agency has not objected subject to a condition to require that a pre-development site investigation be undertaken and that there be containment of excavated contaminated materials, with precautions to prevent migration of potentially contaminated run-off to surface waters & drains. Subject to such conditions, it is considered that the development is acceptable in relation to the protection of ground and surface waters.

Other safety impacts

Other safety impacts are related to structural or mechanical failure of the turbine resulting in falling onto a public highway or ice being dislodged from the blades. The LCC Assistant Director is satisfied that the distance between the turbine and any highway is sufficient to ensure there would not be any safety problems.

Conclusions

The proposed wind turbine would produce electricity to allow an existing WWTW to reduce its reliance on electricity produced from fossil fuels. The development would therefore contribute towards meeting the UK's renewable energy targets and would comply with the policy in the NPPF relating to the contribution of renewable energy projects. Due to its height, the turbine would have some visual impacts, particularly at locations at the nearest residential properties and surrounding roads. The visual impacts of the turbine have to be weighed and balanced against other impacts and benefits of the development. In this case the visual impacts are considered to be outweighed by the presumption in favour of renewable energy development contained in the NPPF. The other impacts of the development in terms of surrounding land uses, the impacts on ecology, the effect of electromagnetic disturbance on telecommunications, shadow/light flicker, noise, traffic impacts, aviation and ground and surface waters are considered to be minor and can be addressed or mitigated to acceptable levels by planning conditions. Subject to such

conditions, the proposal accords with the NPPF and Policies SP14 and CIS1 of the Wyre Borough Local Plan and Policies 1, 2 and 3 of the Wyre Borough Fleetwood / Thornton Area Action 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 subject to the applicant first entering into a section 106 agreement relating to investigation and mitigation of any TV reception interference, planning permission be **granted** subject to the following planning 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 23 December 2013.
 - b) Submitted Plans and documents received by the County Planning Authority on 23 December 2013:
 - Drawing No. 7440C-04-N-O13 Rev. A - Figure 1.1 Site Location Plan
 - Drawing No. JU071-01-01 Rev A - Figure 1.2 Proposed Site Layout Showing Swept Path
 - Drawing No. JU071-01-02 Rev A - Figure 1.3 Proposed Development Layout
 - Drawing No. 7440C-04-N-O14 Rev. A - Figure 1.4 Typical Wind Turbine 50m Hub Height/ 56m Rotor Diameter Site
 - Drawing No. JU071-00-01 - Figure 1.5 Typical Road Cross Section (Stone/Tarmac)
 - Drawing No. JU071-00-02 - Figure 1.6 Typical Road Cross Section (Tarmac)

Drawing No. JU071-00-10 - Figure 1.7 Indicative Control Kiosk Enclosure Details

Drawing No. 7440C-04-N-O21 - Figure 1.8 Constraints 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 SP14 and CIS1 of the Wyre Borough Local Plan and Policies 1, 2 and 3 of the Wyre Borough Fleetwood / Thornton Area Action Plan.

Building Materials

3. No development shall take place until details of the finish and colour of the wind turbine and control kiosk have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Fleetwood / Thornton Area Action Plan.

Highway Matters

4. No part of the development hereby approved, including site preparation works and the delivery of the crane and turbine components, shall commence until a Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority.

The Plan should include operational arrangements for the management of heavy goods vehicles and abnormal loads to and from the site, together with details of the temporary works required to the existing highway infrastructure to accommodate deliveries to the site and their removal on completion. The plan shall be implemented and adhered to during the construction of the development.

Reason: To maintain the operation of the through routes in the area during construction and to ensure the safety of other highway users and to accord with Policy SP14 of the Wyre Borough Local Plan.

5. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious material from the site is deposited by vehicle wheels upon the public highway.

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 SP14 of the Wyre Borough Local Plan.

Landscaping

6. No development shall take place 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) details of the tree and shrub planting including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting including proposals to replace any existing tree and shrub planting damaged during the construction of the turbine.

b) details for the seeding of the areas of land around the base of the turbine that have been disturbed during its construction including mixes to be used and rates of application.

c) details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of grassland areas.

The approved landscaping works shall be undertaken in the first planting season following the construction of the development and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy SP14 of the Wyre Borough Local Plan.

Safeguarding of Watercourses and Drainage

7. No development shall commence until a scheme and programme of measures for dealing with ground contamination has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include provision for the following:-

a) pre development investigations to evaluate the likelihood of contaminated land being intercepted in the construction of the turbine foundations

b) proposals for dealing with any contaminated land or ground water that may be encountered in the construction of the turbine foundations.

The measures included in the approved scheme and programme shall be implemented at all times during the construction of the development.

Reason: In the interests of ground and water pollution and the local environment and to conform with Policy 1 of the Wyre Borough Fleetwood / Thornton Area Action Plan.

Control of Noise

8. 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 SP14 of the Wyre Borough Local Plan.

9. The noise from the wind turbine shall not exceed 5db(A) above background noise levels at any wind speed and at any time of the day or night when measured from any of the following locations at a point closest to the turbine:

- a) Windward Avenue
- b) Larkholme Avenue
- c) Broadwater Avenue
- d) Radcliffe Road
- e) Broadwater Caravan Park

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SP14 of the Wyre Borough Local Plan.

Dust

10. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy SP14 of the Wyre Borough Local Plan.

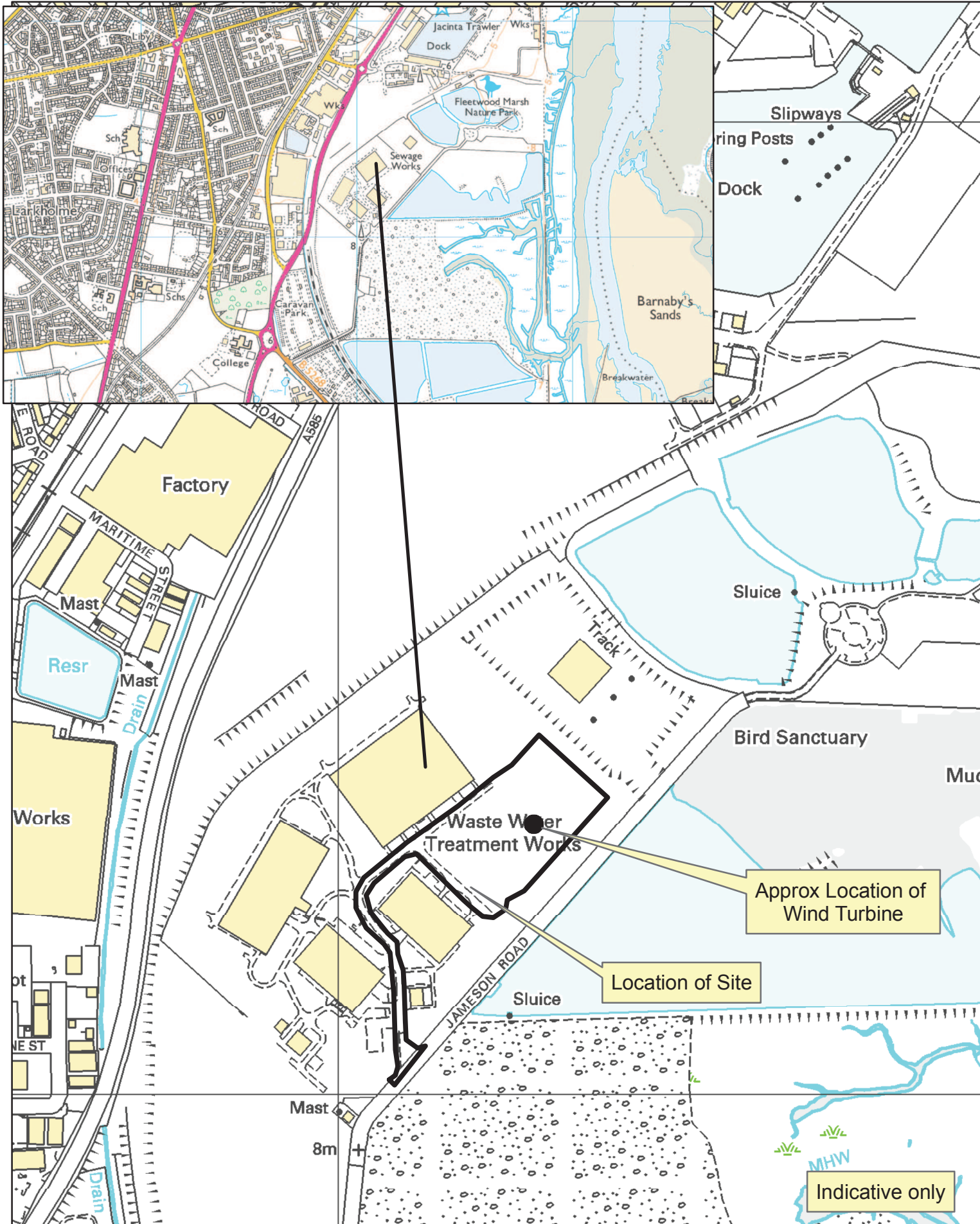
Notes

The components of the wind turbine and crane used for constructing the turbine may constitute an abnormal load and authorisation from the County Council may need to be acquired. The developer should therefore contact the County Council's Abnormal Loads Officer to make the necessary arrangements.

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

Paper	Date	Contact/Directorate/Ext
02/13/0915	23/12/2013	Rob Jones/Environment/34128

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



APPLICATION 02/13/0915 ERECTION OF A 78M HIGH WIND TURBINE, CONTROL KIOSK, IMPROVEMENTS TO THE EXISTING ACCESS ROAD AND RE-ALIGNMENT OF THE EXISTING FENCE. FLEETWOOD WASTE WATER TREATMENT WORKS, JAMESON ROAD, FLEETWOOD.

Development Control Committee

Meeting to be held on 9 April 2014

Electoral Division affected:
Burnley Rural

Burnley Borough: application number LCC/2014/0034

Erection of a modular building including a disabled access ramp, installation of play equipment and bin store on adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – Erection of a modular building including a disabled access ramp, installation of play equipment and bin store on adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley.

Recommendation – Summary

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

Applicant's Proposal

Planning permission is sought for the erection of a free standing modular building measuring 12.1m x 6.9m x 3.4m high. The building would be finished with horizontal timber cladding with a clear stain finish to the external elevations and a roof constructed of kingspan insulated profiled sheet to be in grey in colour. The building would have a disabled access ramp.

Planning permission is also sought for the following play equipment:

- New digging area measuring 4.7m x 4.7m x 0.45m in height.
- New bin store measuring 3m x 1.1m x 1.2m in height.
- Staging area measuring 3m radius with a maximum height 300mm.
- Sensory pathway and bridge.
- Storage unit to be constructed in timber to match the existing shed measuring 2.4m x 0.9m x 1.2m in height.

Description and Location of Site

Rockwood Nursery School is a Grade II Listed Building located some 2km south of Burnley Town Centre in an area known as Burnley Wood. To the north and south of

the site are residential properties; Todmorden Road forms the eastern boundary. There is a rectangular piece of land on the western boundary with housing further afield.

The application site falls within the curtilage of a Grade II listed building and is located within a Conservation Area.

Background

History

The property has been a children's nursery for a number of years. Burnley Council has advised that whilst they do not have any record of any planning permission for the use, local residents have advised that it has been a nursery since the 1950's.

Planning Policy

National Planning Policy Framework (NPPF)

- Section 1 Delivering sustainable development
- Section 8 Promoting healthy communities
- Section 12 Conserving and enhancing the historic environment

Burnley Local Plan

- GP1 Development within the Urban Boundary
- GP3 Design and Quality
- E10 Alterations, extensions, change of use and development affecting Listed Buildings
- E12 Development in, or Adjacent to, Conservation Area,
- E 16 Areas of Tradition Construction

Supplementary Planning Document Design Guidance for Burnley Wood May 2006

Consultations

Burnley Borough Council – No objection. The application would not adversely affect the setting of the Grade II Listed Building or the character of the Conservation Area. Some of the trees to the west of the site are the subject of Tree Preservation Orders but the development would not appear to affect them. The Environmental Health Officer confirms that no objection is raised on the grounds of noise nuisance.

LCC Developer Support (Highways) - No objection

English Heritage - No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three letters of representation have been received raising the following summarised issues:

Burnley Civic Trust

- The development is unsympathetic to the style and environs of a Grade II listed building. The design and materials are inappropriate for the site.
- The use is unsympathetic to a residential area particularly the increase in traffic.
- The Trust is concerned that there are errors in the application form concerning trees on the development site and that fuel oil contamination needs to be addressed.

Two letters of representation raise the following summarised issues:

- The proposed development is not in keeping with the Grade II Listed Building.
- There would be serious traffic issues due to the nursery being at the end of a cul de sac.
- The site is within the Burnley Wood Conservation Area and concerns are expressed about the steady erosion of the area and the impacts of Rockwood nursery in particular.
- The use of the site as a nursery already generates considerable noise which one resident has complained about and which is the subject of a complaint about Burnley Borough Council to the Local Government Ombudsman.
- The application form has been incorrectly filled in. The application site currently includes an oil storage tank. The previous tank leaked due to corrosion and the site is considered vulnerable to contamination. Trees are affected.
- The planning notice has not been properly placed as it is not visible to the general public and the notification sent to residents is not enough and one resident did not receive the letter.
- No objection to the proposed building but concerns are expressed about the safety for children, parents and residents parking and crossing the nearby roads.

Advice

Planning permission is sought for the construction of a free standing modular building to provide additional nursery places. Rockwood Nursery School offers nursery care for children from 2-5 years of age. It currently provides nursery places for 20 children within the 2 year old group. The school requires 20 additional spaces to increase the provision for the top 40% of most in need 2 year olds by September 2014. The main issues are the principle of the development, the impact on the residential amenities of the area and the impact of the proposals on the Grade II Listed Building within a Conservation Area.

The site is located within the urban boundary as identified on the Burnley Local Plan proposals map and conforms with Policy GP1 of the Burnley Local Plan which seeks to locate development within the urban boundary. The use of the property as a nursery has been established for a number of years.

The development is located within the grounds of a Grade II Listed Building. The main issue to consider is the effect of the proposed development upon the Listed Building and its setting and its location within the Conservation Area.

The emphasis within the NPPF is on sustainable development and it is made clear that historic buildings are a unique resource that should be conserved in a manner appropriate to their significance. The listed building description for Rockwood Nursery states that it was a villa, now school, and was built in 1830-48. It is constructed of sandstone ashlar with a slate roof. Within the street scene the property is an imposing detached building set in a large landscaped front garden fronting on to Todmorden Road. The wider street scene consists of properties of various styles and character.

The rear of the property is accessed from Kingsland Road is at the end of a cul de sac and is the main entrance to the nursery. The proposed modular unit would be located to the rear of the property in the corner of the southern and western boundaries. The western boundary of the site consists of a 2.3m high stone wall. Given the western boundary abuts an area of open space privately leased from Burnley Council, the proposed unit would not be visible from the street. A 3.2m high stone wall forms the southern boundary adjacent to a residential property. The modular building would consist of a shallow mono pitch roof with a maximum height of 3.4m and it is considered that this marginal height above the wall would not adversely affect the visual amenities of the adjacent property.

Rather than construct an extension to the property the standalone modular unit has been chosen and is proposed to be located in a position that would ensure minimal impact on the setting of the Grade II Listed Building. The proposed use of horizontal timber cladding to the elevations and insulated grey steel profile roof would provide a distinct form but one that is subservient to the main building. It would also be screened from outside the site by the presence of high stone walls. It is therefore considered that the proposed building and to which Burnley Borough Council has not objected, would not cause significant harm, or impact to the character, appearance and setting of the listed building or the overall character or appearance of the Conservation Area.

The play equipment would be located in the rear garden area of the listed building and would be small scale and in keeping with the nursery use. The proposed bin store would be constructed in timber and would secure and conceal the bins. It is considered that these elements of the proposal would not cause significant harm, or impact to the character, appearance and setting of the listed building or Conservation Area.

The applicant has advised that Rockwood Nursery School currently provides nursery care for 2-4 year olds. The nursery can take up to 60 three –four year olds and 20 two year olds at any morning/afternoon session. The construction of the new modular building would increase the capacity of the nursery site to provide for an additional 20 two year olds at any morning/afternoon session and increase the provision for the top 40% of most in need 2 year olds by September 2014.

To ease congestion on the site the nursery operates flexible drop off and pick up times for both age groups which extends over a period of 15 minutes at the beginning and ending of the sessions. The applicant has advised that at present approximately half of the pupils walk to the nursery and half arrive by car. The applicant has also advised that the new government funding which has triggered this application provides funded places for the most deprived areas, and for two year olds. From County analysis and experience these are most likely to be from areas such as Burnley Wood and most would likely walk to the nursery. Given the existing use of the site and the traffic associated with it, the flexibility in the arrival and departure times, and the likely proportion of users of the nursery being pedestrians, it is considered that there is unlikely to be an unacceptable rise in traffic associated with the proposed development sufficient to warrant refusal of the application.

With regard to the issues raised in the representations received:

- There are a number of trees within and adjacent to the grounds of the property. The proposed location of the building is currently used as part of a play area with a rubber crumb type finish within which an oil tank is located. The tank would be removed and the property would be serviced via gas.
- The proposed building would be sat on a concrete pad, would not be affected by any former contamination and would not require the felling of any trees.
- Two site notices were erected; one to the front gates of the property on Todmorden Road and one to the main pedestrian gate to the nursery entrance off Kingsland Road. Neighbouring properties were notified by letter and an advert was placed in the Burnley Express. The posting of the site notice on the main nursery gate was considered to be the most effective way of ensuring users of the nursery were also aware of the planning application. The statutory requirements in terms of publicity for planning applications have been met.
- It is acknowledged that the nursery entrance is at the end of a cul de sac. Inconsiderate parking or causing obstruction is a matter for the Police and not a land use planning issue. The applicant has advised that the police are regularly asked to visit the site and observe. The Police Community Officer has recently visited the site and reported that they had no concerns.
- With regards to concerns of noise nuisance it is acknowledged that the development would generate noise but it is at an existing nursery school with children under the age of five. The Environmental Health Department at Burnley Borough Council has raised no objection. It is considered that any increase in pupil numbers is not likely to generate any more noise than what is already experienced. It is therefore considered that the amenities of the adjacent residential properties would not be affected any more than existing.

Overall, the proposed development is considered to comply with the policies of the NPPF and the policies of the development plan and can be supported.

In view of the small scale nature 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 February 2014 as amended by the emails from Barry Wilson dated 19 March 2014
 - b) Submitted Plans and documents:

Drawing Number B2 D3 entitled 'Plans and elevations proposed'

Reason : To minimise the impact of the development on the amenities of the area and to conform with Policy GP1 of the Burnley Local Plan.

Notes

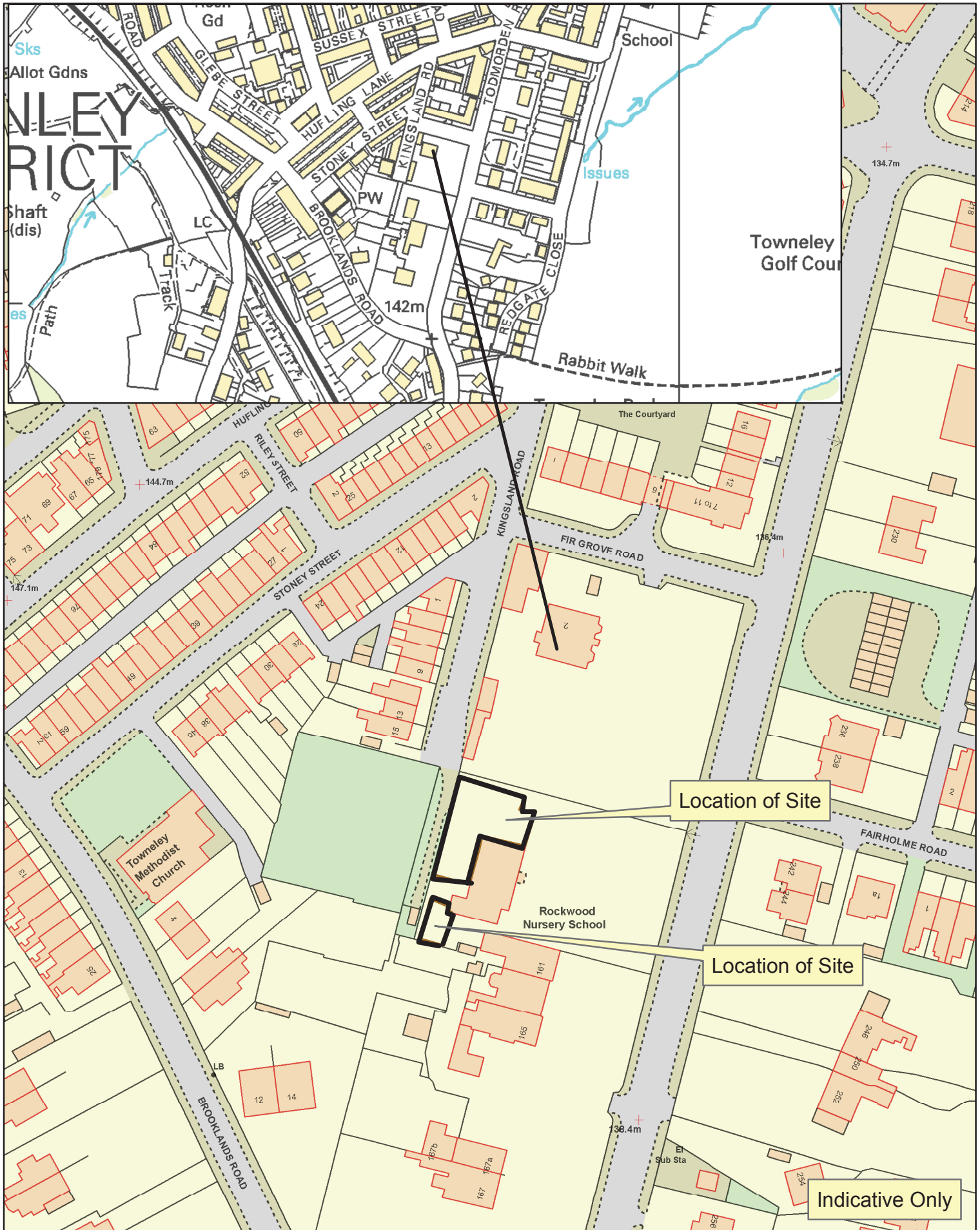
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the 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
LCC/2014/0034	17/02/2014	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0034 ERECTION OF A MODULAR BUILDING INCLUDING A DISABLED ACCESS RAMP, INSTALLATION OF PLAY EQUIPMENT AND BIN STORE ON ADJACENT PLAY AREA. ROCKWOOD NURSERY SCHOOL, KINGSLAND ROAD, BURNLEY

Development Control Committee
Meeting to be held on 09 April 2014

Electoral Division Affected: All

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

Contact for further information:
Susan Hurst 01772 534181, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

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

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 26 February 2014, the following planning applications have been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

Lancaster City

Application: No. LCC/2014/0001
Heysham High School, Limes Avenue, Heysham.
Relocation of 2.8m high pallisade fencing.

Application: No. LCC/2014/0002
Heysham High School, Limes Avenue, Heysham.
Single storey extension to rear of sports hall, to provide reception, office teaching accommodation and wheel chair access toilet

Application: No. LCC/2014/0005
Salt Ayre, Salt Ayre Lane, Lancaster.
Continuation of use of materials recycling facility without complying with conditions 4 and 8 of permission 01/08/1407 to allow materials other than glass and cans to be stored within the external bays and to allow the period for submitting the restoration scheme to be deferred until 31 December 2017.

Application: No. LCC/2014/0006

Salt Ayre, Salt Ayre Lane, Lancaster.

Continuation of use of materials recycling facility without complying with condition 4 of permission 01/08/1406 to allow materials other than glass and cans to be stored within the external bays

Application: No. LCC/2014/0022

Central Lancaster High School, Crag Road, Lancaster.

Erection of new single storey sports hall including lobby, external retaining wall and pedestrian pathways

Application: No. LCC/2014/0030

Our Lady Of Lourdes Primary School, Kellet Road, Carnforth

Creation of a 1.3m wide running track around the school grounds and playing fields including the creation of two landscaping mounds

Wyre

Application: No. LCC/2014/0024

Northfold CP School, Ringway, Thornton-Cleveleys

Erection of two canopies, one with roller shutter doors

Chorley

Application: No. LCC/2014/0019

6 Chorley Hall Road, Chorley

Conservatory to rear of premises

Application: No. LCC/2014/0029

Clayton Hall Landfill Site Dawson Lane Whittle Le Woods

Construction of ponds for relocation of protected species

Preston City

Application: No. LCC/2014/0012

Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston.

Detached 30 pupil classroom

Application: No. LCC/2014/0023

Ashton Primary School, Ainsdale Drive, Ashton, Preston.

Security fencing to three sides of playing field and a metal painted hoop top fence to improve child security

Burnley

Application: No. LCC/2014/0014

Hapton C of E Methodist, Machester Road, Hapton, Burnley

Creation of an enclosed canopy extension to reception/year 1 classroom.

Application: No. LCC/2014/0026

Rosegrove Nursery School, Havelock Street, Burnley

Single storey extension to provide additional classbase space and toilet facilities

Rossendale

Application: No. LCC/2014/0010

Constable Lee C of E Primary School, Hollin Lane, Rossendale.

Installation of a shelter in the playground

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

LCC/2014/0001 LCC/2014/0029
LCC/2014/0002 LCC/2014/0012
LCC/2014/0005 LCC/2014/0023
LCC/2014/0006 LCC/2014/0014
LCC/2014/0022 LCC/2014/0026
LCC/2014/0030 LCC/2014/0010
LCC/2014/0024
LCC/2014/0019

Contact/Directorate/Ext

Susan Hurst, Environment
Ext: 34181

Agenda Item 9

Development Control Committee

Meeting to be held on 9 April 2014

Electoral Division affected: Accrington North
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Hyndburn Borough: Application ref 11/13/0264

The extension of Whinney Hill quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities at Whinney Hill Quarry, Whinney Hill Road, Accrington

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – The extension of Whinney Hill quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities at Whinney Hill Quarry, Whinney Hill Road, Accrington. An Environmental Statement has been submitted which considers ground stability, hydrology, hydrogeology, traffic impact, noise and air quality, archaeology, ecology and landscape and visual impact.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, and subject to the applicant first entering into a Section 106 Agreement relating to contributions to highway maintenance, planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, restrictions to limit extraction to Old Lawrence rock, dust, blasting, soils and overburden, vehicular sheeting, protection of nesting birds, annual topographical survey, annual monitoring report, restoration and ground water monitoring.

Applicant's Proposal

Planning permission is sought for an extension (phases 2-4) to Whinney Hill, Quarry of approximately 7.5ha to extract 2.76 million tonnes of sandstone over a period of approximately 10 years at current rates of extraction. It is also proposed to import approximately 1.6 million tonnes of construction, demolition, and excavation waste for restoration purposes.

The permitted quarry / landfill site covers an area of approximately 61.1ha; the extension area would extend the site northwards over an area measuring approximately 410m x 200m. The maximum depth of working would be 123m AOD.

The applicant is currently working the site with the benefit of a planning permission granted in 2012 (ref 11/12/0012), referred to as phase one. The sandstone reserves within that area are nearly worked out. It is proposed to extend the quarry by continuing current extraction practices. This involves the creation of working stone benches with the won aggregate being processed on the floor of the quarry with a mobile crusher and stockpiled. Some of the rock would be suitable as block stone. The block stone reserve has been estimated as 56,000 tonnes and would be processed off site at saw sheds.

The applicant has advised that no more than 20 heavy goods vehicles (HGV's) associated with quarrying activities would leave the site in any one hour period between the hours of 07:00 to 17.30 hours Monday- Saturday with no working on Sundays or public holidays (40 movements per hour; up to 500 movements per day). Access would continue to be from Whinney Hill Road.

Following completion of the sandstone extraction, the residual void would be backfilled using previously removed and stockpiled overburden and imported inert waste materials to bring the site back to original ground levels. The applicant has advised that the site would be completed by 2042 to coincide with the approved restoration scheme for the main part of the Whinney Hill Site.

An Environmental Statement (ES) has been submitted as part of the planning application. The ES addresses impacts associated with geology, hydrology, hydrogeology, flood risk and stability, traffic impact, ecology, landscape and visual impact.

Description and Location of Site

Whinney Hill Quarry is an existing operational sandstone and brickshale quarry situated off Whinney Hill Road, 1.4 km north of Accrington and 500 metres east of Clayton le Moors. Part of the quarry void is being landfilled with household, commercial and industrial waste. There is an associated landfill gas electricity generating compound accommodating six landfill gas generators, a landfill waste water treatment plant and a household waste civic amenity site similarly accessed off Whinney Hill Road.

The quarry / landfill site is bounded by Whinney Hill Road and residential properties to the west, by a brickworks to the south, the M65 motorway to the north and open countryside to the east. The application site is a 7.5ha area of rough grassland located immediately to the north east of the existing quarry which is crossed by an overhead electricity power line. The southern and western sides of the application site are formed by the existing quarry faces beyond which is a flat quarry floor used for the applicant's stone processing operations beyond which are the areas of active landfill site and brickshale stockpiles. Substantial screening mounds are located between the application site and the M65 to the north.

The nearest residential properties are located some 700m to the east of the application site. There are also some properties located 330m to the south of the quarry access point onto Whinney Hill Road.

The site is located in the Green Belt.

Background

Planning permission for the extension of mineral workings, ancillary operations and restoration by inert landfill was granted in July 1995 (ref 11/94/520).

Planning permission for a revised scheme of land filling of the quarry (referred to as the Global Scheme) was granted on 11th January 2011 (ref 11/03/0017). The planning permission was subject to a legal agreement to provide staggered financial contributions for highway improvement works and for an extended aftercare period of 15 years, for advance landscaping around the south east corner of the site and for public access to the site following restoration.

Planning permission for the extension to the existing quarry to win and work stone for building and construction use and restoration of the site with imported inert fill and mining material was granted on April 2012 (ref 11/12/0012). This area comprised phase 1 of the current proposal.

Planning Policy

National Planning Policy Framework – (NPPF)

Paragraphs 6 – 16, 79 – 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, the protection of the Green Belt, conserving and enhancing the natural environment and the sustainable use of minerals.

National Planning Practice Guidance (NPPG)

Paragraph 10 - Economic considerations, feasibility of strategic approach to restoration

Paragraph 11 - Assessing environmental impacts from minerals extraction

Paragraph 80 - Aggregate landbanks

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

Policy CS1 Safeguarding Lancashire Mineral's Resources

Policy CS3 Meeting the demands for New Minerals

Policy CS7 Managing our Waste as a Resource

Policy CS8 Identifying Capacity for Managing our Waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) - Site Allocations and Development Management Policies.

Policy NPPF1- Presumption in Favour of Sustainable Development

Policy DM1 - Management of Waste and Extraction of Minerals

Policy DM2 - Development Management

Policy LF1 Non hazardous landfill
Policy M1 Managing mineral production
Policy M2 Safeguarding Minerals

Hyndburn Core Strategy

Policy E2 Protection, Modernisation and Development of Employment Sites
Policy A9 Whinney Hill Link Road
Policy HC4 Community Benefits/Planning Obligations
Policy Env 7 Environmental Amenity
Hyndburn Local Plan

E 10 Development Principles

Consultations

Hyndburn Borough Council – No objection but make the following comments:-

- A financial contribution of £2 million toward the cost of the Whinney Hill Link Road should be requested from the applicant. This figure is based upon the quantities of the minerals being extracted and of wastes being deposited.
- The development would involve the extraction of minerals in close proximity to the M65 and at a lower level than the motorway. LCC must be satisfied that the extraction of minerals in this location would not affect the integrity of the motorway.
- Appropriate controls should be in place to prevent nuisance arising from noise, odour, and vermin together with high quality wheel cleaning facilities.

Altham Parish Council - Express concern about the proximity of the aqueduct and the possible catastrophic consequences of this pipeline being damaged or fractured during the excavation work. They have requested assurances that all safety issues would be met as a priority, that the area in close proximity to the aqueduct is suitably fenced and signage to prevent accidents with HGV's is put in place.

LCC Assistant Director (Highways) : No objection in principle. The application represents an extension of the existing quarrying operation rather than an increase in scale. Existing conditions on operating hours and maximum hourly vehicle movements from the site would remain in place with no increase proposed. The site entrance is located within a 30 MPH area and visibility is considered adequate at this location. There is no accident history in the vicinity of the site involving HGVs. It is considered that the proposal will not have any greater daily impact on the highway network than under previously granted permissions. The extended operation of the quarry is likely to have a significant long term impact on the condition of the adopted highway in the vicinity of the site. It is recommended that as part of any agreement a contribution is sought from the developer to carry out appropriate maintenance of the access road to the quarry from the junction with Whalley Road and the junction with Bolton Avenue given the long term nature of the proposal and potential impact on highway maintenance.

Environment Agency (EA) - Initially objected to the proposed development as they considered that the developer had not adequately defined the hydro geological structure of the application area or provided an enclosing envelope of groundwater level monitoring in each aquifer layer likely to affect or be affected by the proposed development. There was also no detailed water management plan for the operational phase or a plan of proposed site drainage arrangements for the final restoration. The EA considered that the proposal may impact on the restoration plans for the Global Scheme and consideration should therefore be given to how this proposal would impact upon them. The applicant has submitted revised information which meets the EA's requirements and no objection is raised subject to the imposition of a condition controlling ground water monitoring.

Highways Agency- No objection. The development would not raise any highway safety or capacity issues and will only result in a continuation of existing traffic movements. However the extended period of operation is likely to have an impact on the condition of the highway in the vicinity of the site and therefore it is suggested that the County Council seeks a contribution from the developer for highway maintenance on the routes used by HGV's

United Utilities - No observations received.

Natural England – Initially advised that there is insufficient information in relation to great crested newts and that the survey submitted with this application is not up to date.

National Grid Gas and Electricity- A major accident hazard pipeline is in the vicinity known as Helmshore to Altham and it is essential that access to the pipeline is not restricted. The pipeline is laid in a legally negotiated easement to which certain conditions apply. It is the responsibility of the applicant to contact National Grid prior to any works commencing on site.

LCC Specialist Service - Ecology - The application is supported by an ecological assessment which does not provide sufficient information to establish the impacts upon biodiversity or inform the need for mitigation and compensation. The surveys that have been carried out for great crested newts are either too old or are incomplete. However, following the submission of further ecological information, a risk assessment has been undertaken according to Natural England guidelines and it is considered that impacts on great crested newts are highly unlikely. However, the development is of a long duration and therefore further surveys should be undertaken prior to the quarry entering phase 3.

LCC Specialist Service - Archaeology – no significant archaeological implications.

Representations – The application has been advertised by press and site notices. No representations from the local community have been received. Two letters have been received from SITA (operator of the land fill site) and Hanson (the land owner) that raise the following summarised points.

SITA

Access arrangements : Sita are in active discussions with Park Royal about their current and future extraction. Park Royal do not have any rights of access and occupation of SITA UK land. SITA has advised that it is hoped a mutually acceptable solution can be agreed.

Timing and availability of Inert waste : It is difficult to predict the future land fill input rates and the availability of inert waste to construct the bund. However, it is unlikely the bund would need to be in place before 2030 to allow landfilling to continue in accordance with the Global Scheme.

Restoration levels : The revised plans no longer appear to prejudice the landfill void permitted under the Global Scheme subject to timing and the engineered specification for support of the future landfill liner.

Water Management : Concern is expressed about the lack of detail provided by the applicant for surface water control. Although Park Royal have tabled with SITA their proposed water management measures, these do not appear to form part of the current application. A condition should be imposed controlling this aspect before extraction works commence on the site for Phases 2-4.

Hanson : Hanson support Park Royal's application for the removal of the Old Lawrence Rock as it would open access to the Accrington Mudstone underneath which will be vital to the long term future of the Brickworks.

Hanson regard access to the Mudstone as a priority over and above landfill operations – the Mudstone needs to be extracted out before any landfilling is undertaken. Therefore the removal of the old Lawrence Rock is important in protecting the employment of Park Royal's workforce and for the long term employment at the brickworks by ensuring that access to the Mudstone (subject to planning) is possible.

Advice

Director of Transport and Environment – Observations

Planning permission is sought for an extension to the current quarrying operations at Whinney Hill Quarry followed by restoration using overburden and imported inert waste materials. The applicant has advised that at current rates of extraction, the stone reserves would be worked out within approximately 10 years with the importation of materials for restoration until 2042 and which would reflect the permitted time period for the adjoining landfilling operations.

Planning permission for a small extension to the sandstone extraction area of Whinney Hill Quarry was granted in 2012 (phase 1). It is now proposed to extend the operations over phases 2 – 4 to work the remaining sandstone reserves within the Whinney Hill Quarry area. If the applicant cannot secure permission for the additional reserves, the extraction of sandstone would cease with the consequent loss of a blockstone and aggregate supply unit to the central and northern part of Lancashire and the loss of employment associated with the quarrying activities and supporting industry.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the sandstone that would be extracted against the potential impact of the development on the local environment including impacts on the public highway, the amenity of the residents who live near to the site and the impact of the proposal on the Green Belt. It is also necessary to assess the impact of the proposal on the approved 'Global' landfill scheme.

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Need for the minerals

Government policy is set out in the National Planning Policy Framework which seeks to ensure that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates to the construction industry. When determining planning applications, Paragraph 144 of the NPPF is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. The Government also publishes National and Regional Guidelines for Aggregates Provision in England to assist in the preparation of Local Development Documents.

Whinney Hill Quarry has historically been an important supplier of crushed gritstone materials into the local construction market and also supplies more limited quantities of block stone which can be sawn to produce materials for more specific higher quality end uses. Whilst the output of block stone from the site does meet an important market need including for conservation and architectural uses, the block stone production is subordinate to the crushed stone output and it is not considered that a need argument for the extension can be constructed in relation to the block stone production alone.

Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework (JLMWLP) is about meeting the demand for new minerals. Government guidance requires that mineral planning authorities should retain landbanks of crushed rock materials sufficient for at least 10 years production. The total permitted reserve of sandstone for aggregate production in Lancashire is currently estimated to be around 60 million tonnes equating to a landbank of around 35 years. The landbank of permitted reserves is therefore considerably above the levels required by Central Government guidance. For the purposes of policy CS3, there is therefore no need to release additional land for gritstone aggregate production before 2021. The policy in the Core Strategy is further developed in the Site Allocation and Development Management Policies DPD which having regard to the landbank position states, that no further permissions will be granted during the Plan period for new aggregate reserves.

However, government guidance as set out in NPPG makes it clear that an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply

market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site.

In particular, it should be noted that a large proportion of the permitted reserves of gritstone in Lancashire are contained in a single quarry site at Whitworth Quarry in Rossendale and which primarily serves the Greater Manchester market due to its location and access routes. The NPPF requires that planning authorities should plan for a steady and adequate supply of minerals to the construction industry by ensuring that large landbanks bound up in a very few sites do not stifle competition. The remaining sandstone reserves at Whinney Hill are very limited. Aggregate production at this site would cease should planning permission for an extension to the site not be forthcoming. The annual production of sand/gritstone aggregates in Lancashire has averaged around 1.7 million tonnes to which Whinney Hill has contributed up to 350,000 tonnes per year. The proposed extension to Whinney Hill Quarry would ensure the continuity of production at this site for a further 10 year period thereby ensuring the maintenance of market competition and the existing employment opportunities at the quarry and in supporting industries.

The crushed stone produced by Whinney Hill Quarry is not of any special quality and is used for sub bases, for hardstandings and other general fill uses. Such materials can be replaced by recycled materials which are generally more sustainable than primary aggregates. However, given the important contribution of Whinney Hill Quarry to the supply of such materials, it is considered unlikely that the existing aggregate recycling operations in the East Lancashire area would be able to increase production by that volume in order to replace the lost production should planning permission for the Whinney Hill Quarry extension not be forthcoming.

Policy CS1 of the JLMWDF provides for the safeguarding of Lancashire's mineral resources and states that extraction of minerals prior to other forms of development will be encouraged. The application site forms part of a block of land lying to the east of the existing quarry beyond which is a gas pipeline and the Haweswater aqueduct, a fresh water pipeline supplying water to Manchester. The scale of the water pipeline would make it difficult to divert, and therefore the pipeline defines the edge of the remaining potential stone and brickshale reserves at the quarry. The existing quarry void has planning permission for landfilling with biodegradable waste. However, if landfilling operations were to be undertaken in accordance with the approved scheme which relies on the use of existing quarry faces as a supporting boundary to the landfill cells, this would effectively prevent the working of the remaining minerals between the existing faces and the aqueduct. Therefore, working of the remaining sandstone reserves in this location and to the proposed depths prior to landfilling operations would prevent their sterilization and would ensure that all potential reserves at this site are fully utilised in accordance with policy CS1 of the JLMWDF.

In conclusion, whilst there is no need for these reserves for the purposes of Policy CS3, it is considered that the release of these remaining reserves could be justified in terms of maintaining competition in the supply of aggregates, to ensure a steady and adequate supply of minerals to the construction industry in central Lancashire and to ensure that potential reserves from an existing quarry are fully utilised and not sterilised by future landfill operations. The working of the remaining reserves would also maintain employment both within the applicant company and supporting

industry. The development is therefore considered acceptable in terms of the policies of the NPPF and Policy CS1 of the JLMWDF and Policy DM1 of the JLMWLP.

Impacts in relation to adjacent landfilling and shale extraction operations

The Whinney Hill site is a complex operation due to the landfilling, shale extraction and brick making activities and aggregate extraction all taking place in close proximity. There are also some complex land ownership issues which affect how the quarrying and landfilling operations are conducted.

The sandstone reserves the Accrington Mudstone which is worked as a feedstock to the adjacent brickworks, notwithstanding the brickworks is currently mothballed. Planning permission also exists across the majority of the existing Whinney Hill Quarry for the site to be backfilled with industrial, commercial and household waste (the 'Global Scheme'). This permission was granted in 2011 (ref 11/03/0017) and provides for a revised scheme of land filling including the consolidation of a number of previous planning permissions, the re-engineering of the site to reflect modern landfill standards, a revised final landform and the conversion of some areas of the site to biodegradable wastes that were previously permitted only for inert wastes. In total the permission provides for the disposal of 15.6 million m³ of biodegradable waste over a period until 2045. This void space is of strategic importance as Whinney Hill is the only site in Lancashire that has the capacity and capability to operate as a landfill site for these waste types over this period. In order to ensure that the site would be filled and restored in a progressive manner the permission includes a phasing plan that shows the order of filling and restoration at the site. Phases 9, 11, and 13 form the northern boundary of the Global Scheme and abut the land the subject of this application. Under the Global Scheme the landfill cells would be engineered so that they would abut against the existing quarry face with landfilling operations undertaken to meet with the top of the existing quarry face.

The proposed quarrying operation would remove the rock wall against which the landfill operations would take place. This would mean that the Global Scheme could not be implemented in accordance with the existing planning permission and would result in a significant loss of void space. Whinney Hill Quarry is designated as the single strategic site for long term landfill provision within Policy LF1 of the Site Allocations and Development Management Policies DPD. Given the position of Whinney Hill as the only long term landfill site in Lancashire, such a loss of void space could have impacts on the way waste could be disposed of in the future. The applicant acknowledges that this would be the case and has submitted revised plans to demonstrate how the ability to undertake landfilling operations under the Global Scheme permission would not be compromised. These provide for a revised phasing of the stone extraction so that a bund using inert waste or overburden could be constructed to enable the tipping of waste (as part of the approved Global Scheme) against an engineered slope. The landfill operator (SITA) has confirmed that in principle the revised plans no longer appear to prejudice the landfill void permitted under the Global Scheme subject to timing and the details associated with the specification of an engineered bund.

The land owners of the majority of the quarry (Hanson) have advised that they are in the process of recommissioning the brickworks at Accrington and have stated that

the removal of the sandstone would enable access to the underlying Accrington Mudstone. The current application does not provide for the extraction of the Accrington mudstone and the construction of the engineered bund would potentially sterilise the brick shale as it would then overlay the shale reserves. Whilst, the creation of the engineered bund would prevent the working of the underlying mudstone, the brick shale reserves cannot be worked without first removing the sandstone. It is therefore considered that this proposal does not prevent the sterilisation of the mudstone any more than is currently the case.

Sterilisation of minerals could only be prevented through a comprehensive planning application that encompasses the extraction of the sandstone, the Accrington Mudstone and then the restoration of the site by extending the Global Scheme into the proposed extension. However, that option, which requires the co operation of three different companies, is currently not the subject of this planning application and the applicant requests determination of this application so that the quarrying business can continue to operate.

It is considered that the applicant has demonstrated that the quarry excavation can be backfilled within a timescale and to a design that will ensure that the landfill operations within Whinney Hill Quarry can continue in accordance with their permitted design and therefore the proposed quarrying operation would not have an unacceptable impact on the function of the site as long term provision for landfilling of waste as supported by policy LF1 of the Site Allocations and Development Management Policies DPD.

Impact on the Highway network

The policies of the Development Plan in particular Policy DM2 of the Local Plan Document Site Allocation and Development Management Policies - Part One and Policy ENV7 of the Hyndburn Core Strategy seek to ensure that proposals for mineral developments do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

Whilst the site is a significant generator of traffic, HGV's from the quarry form only a relatively small proportion of total HGV traffic along the A680 Whalley Road which is also used by traffic from Whinney Hill landfill site, the brickworks (if reopened) and from other local industrial uses. The applicant has advised that the site would be restored through the importation of inert waste and through a phased approach. Once the stone is extracted an interim batter would be constructed to ensure that there would be minimal impact upon the Global Scheme. The fill required to complete the interim batter in 9 years would be approximately 700,000 tonnes equivalent to 78,000 tonnes per annum. Using a 19 tonne load tipper HGV this would equate to 15 loads / 280 tonnes per day. The applicant has advised that most of these loads could be on a return basis with the fill coming in on wagons that then take aggregate out. Given that this development would only involve the continuation of existing vehicle movements, it is considered that there are no objections in relation to highway safety or capacity and to which LCC Assistant Director (Highways) has raised no objection.

The access to the site from the west towards junction 7 of the M65 does involve using Whinney Hill Road and Whalley Road which are both urban roads with residential properties located close to the highway. HGV movements along these highways therefore have an impact on the amenity of local residents. In relation to Whinney Hill Quarry, there have previously been a number of issues relating to wheel cleaning which have resulted in mud and dust problems on local roads. Conditions requiring continued use of the wheel cleaning facilities are proposed. The current planning permission covering the use of the site access allows up to 200 HGV's to leave the site in any one day, this level being based upon a historical position within the old planning permissions. The recent production from the quarry has been significantly below this level and it is therefore considered that a condition should be imposed allowing a maximum of 200 HGV's per day to leave the site but with a weekly maximum figure of 600 HGV's. Such a weekly maximum would be more reflective of existing patterns of vehicle movements. With such conditions, it is considered that the development is acceptable in terms of Policy ENV 7 of the Hyndburn Local Plan and Policy DM2 of the Site Allocation and Development Management Policies - Part one.

Hyndburn Local Plan Core Strategy has a specific policy supporting the construction of the Whinney Hill Link Road which envisages the road being developed in two phases. Phase one would provide access to employment and housing sites at the former Huncoat Colliery, with developers expected to contribute to the costs of phase one of the road. The Plan envisages the second phase funded from a variety of sources including the waste and minerals industry.

It is acknowledged that the Link Road in its entirety would enable all the quarry and landfill HGV traffic from Whinney Hill to gain direct access to the A56 therefore avoiding the less suitable urban roads in the area. Hyndburn Borough Council has requested that the applicant makes a financial contribution of £2 million towards the Whinney Hill Link Road. However, the Community Infrastructure Regulations 2010 provide that financial contributions for local infrastructure through section 106 agreements can only be sought where they meet the tests set out in Regulation 122 of the 2010 Regulations. These tests include being necessary to make the development acceptable in planning terms, directly related to the development and being fairly and reasonably related to the scale and kind of the development. In this instance, it is considered that the request for monies to support the construction of the Whinney Hill Link road would not be fair or reasonable especially as the planning permission for the link road expires on 29th April 2014 and therefore a new planning permission and potentially compulsory purchase orders would need to be obtained before the link road construction could take place by which time the quarrying development, if approved, would be well advanced. The comments of Hyndburn BC with regard to the link road are therefore not supported.

A financial contribution of £120,000 towards improvements for the local highway network was secured from SITA under the Global Scheme. Although planning permission ref 11/12/0012 was granted for phase one of the sandstone extraction without requesting a financial contribution for highway improvements, it is considered that this application is of a more significant scale in that it provides for stone extraction for a further period of 10 years and the importation of waste materials for a further period until 2042. The quarrying activities would be prolonged by a

considerable period and therefore the impacts of HGV traffic through the nearby urban areas would be extended. To be consistent with the approach taken with the Global Scheme, it is considered appropriate that a financial contribution should be requested to support improvements and /or maintenance to the local highway network that would be needed due to the prolonged and increased use of the roads for mineral extraction and restoration by landfilling. The applicant has agreed to make a contribution towards highway works should planning permission be granted. The contribution is proposed to be in the form of a £10,000 commuted sum covering the period of mineral extraction and then a payment into an escrow account during the landfill operation based upon an amount per tonne. The exact details of the timing of payments and amounts per tonne would need to be the subject of a section 106 agreement. Subject to the signing of a section 106 agreement and conditions being imposed relating to the control of highway impacts including a limitation on vehicle numbers, it is considered that the development is acceptable in relation to highway issues.

Impact on local amenity

The NPPF (paragraph 144), and the JLMWLP framework recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust, vibration and visual intrusion.

The application site is remote from houses and the nearest residential properties are located some 700m to the east of the extraction area (Near Holker House). The site would be worked from west to east and the land to the west of the site has been identified for restoration as part of the Global Scheme. The site is screened to the north / northwest by the existing mounds and tree planting adjacent to the M65 and by the landfill operations to the west and south. It is therefore considered that subject to conditions controlling storage of soils and landscaping, the site is visually well contained and that the visual impacts would be acceptable.

The National Planning Practice Guidance that accompanies the NPPF sets out policy considerations in relation to the environmental effects of mineral extraction and establishes the principles to be followed in respect of reducing and controlling dust and noise. The greatest potential for dust and noise generation is the crushing and screening of aggregate. This would take place at the base of the quarry and given the distance to the nearest properties, would not have an impact upon residential amenity. The quarrying and stone processing operations have taken place in this general location for many years and have not given rise to complaint regarding noise or dust. Provided conditions are imposed regarding noise and dust controls, it is considered that the actual quarrying operations would be acceptable in relation to local amenity and comply with the NPPF, policy 2 of the JLMWLP, policy Env 7 of the Hyndburn Core Strategy and policy E10 of the Hyndburn Local Plan.

Landscape, Green Belt and restoration

The site falls within the Lancashire Plain and Valleys Natural Area, an intensively farmed area with arable, horticulture, and dairy farming. However, the application area consists of an area of rough grassland and overburden stockpiles next to the

existing landfill and quarry site and does not possess any of the distinctive features of this landscape character area.

The site is located within the Green Belt. However, Paragraph 90 of the NPPF provides that mineral extraction is not inappropriate development in the Green Belt, provided that the openness is preserved and there is no conflict with the purpose of including land within the Green Belt. The application site is directly adjacent to the existing Whinney Hill Quarry and landfill site and the extension, given its scale, would not unduly impact upon the openness of the Green Belt. The processing operations would take place within the existing quarry and provided that conditions are imposed in relation to noise and dust matters and site restoration, it is considered that high environmental standards would be maintained.

There is a bank of trees and mounding that would screen the development from the motorway and it is therefore considered that the proposal is acceptable in visual impact terms. In terms of the restoration, the applicant has advised that the site would be back filled with mineral overburden and imported construction waste, demolition and excavation materials. Given that the application site is directly adjacent to the area benefiting from a planning permission for biodegradable landfill, the construction of the interim bund will need to be undertaken in a manner that allows the lining of the landfill site to appropriate standards. The EA has not objected to the construction of the bunds as a means of providing a slope to landfill against but a condition should be imposed controlling the construction and phasing.

The proposed restoration scheme is considered acceptable but further details of the restoration techniques to be employed are required and could be addressed by planning condition. The proposal is therefore considered to comply with the NPPF, NPPG, Policy CS5 of the JLMWDF and Policy DM2 of the JLMWLP which seeks to achieve the appropriate restoration of mineral and waste sites.

Water Management

The water table lies within the brick shale reserves and initially the EA had concerns that the applicant had not adequately defined the hydro-geological structure of the extension area. To overcome the objections of the EA, the applicant provided additional information. On this basis the EA is satisfied with the application subject to a condition being imposed requiring the establishment of groundwater level monitoring boreholes to be drilled and for monitoring data to be submitted. SITA have also raised concerns that water from the quarrying operation should not be allowed to run off and collect within the landfill area. To address this issue, it is considered that a condition should be imposed requiring a scheme of surface water management to be submitted that would require surface water to be collected and treated within the application site where it would not prejudice the operation of the landfill site.

Protected species

The application is accompanied by an updated version of the ecological impact assessment that was submitted with the previous planning application for phase 1

(ref 11/12/0012). A number of points were raised by Natural England and the County Council's ecologist including that the survey information is out of date and did not comply with recognised survey methodologies particularly for Great Crested Newts which may use a series of settling ponds located with the nearby Hanson brickworks.

The applicant has provided further ecological information in respect of the likely impacts on protected species including GCN's. The applicant acknowledges that some of the surveys are now too old to be used and that only one survey was undertaken in 2011. However, the applicant considers that there are no known populations of GCN's within 2km of the development site and that the ponds in the near vicinity of the site are isolated from ponds in the wider area by major roads and other built development which reduces the potential for colonisation. Therefore given the relatively poor habitats offered by the application site and the other factors listed above, a rapid risk assessment informed by Natural England guidelines indicate that impacts on GCN's is highly unlikely. However, given the relatively long term nature of the development, it is possible that GCN's could populate the Hanson lagoons. It is therefore considered that any permission should be subject to a condition requiring further surveys to be undertaken prior to the commencement of development within phase 3 of the site.

In terms of other ecological interests, the application site is comprised of active quarry workings, coarse neutral grassland and extensive bare ground and re-vegetating bare ground. The report states that given the nature of the habitats within the site it is unlikely that any protected species will be found within the application site or adjacent area. The restoration of the site would provide opportunities for habitat enhancement to provide habitats of improved wildlife value to that currently found on the site. Subject to a condition being imposed to require a detailed restoration scheme, the development is considered acceptable in terms of ecology.

Other matters

With reference to the issue raised by Hyndburn Borough Council in relation to the stability of the northern boundary, adjacent to the M65, there would be minimum standoff of 30m within the application site before the quarry face. Most of the proposed working area would be considerably further from the M65 than previously quarried areas. The standoffs are similar to or exceed those employed previously at this site which have proved adequate to prevent stability issues to the motorway. Furthermore the Health and Safety Executive is responsible for enforcing the Quarries Regulations 1999. The regulations require the operator to ensure the safety of site operations and undertake a geotechnical assessment of quarry faces as necessary. For these reasons it is considered that the proposed quarry extension would not affect the stability of the M65.

Altham Parish Council have raised concerns about the proximity of the site to the Haweswater Aqueduct. The proposed quarry extension would be a minimum of 60 metres from the aqueduct with an existing gas main running closer to the quarry than the aqueduct. Whilst it is considered that there is sufficient standoff between the quarry and the aqueduct, the land adjacent to the aqueduct may be used for soil storage and it is important to ensure that soils are stored in way that would not

damage or result in difficulties for access to the pipeline. This matter can be addressed through a condition relating to the stripping and storage of soils.

Conclusion

The application is for an extension to the existing aggregates quarrying operations at Whinney Hill. It is accepted that the landbank for aggregates in Lancashire is at a level that would not normally support the further release of mineral reserves. However, the landbank is predominantly located in a part of the county that primarily serves Greater Manchester due to locational factors, access and the economic hauling distances to serve other parts of Lancashire. The extension to the quarry would safeguard existing employment at the site and would ensure the steady and adequate supply of aggregate materials to the construction industry and would preserve competition in the marketplace over a further period of 10 years. The working of the stone would also enable the recovery of minerals that would otherwise be sterilised if they were not worked in the near future due to the nature of the planning permission for the Global Scheme.

With regard to the Global Scheme, the revised scheme and construction of a bund would ensure that there would be no loss of capacity to the approved Global Scheme and would enable the quarrying operations to co-exist with the approved Global Scheme.

The area to be worked is not of significant landscape or ecological value. The proposed quarrying operations would be distant from residential properties and would be acceptable in relation to local amenity. The only significant impact of the development would be the continuation of existing traffic levels along Whinney Hill Road and Whalley Road. However, to mitigate against the impacts of the traffic on the local highway network in terms of the continued use of the roads and the need to maintain them, a financial contribution is requested.

In conclusion whilst there is some conflict with the policies of the Development Plan, in this instance the benefits of supporting continued extraction over a further 10 year period in terms of supply, maintaining employment and contributing to the socio/economics of the area and the absence of any significant environmental impacts or loss of amenity, it is considered that on balance there is sufficient justification to support the proposal subject to the applicant first entering into a legal agreement to deliver funding for highway maintenance and subject to conditions controlling operations and protecting the environment.

In view of the distance from the site to the nearest residential properties and the likely impacts of quarrying activities it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, and subject to the applicant first

entering into a Section 106 Agreement relating to contributions to highway maintenance, planning permission be **granted** subject to the following conditions:

Time Limits

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

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

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission in accordance with the following documents:
 - a) The Planning Application and Environmental Statement received by the County Planning Authority on 5th July 2013 as amended by the letters from C.Ballam dated 8 September 2013 and 3rd February 2014
 - b) Submitted Plans and documents:

Drawing Number 9973E/01C entitled 'Location Plan'

Drawing Number 9973E/09 entitled 'Revised Restoration Scheme showing Interim Batter

Drawing Number 9973E/07D entitled 'Revised Restoration Scheme'

Drawing Number 9973E/08A entitled 'Revised Restoration Scheme Cross Sections '
 - 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 CS1 of the Joint Lancashire Minerals Waste Development Framework, policy DM1 of the Joint Lancashire Minerals Waste Core Strategy Policy Env7 of the Hyndburn Core Strategy and Policy E 10 of the Hyndburn Local Plan.

3. A copy of this permission and all the documentation referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure that site operatives are aware of the planning conditions and to comply with Policy DM1 of the JLMWLP

4. The application site shall be worked in the sequence of phases shown on drawings 9973E/09 and 9973E/07D and shall be restored in accordance with the scheme and programme required by condition 25 below by not later than 1st April 2042.

Reason: To provide for the completion and progressive restoration of the site within the approved timescales in the interests of local amenities and to ensure the proper restoration of the site and to comply with Policy CS5 of the JLMWLP.

5. Within six months of the date of this planning permission a scheme and programme for the construction of the bund as shown on drawing numbers 9973E/09 and 9973E/07D shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:

- a) A time table for the construction of the interim and final bund.
- b) Details of the engineering of fill materials to construct the bund to ensure the landfilling operations at Whinney Hill Quarry can be implemented in accordance with the approved details under the provisions of planning permission 11/03/0017, including details of the methods of compaction to ensure the bund is capable of supporting the approved landfilling scheme.

The approved scheme and programme shall be implemented in full in accordance with the timetable approved under the provisions of a) above.

Reason: To provide for the completion and progressive restoration of the site within the approved timescales in the interests of local amenities and to ensure the proper restoration of the site and to comply with Policy CS5 of the JLMWLP.

6. Within two months of the date of this planning permission, a scheme and programme for the storage of stripped topsoils, subsoils and overburden shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:-

- a) the locations to be used for the storage of topsoil, subsoil and overburden.
- b) details of the dimensions and heights of mounds and grading of mounds
- c) details of seeding and other works to ensure establishment of a full grass sward over the duration of storage.
- d) details of the standoffs between the soil storage areas and the Haweswater Aqueduct

The soils shall thereafter be stored in accordance with the approved scheme and programme.

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

7. No crushing and screening of stone shall be undertaken other than on the base of the existing quarry covered by planning permission 11/94/0520.

Reason : In the interests of local amenity and to conform with policy DM1 of the JLMWLP

8. A topographical survey shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the restoration period referred in the conditions to this permission. The survey shall have been carried out within two months preceeding the date of the anniversary of this permission and shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where mining operations have taken place/materials have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to conform with policies DM1 and DM2 of the JLMWLP

9. The provisions of Part 19 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 or any amendment , replacement, or 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 amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM1 and DM2 of the JLMWLP, Policy Env 7 of the Hyndburn Core Strategy and Policy E 10 of the Hyndburn Local Plan.

10. This planning permission shall only permit extraction of the Old Lawrence Rock and shall not permit any extraction of Accrington Mudstone.

Reason: To safeguard local watercourses and drains and avoid pollution of any watercourse or groundwater resource and to conform with Policy DM2 of the JLMWLP.

11. No stripping of top soils or extraction of minerals shall take place in phases 3 and 4 as shown on drawing numbers 9973E/09 and 9973/07D until a further

Great Crested Newt survey of the seven settling ponds in the Hanson Brick Works has been carried out. Thereafter, no stripping of top soils or extraction of minerals shall commence in phases in 3 and 4 until the survey and any subsequent mitigation measures have been submitted to and approved in writing by the County Planning Authority.

Reason: To safeguard the ecological interests and to conform with Policy DM2 of the JLMWLP.

12. No materials with the exception of soils and inert waste materials to be used for backfilling and restoration purposes shall be brought to the site from elsewhere.

Reason: To secure satisfactory restoration and to conform with Policy DM2 of the JLMWLDF

13. No mineral extraction, backfilling or restoration operations shall take place outside the hours of:

0700 to 1730 hours, Mondays to Fridays except Public Holidays
0700 to 1730 hours on Saturdays

No mineral extraction, backfilling or restoration shall take place at any time on Sundays or Public Holidays.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP

Blasting

14. No explosives shall be 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 JLMWLP

Highway Matters

15. No more than 600 HGV's shall leave the site in any six day period from Mondays to Saturdays inclusive. No more than 200 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Saturdays, inclusive.

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 Lancashire Minerals and Waste Site Allocation and Development Management Policies DPD.

16. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records shall be retained at the site for a period of 12 months.

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 Lancashire Minerals and Waste Site Allocation and Development Management Policies DPD.

17. The existing wheel cleaning facilities at the site shall be maintained in working order and shall be used by all vehicles leaving the site during the development so as to ensure that no mud, dust or other deleterious materials are deposited by vehicle wheels upon the public highway.

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 JLMWLP.

18. 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 JLMWLP

19. 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 DM 2 of the Joint Lancashire Minerals Waste Local Plan.

20. Measures shall be taken to ensure that operations on the site do not give rise to dust or wind blown material being carried on to adjacent land and in particular shall include the watering of all haul and access roads, the fitting of dust suppression equipment to crushing and screening plant and the spraying of storage heaps or areas as necessary during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM 2 of the JLMWLP

21. The mitigation methods set out in paragraphs 7.3.1 and 7.3.2 of the report entitled 'Ecological Impact Assessment - Whinney Hill Quarry Extension' dated November 2013 shall be implemented in full during soil stripping operations.

Reason: To protect ecological interests and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.

22. Within three months of the date of this permission, a scheme and programme or the monitoring of groundwater shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include provision for the following:

a) Details for the installation of monitoring boreholes on the boundaries of the site to include depths and location of boreholes and constructional details

b) details for monitoring of boreholes including data to be collected, frequency of monitoring and reporting of results to the County Planning Authority.

The monitoring boreholes contained in the approved scheme shall be installed within two months of the date of the approval of the scheme by the County Planning Authority and shall be retained in position throughout the duration of the development and restoration.

Reason: To safeguard ground water resources and to conform with policy DM2 of the JLMWLP.

23. 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 watercourse and drainages and to conform with Policy DM2 of the JLMWLP.

24. No development shall commence until a surface water management plan has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall demonstrate how water arising from within the proposed extraction area will be collected, treated and appropriately discharged to ensure that the surface water does not impact upon the operation of the adjacent landfill site.

The works contained in the approved scheme shall be implemented prior to the commencement of development and shall be retained throughout the duration of the development.

Reason: To ensure the proper control of surface water and to conform policy DM2 of the JLMWLP.

Restoration

25. Within six months of the date of this planning permission, 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 include details of the following:

- a) The phasing of the infilling and restoration works
- b) Removal of all plant, and machinery
- c) Final levels of the site
- d) Details for the engineering of fill materials to allow the landfilling of Whinney Hill Quarry under the provisions of planning permission 11/03/0017 including compaction details for the fill material and final slope positions.
- e) Re- spreading of any available topsoils, sub soils or soil making materials.
- f) Details for the cultivation of soils and for the removal of any impediments to normal agricultural operations.
- f) Seeding specification including mixes to be used and rates of application.
- f) Methods to be employed to promote normal plant growth including fertilizer application and weed control.
- g) Details of tree and hedge planting including location of planting, numbers, sizes and species of plants, planting methods and protection measures.
- h) Details for the restoration of the land occupied by soil storage mounds.

The site shall be restored in accordance with the timescales and details contained in the approved scheme and programme.

Reason: To secure the proper restoration of the site in accordance with an approved scheme and to conform with Policy DM2 of the JLMWLP.

26. Should the restoration levels on drawing 9973E/07D not have been achieved by 1st April 2042 a revised restoration scheme shall be submitted for the approval in writing of the County Planning Authority. The scheme shall be

submitted not later than 1st August 2042 and shall include the following details:

- a) the proposed contours of the final landform including treatment of any cliff faces to be retained.
- b) soiling of the surface of the site including depths of soil materials to be replaced and details of treatments including stone picking and cultivation.
- c) details of drainage including water features to be constructed to provide control of drainage and attenuation of run off.
- d) details for the seeding of the site including mixes to be used and rates of application
- e) details of any tree and hedge planting including including layout of planting works and details of numbers, types and sizes of species, spacings, planting techniques and protection measures.
- f) details for the restoration of the land occupied by the soil storage mounds.
- g) a timescale for the implementation of the restoration works contained in the approved scheme to ensure that they are completed within 12 months of the date of approval of the scheme.

Reason : To ensure the restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.

Aftercare

27. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural afteruse of the site shall be carried out for a period of five years.

The aftercare works shall be undertaken in accordance with a scheme and programme of aftercare which shall be submitted to the County Planning Authority by not later than 31st December 2024 for approval in writing. The scheme and programme shall contain details of the following:-

- a) reseeded works necessary to promote a full grass sward over the site
- b) grazing or mowing regimes to be followed
- c) works to improve drainage, relieve compaction and prevent ponding of water

d) works to control invasive weeds

e) details for the management of tree and hedge planting including replacement of failures, weed control and maintenance of protection measures.

f) a timescale for the implementation of the above works.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the JLMPLP.

Definitions

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

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Inert Waste : Waste that will not physically or chemically react or undergo biodegradation within the landfill environment.

Completion of Restoration : The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 21 have been completed satisfactorily.

Notes

The applicant should contact National Grid prior to any works commencing on site at the following address: Plant Protection Team 3rd Party Enquiries, National Grid Block 1, Floor 2, Brick Kiln Street, Hinckley, Leicestershire LE10 0NA.

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

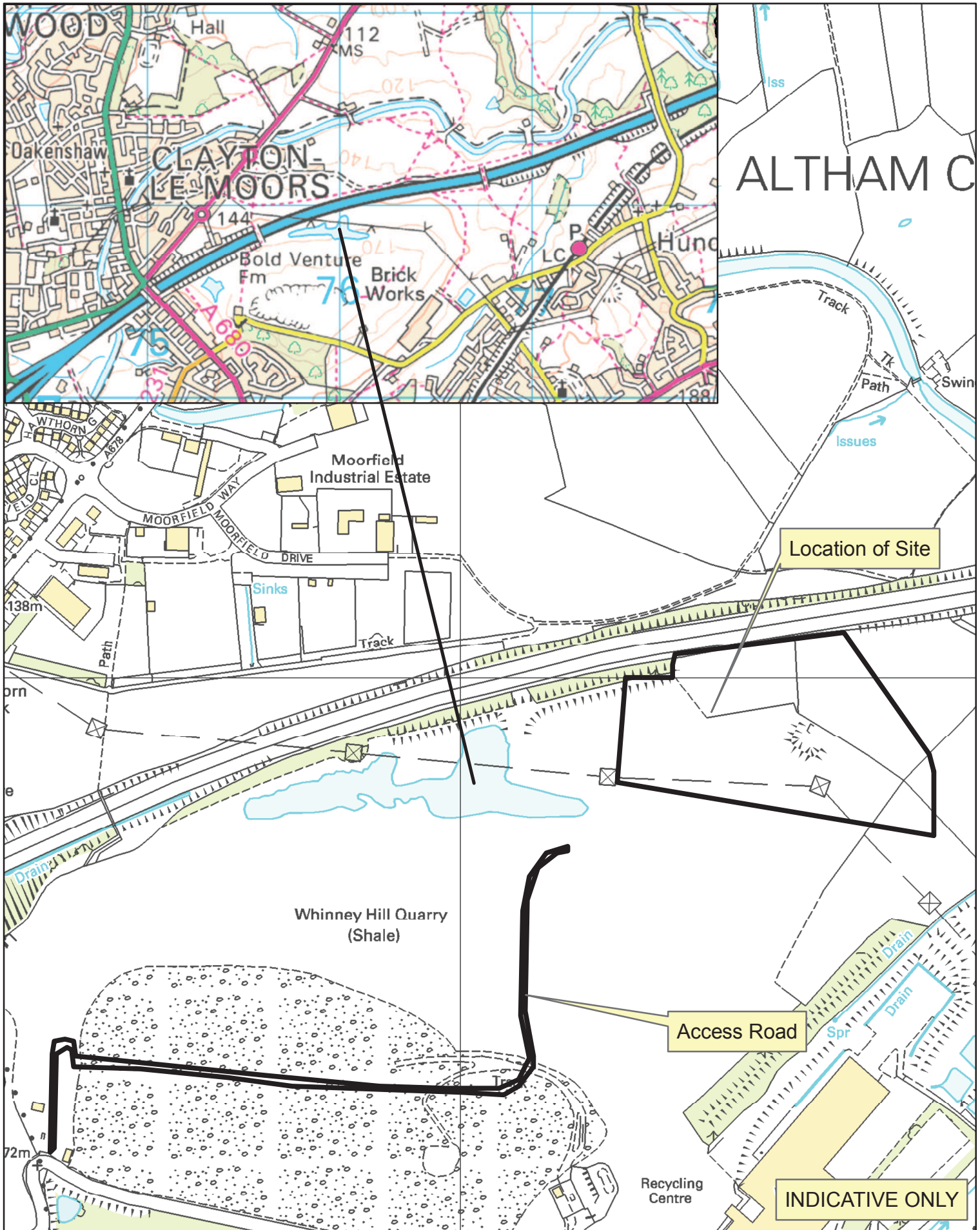
Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
11/13/0264	05/07/2013	Catherine Lewis /Environment/30490
11/12/0012	13/02/2013	

Reason for Inclusion in Part II, if appropriate

n/a



APPLICATION 11/13/0264 THE EXTENSION OF WHINNEY HILL QUARRY (PHASES 2 TO 4) AND THE RESTORATION BY MEANS OF PARTIAL INFILL WITH INERT CONSTRUCTION, DEMOLITION AND EXCAVATION WASTE AND ANCILLARY ACTIVITIES. WHINNEY HILL QUARRY, WHINNEY HILL ROAD, ACCRINGTON

Agenda Item 13

(NOT FOR PUBLICATION: By virtue of paragraph(s) 5, 7 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

(NOT FOR PUBLICATION: By virtue of paragraph(s) 5, 7 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

