

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 21st May, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Munsif Dad (Chair)

County Councillors

P Buckley	A Jones
M Green	R Newman-Thompson
P Hayhurst	N Penney
C Henig	P Rigby
S Holgate	K Sedgewick
D Howarth	B Yates
M Johnstone	

County Councillor Chris Henig replaced County Councillor K Snape on the Committee.

Standing Order 19(1)

County Councillor Jackie Oakes attended the committee under Standing Order 19(1).

Standing Order 19(2)

The committee was asked to suspend Standing Order 19(2) to allow County Councillor Fillis, the Cabinet Member for Highways and Transport to attend the meeting and address the committee in relation to Item 6 of the agenda.

It was therefore Moved and Seconded that:

"Standing Order 19(2) be suspended to allow County Councillor Fillis to attend the meeting".

On being put to the vote the Motion was carried unanimously, whereupon it was:

Resolved: That Standing Order 19(2) be suspended to allow Councillor Fillis, the Cabinet Member for Highways and Transport to attend the meeting.

1. Apologies for absence

None received.

2. Appointment of Chair and Deputy Chair

The committee was informed that the County Council had appointed County Councillors M Dad and R Newman-Thompson as Chair and Deputy Chair respectively of the committee for the ensuing year.

Resolved:- That the appointment of County Councillors M Dad and R Newman-Thompson as Chair and Deputy Chair of the committee be noted.

3. Constitution, Membership and Terms of Reference of the Committee

A report was presented on the Constitution, Membership and Terms of Reference of the Committee.

It was pointed out that the political balance of the Committee as reported was incorrect and that the membership of the committee for 2014/15 as agreed by the Full Council, was 15 Members on the basis of 7 from the Labour Group, 6 from the Conservative Group, 1 from the Liberal Democrat Group and 1 Independent as follows:

County Councillors:

T Aldridge
P Buckley
M Dad
M Green
P Hayhurst
S Holgate
D Howarth
M Johnstone
T Jones
R Newman-Thompson
N Penney
P Rigby
K Sedgewick
K Snape
B Yates

Resolved:- That subject to an amendment to the political balance of the committee as reported above, the Constitution, Membership and Terms of Reference of the Committee be noted.

4. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

5. Minutes of the last meeting held on 9 April 2014

The committee was asked to note an amendment to resolution 9 of the Minutes in order to accurately reflect the recommendation and resolution of the Committee as follows:

'Resolved: 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:

- i) The conditions set out in the report to the committee.
- ii) The inclusion of the additional condition and Note as set out above.
- iii) Any amendments to the above condition or note as a result of further clarification from United Utilities in respect of the Haweswater Aqueduct, to be delegated to the Executive Director of Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.'

Resolved: That subject to the above amendment, the Minutes of the meeting held on 9 April 2014 be confirmed and signed by the Chair.

6. West Lancashire Borough: Application number. LCC/2014/0007 Variation of conditions 2 and 8 of permission 08/06/1303 to allow tipping to be undertaken to amended final levels. Hardrock Quarry, Stoney Brow, Upholland

A report was presented on an application for the variation of conditions 2 and 8 of permission 08/06/1303 to allow tipping to be undertaken to amended final levels at Hardrock Quarry, Stoney Brow, Upholland.

The report included the views of West Lancashire Borough Council, the County Council's Developer Support (Highways) and details of four letters of representation received, including one from County Councillor Fillis.

Stuart Perigo, 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 from various viewpoints.

It was reported that a member of the public who had already made representations on the application and which were included in the summary of representations in the report had made additional comments since the agenda had been published.

It was maintained that the proposed contours were increasing the volume in the south end of the site by around 20,000m³ and in the north end of the site by a larger amount and that this represented a substantial increase in the volume. It was questioned again how and when an end to the tipping would be called.

It was considered that the conditions would give the operator the green light to continue tipping until the end of September. The operators own survey showed that there was only 25,000m³ of capacity left within the site as of Nov 2013. Tipping had continued since that date and was on-going; it was questioned whether the void space had already been used up. The survey accompanying the application was now 6 months out of date and did not provide a current picture of the site capacity. Whatever came into the site, (including soil making materials) would exceed the capacity now being applied for. The report referred to the remaining works being 'a re-grading exercise' but at the moment the numbers of vehicles demonstrates it would be more tipping and would continue for another summer. An up to date survey should be undertaken to establish a proper volume calculation. The recent profile boards show the area at capacity in the SE corner but not the overfilled areas that were increasing in height.

There appeared little option but to adopt the new contours i.e. the tipping had already taken place. However if tipping continued for another 4 months it was questioned how it would be possible to stick to the new planning permission however much the waste was re-graded.

The committee was advised that the above concerns were already addressed in the report.

County Councillor Fillis addressed the committee on behalf of local residents. He raised concern at the duration of the site activities and questioned whether the applicant would request a further extension after April 2015. He urged the committee to reaffirm the original planning permission and refuse the application.

Mr Harry Tonge, the agent for the applicant addressed the Committee and spoke in support of the application. He explained that the current application comprised a request to allow tipping to be undertaken to amended final levels and reassured the committee that the applicant did not proposed to seek a time extension.

In response to concerns raised by the committee, officers advised that the proposal to amend the contours of the site would not extend the duration of tipping any longer than currently approved. The committee was also informed that the remaining operations on the site consisted of regrading works so that materials which had been tipped over approved levels would be moved into other areas of the site which were still under level.

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

7. **West Lancashire Borough: Application No. LCC/2014/0047**
Permission is sought for the retention of the site compound and access track for a further 3 years to allow pressure monitoring of the bowland shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Becconsall Shale Gas Exploration Site, Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.

A report was presented on an application for the retention of the site compound and access track for a further 3 years to allow pressure monitoring of the bowland shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration at Becconsall Shale Gas Exploration Site, Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.

The committee was informed that the planning application had generated a considerable amount of interest with over 100 representations having been received objecting to the proposal primarily in respect of visual, traffic, habitats, noise, pollution and seismic activity.

It was therefore proposed that the Committee visit the site before determining the application. This would have the benefit of members being familiar with the site and environs before determining the application and so having a clear understanding of the issues associated with the proposal.

Resolved:- That the Development Control Committee visits the Becconsall Shale Gas Exploration Site before determining the application.

8. **West Lancashire Borough: Application No. LCC/2014/0044**
Retention of single storey demountable office unit. Wrightington Highways Depot, Moss Lane, Wrightington.

A report was presented on an application for the retention of a single storey demountable office unit at Wrightington Highways Depot, Moss Lane, Wrightington.

The report included the views of West Lancashire Borough Council and Wrightington Parish Council. The committee noted that no letters of representation had been received.

Stuart Perigo, Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and a photograph of the unit.

The committee questioned whether the demountable unit was an acceptable form of development in the Green Belt. Following further debate it was Moved and Seconded that:

'Planning permission be granted for a further temporary period of 5 years'.

On being put to the vote the Motion was Carried.

An additional condition reflecting such is included in the Minutes for completeness as follows:

'The single storey demountable office unit authorised by this permission including all foundations and services shall be removed from the site within 5 years from the date of this permission.

Reason: To provide for the removal of the single storey demountable office unit within the approved timescale and in the interest of local and visual amenities and to conform with Policies DS2 and GD1 of the West Lancashire Replacement Local Plan.'

Resolved: That planning permission be granted for a further period of 5 years subject to the conditions set out in the report and the inclusion of the additional condition as set out above.

**9. Rossendale Borough: application number. LCC/2014/0061
Retrospective application for the erection of a new temporary bridge, new access road, 2.4m high security fencing and erection of two 6m high lighting columns. It is anticipated that the temporary bridge will be required for a period of two years on land adjacent to Ogden Bridge, Irwell Vale Road, Irwell Vale, Rossendale**

A report was presented on a retrospective application for the erection of a new temporary bridge, new access road and 2.4m high security fencing and erection of two 6m high lighting columns on land adjacent to Ogden Bridge, Irwell Vale Road, Irwell Vale, Rossendale.

The report included the views of the County Council's Developer Support (Highways) and the Environment Agency. The committee noted that no letters of representation had been received.

It was also noted that the application was part retrospective in view of the urgency of the works and to reflect the commencement of some landscape clearance to facilitate the development in anticipation of planning permission being forthcoming.

Catherine Lewis, Development Management Officer, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed bridge and photographs of the existing bridge.

Resolved: That subject to no objections being received after the expiry of the consultation period on 23 May 2014 raising matters that have not already been addressed in the report, planning permission be **granted** subject to the conditions set out in the report to the committee.

10. 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 9 April 2014, fifteen planning applications had been granted planning permission by the Executive Director for Environment in accordance with the Council's Scheme of Delegation.

Officers advised that details of all planning applications determined by the Committee and by the Chief Executive under the Scheme of Delegation were available to view on the Council's planning application register. It was agreed that a training session on how to access and navigate the planning register would be provided to all members of the committee.

- Resolved:**
- i) That the report be noted.
 - ii) That a training session on the County Council's planning application register be provided to all members of the committee.

11. Urgent Business

There were no items of urgent business.

12. Date of Next Meeting and Timetable of Meetings for 2014/15

It was noted that the next meeting of the Committee would be held on Wednesday 9 July 2014 at 10.00am at County Hall, Preston.

It was reported that future meetings had been scheduled for:

- 3 September 2014
- 15 October 2014
- 10 December 2014
- 21 January 2015
- 25 February 2015
- 8 April 2015
- 20 May 2015

All meetings would be held at 10.00am at County Hall, Preston.

Resolved: That the date of the next meeting and future meetings of the Committee for the municipal year 2014/15 be noted.

13. Exclusion of Press and Public

Resolved: That the press and members of the public 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 paragraph of Part 1 of schedule 12A to the Local Government Act, 1972, indicated against the heading to the item. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**14. Rossendale Borough Council: application number 14/10/0452
Report on investigations into alleged breaches of planning control
and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill
Newchurch Road, Stacksteads, Bacup.**

(Exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information)

The Group Head, Development Management presented an update report on investigations into alleged breaches of planning control and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill, Newchurch Road, Stacksteads, Bacup. The report included a summary of the findings of the Local Government Ombudsman.

Resolved: That the report be noted and that a progress report be presented to the next meeting of the committee.

I M Fisher
County Secretary and Solicitor

County Hall
Preston