

## Lancashire County Council

### Development Control Committee

Wednesday, 14th October, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

### Agenda

#### Part I (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 2 September 2015** (Pages 1 - 8)

The committee are asked to agree that the Minutes of the last meeting held on 2 September 2015 be confirmed and signed by the Chair.
4. **West Lancashire Borough: Application No. LCC/2015/0026** (Pages 9 - 34)

**Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics, and the proposed erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.**
5. **Hyndburn Borough: Application No. LCC/2015/0050** (Pages 35 - 54)

**Application for the continuation of stone quarrying and restoration of the site by backfilling with inert waste without complying with conditions 2 and 5 of planning permission 11/13/0264 in order to remove the requirement to construct the inert waste bund along the southern boundary of the extension. Whinney Hill Quarry, Whinney Hill Road, Accrington.**

6. **Hyndburn Borough: application number LCC/2015/0077** (Pages 55 - 64)  
**Change of use of land to storage and distribution of raw and recycled uPVC material, siting of static caravan for site security, and 2.4m high security fencing at the former NIPA Laboratories Site, Nook Lane, Oswaldtwistle**
7. **Chorley Borough: application number LCC/2015/0081** (Pages 65 - 68)  
**Importation of soils to meet stability requirements for approved residential development at Little Quarry, Hill Top Lane, Whittle-le-Woods**
8. **West Lancashire Borough: application number LCC/2015/0078** (Pages 69 - 76)  
**Modular building with decking area and access ramp. Burscough Village Primary School, Colburne Close, Burscough.**
9. **Chorley Borough: application number. LCC/2015/0063** (Pages 77 - 80)  
**Single storey extension to provide 8 new classrooms, new hall, storage and toilet/cloakroom areas, infill to existing building to provide extended teaching area and office, new playground, multi-use play area including 2m high fence, extension to car park and formation of new playing field area with 2m high fencing. Primrose Hill Primary School, Primrose Hill Road, Euxton**
10. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 81 - 82)
11. **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.

**12. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 9 December 2015 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young  
Director of Governance,  
Finance and Public Services

County Hall  
Preston



# Agenda Item 3

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 2nd September, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Munsif Dad (Chair)

#### **County Councillors**

T Aldridge	M Johnstone
B Dawson	N Penney
M Devaney	P Rigby
K Ellard	A Schofield
M Green	K Sedgewick
P Hayhurst	K Snape
D Howarth	B Yates

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

None received.

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

County Councillor T Aldridge declared a non pecuniary interest in agenda items 4 and 5 as a member of West Lancashire Borough Council.

County Councillor K Snape declared a non pecuniary interest in agenda item 6 as members of Chorley Borough Council.

County Councillor Green declared a non pecuniary interest in agenda item 6 as a member of the same political party as the West Lancashire Borough councillor speaking on this application.

#### **3. Minutes of the last meeting held on 16 July 2015**

**Resolved:** That the Minutes of the last meeting held on 16 July 2015 be confirmed and signed by the Chair.

#### **4. West Lancashire Borough: application number. LCC/2014/0008 Application under the Environment Act 1995 for review of working and restoration conditions to an old mining permission at Ravenhead Brickworks, Up Holland, Skelmersdale**

A report was presented on an application under the Environment Act 1995 for a review of working and restoration conditions to an old mining permission at Ravenhead Brickworks, Up Holland, Skelmersdale.

The report included the views of West Lancashire Borough Council, the Environment Agency, the Coal Authority, Natural England, United Utilities and seven letters of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial view of the site and the nearest residential properties. The Committee was also shown photographs of the site and an illustration of the proposed landscaping scheme.

It was reported orally that an amendment was proposed to condition 2b of the recommendation as follows:-

Drawing 66721.SS.007 should read Drawing 66721.SS.007 Rev A  
Drawing 66721.SS.007 – delete Rev A

A local resident addressed the committee and raised concerns at the noise emanating from the site and in particular, the reversing alarms associated with the mobile plant in the stockpiling area, the hours of working and the proposed permitted noise levels set out in the conditions to the report.

Officers responded to questions raised by the Members in respect of the noise issues raised by the resident and the proposed landscaping for the restoration area to the west of the houses adjacent to the site.

Following further debate, it was agreed that condition 21 of the recommendation be amended to allow for a scheme and programme detailing the specification of any reversing alarms fitted to mobile plant used on the site to be submitted to the County Planning Authority for approval.

The revised condition is set out below:

21. Within three months of the date of this permission, a scheme and programme detailing the specification of any reversing alarms fitted to mobile plant used on the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the types of reversing alarms fitted to each item of plant including that plant used to transport shale between the stockpiles and the brickworks and shall contain a specification of the alarms to be fitted. The alarms shall be of a low noise type or shall adjust the alarm volume with changes in the background noise level.

The approved alarm types shall be fitted to all mobile plant used on the site within three months of the date of approval of the scheme and programme and thereafter be used at all times.

**Resolved:** That having first taken into consideration the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application Old

Mining Permission ref 9/10/26 be subject to the conditions set out in the report to the Committee and the inclusion of the amended conditions as set out above.

**5. West Lancashire Borough: Application No. LCC/2015/0026  
Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8)uses and the recycling of non-hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford**

A report was presented on a retrospective application for the change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses at Unit 1, Station Yard Factory, Station Road, Rufford.

The report included the views of West Lancashire Borough Council, Rufford Parish Council, the Environment Agency, Network Rail, the County Council's Developer Support (Highways), the LCC Lead Local Flood Authority and details of one letter of representation received. The views of County Councillor Dereli were also received.

The Development Management Officer presented a PowerPoint presentation which included an aerial view of the site and the nearest residential properties and photographs of the site and access road.

The Officer reported orally that the applicant had confirmed that the external elevations of the warehouse would be coloured Olive Green (BS 12B27).

It was also reported that the County Council's Specialist Advisor (Ecology) had raised no objection to the proposals subject to the imposition of conditions to require the following:

- Tree protection measures in accordance with best practice (*BS5837:2012 Trees in relation to design, demolition and construction - Recommendations*).
- The replacement of trees along the site boundaries for any that have been removed to facilitate the development, or that subsequently fail as a consequence of the development.
- The avoidance of any light spill to the surrounding area.
- The checking of trees for nests during the bird nesting season that may be affected by the erection of the warehouse.

It was also recommended that consideration should also be given to installation of bat boxes/ bird boxes on external building elevations/ retained trees.

In response to the above, the Committee was advised that the proposed colour of the building was considered acceptable and that Condition 2 should be replaced with the following:

*'The external elevations of the warehouse building shall be coloured Olive Green (BS 12B27) and thereafter maintained in the approved colour throughout its presence on the site.'*

In relation to the conditions requested by LCC Specialist Advisor (Ecology), the committee was informed that the applicant had submitted a tree constraints plan and survey with the application which demonstrated that the new building could be constructed without affecting the trees on the boundaries of the site. Condition 15 in the report sought to ensure that this was the case. It was considered that as no trees should be affected by the development, there should be no requirement to provide for replacement planting or for the protection of any nesting birds that use these trees. The conditions requested on landscaping and the provision of replacement bird/ bat habitats were therefore considered unnecessary.

The committee heard representations from a local resident, the Clerk to Rufford Parish Council and the West Lancashire Borough Council ward councillor who all objected to the proposal. They reiterated the concerns raised in the committee report in relation to:

- The retrospective nature of the application,
- The frequency and size of HGV's visiting the site,
- Highway safety concerns in relation to HGV's queuing and manoeuvring on the access road to the site and nearby level crossing.
- Surface and waste water drainage and the lack of a foul water assessment.
- The adequacy of the proposed turning circle for vehicles within the site.
- The location of the site within the Green Belt

It was felt that consideration should be given to the proximity of the site in relation to the River Douglas, the canal, the level crossing and residential properties. The committee was asked to defer consideration of the application until they had visited the site and until a foul water drainage assessment had been completed.

In response to the concerns raised above, the Officer advised that:

- The applicant had been asked to demonstrate that vehicles would be able to turn around within the site.
- The current storage area would be relocated further from the entrance. This would mitigate the visual impact for residents living nearby.
- A condition was proposed to require a foul water drainage scheme for the site.
- Welfare facilities on the site had their own separate foul water drainage system.



- The site was bordered by mature trees which would help minimise the impact of the new building on the Green Belt.

Following debate during which councillors raised questions with regard to vehicle movements and the drainage scheme, it was Moved and Seconded that:

"The application be deferred to allow the Development Control Committee visit the site prior to determining the application."

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

**Resolved:** That the application be deferred to allow the Development Control Committee to visit the site prior to determining the application.

**6. Chorley borough: application number LCC/2015/0069  
Revised working scheme including amended levels and extension of  
the mineral extraction and landfill areas at Clayton Hall Landfill Site,  
Dawson Lane Whittle Le Woods**

A report was presented on an application for a revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane Whittle Le Woods.

The Development Management Officer advised that a site visit would provide the Committee with a clearer understanding of the development proposal, any issues raised, and the relationship of the site to the surrounding area before the application was determined.

**Resolved:** That the Development Control Committee visits the site before determining the application.

**7. Preston City: Application number 6/13/0528/1  
Application for approval of details reserved by condition to planning  
permissions 6/13/0528 and LCC/2014/0122 relating to the  
construction of the Broughton Bypass, Preston.**

A report was presented on an application for approval of details reserved by condition to planning permissions 6/13/0528 and LCC/2014/0122 relating to the construction of the Broughton Bypass, Preston.

The report included the views of Broughton-in-Amounderness Parish Council, the Environment Agency, the County Council's Street Lighting Officer and Broughton Bypass Review Group.

The Development Management Officer presented a PowerPoint presentation which showed the landscaping details, ecological mitigation measures, water attenuation measures and car park layout.

**Resolved:** That the details submitted for the purposes of conditions 3, 4, 5, 6, 7, 9, 19, 20 and 24 of planning permission 6/13/0527 and condition 3 of planning permission LCC/2014/0122 be approved.

**8. Pendle Borough: Application number LCC/2015/0073  
Retention of existing demountable classroom and new timber  
cladding and access ramp. Reedley County Primary School, Reedley  
Road, Brierfield.**

A report was presented on an application for the retention of the existing demountable classroom and new timber cladding and access ramp at Reedley County Primary School, Reedley Road, Brierfield.

The report included the views of Pendle Borough Council and Reedley Hallows Parish Council.

The Development Management Officer presented a PowerPoint presentation which included an aerial view of the site and the nearest residential properties and photographs of the classroom.

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

**9. Planning Applications determined by the Head of Planning and  
Environment in accordance with the County Council's Scheme of  
Delegation.**

It was reported that since the meeting of the Development Control Committee on the 16 July 2015, eight planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

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

**10. Urgent Business**

The Chair informed the committee that he had agreed that the following report should be considered at the meeting as item of urgent business. The special circumstances for the use of the urgent business procedure were set out under the heading to the report.

- a. **Preston City: Application number. LCC/2015/0020  
Variation of condition 9 of planning permission 06/07/0984 to allow  
plastics recycling to take place within the building on a 24 hours per  
day basis on Mondays to Fridays and between 06.00 - 22.00 hours  
on Saturdays and Sundays. Gaskell House, 45-49 Rough Hey Road,  
Preston**

*Special circumstances for use of urgent business procedure:*

*It was reported that the report for this application was prepared to meet the closing date for the 2<sup>nd</sup> September Committee agenda. However, the report was not placed on the agenda due to an outstanding objection from the Environment Agency. An updated response from the EA has now been received confirming that their concerns could be addressed.*

A report was presented on an application for the variation of condition 9 of planning permission 06/07/0984 to allow plastics recycling to take place within the building on a 24 hours per day basis on Mondays to Fridays and between 06.00 - 22.00 hours on Saturdays and Sundays at Gaskell House, 45 – 49 Rough Hey Road, Preston.

The report included the views of Preston City Council, the Environment Agency, Grimsargh Parish Council and details of eight letters of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site from Rough Hey Road, Longridge Road and 'The Hills' and from within the building.

In response to concerns raised by the Committee, the Officer advised that noise attenuation measures to the building were proposed to reduce noise to acceptable levels and that those works including the replacement of existing glazing and doors, would also improve the visual appearance of the eastern side of the building.

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

#### **11. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 14 October 2015.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston



## Development Control Committee

Meeting to be held on 14th October 2015

Electoral Division affected: West Lancashire West
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### West Lancashire Borough: Application No. LCC/2015/0026

**Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics, and the proposed erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.**

(Appendix A refers)

Contact for further information:

Rob Jones, 01772 534128

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#### Executive Summary

Application - Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics, and the proposed erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling, working programme, building materials, site operations, hours of working, highway matters, noise, foul and surface water drainage, lighting and landscaping.

#### Background

A report on this application was presented to the meeting of the Development Control Committee on the 2nd September 2015. At that meeting it was resolved that consideration of the application be deferred to allow the Committee to visit the site. The report to the 2<sup>nd</sup> September Committee is appended at Appendix A.

Since the 2<sup>nd</sup> September Committee, consultation responses have been received from the Canal and River Trust and the LCC Specialist Advisor (Landscaping), together with an additional representation from a local resident. These responses are summarised below.

## **Consultations**

Canal and River Trust - No objection and comment that the applicant is advised to contact them in order to ensure that any necessary consents are obtained and that the works comply with them.

LCC Specialist Advisor (Landscape) – No objection. A planning condition should protect the trees not covered by the existing Tree Preservation Orders.

Representations – An additional representation has been received subsequent to the original report objecting to the application. The representation was reported verbally to the 2nd September 2015 Development Control Committee meeting. It did not raise any issues further to those included in the previous report.

## **Advice**

This application was reported to the meeting of the Development Control Committee on 2<sup>nd</sup> September 2015. Following consideration of the application it was resolved that the application be deferred to allow Members to visit the site. The Committee will visit the site prior to determining the application.

At the 2<sup>nd</sup> September meeting, presentations were made by three members of the public opposing the application. The issues raised are summarised as follows:

Resident of Station Road - The resident understood that there had been a number of past users of the site and that the waste management operations had been taking place for some time. However, she was concerned about the highway impacts of the site and that the HGV's were too large and too many were visiting the site. There were double white lines on Station Road in the area of the access and that lorries had to cross the lines in order to access the site. They also came very close to her garden wall. She considered that the proposed use should be on an industrial estate.

The Clerk to Rufford Parish Council – The Clerk confirmed that the Parish Council had concerns regarding the proposal. The site is within the Green Belt and the previous uses of the site had been railway storage and light engineering uses. The Parish Council were concerned about drainage and the connection into the foul sewer. The Parish Council were concerned about waste water being discharged into a ditch which was an issue that had been raised by Network Rail.

West Lancashire Borough Ward Councillor – The Councillor's main concerns related to highways and it was concerning that there was no objection from LCC Highways. She considered that the applicant's proposed turning circle was unrealistic. She was also concerned at the lack of a foul drainage assessment and possible pollution risks. She would support recycling but Station Road was not the right site. She requested that Members visit the site before considering the proposal further.

In response to the issues raised in the presentations and additional representation, the applicant has submitted additional information.

The site is currently used for plastic recycling and for storage and distribution uses. The applicant imports waste plastics to the site which are then washed, dried, granulated and then transferred into sacks for transport off site for further processing and reuse. Unwanted products such as detergents and other cleaning liquids are also taken from manufacturers and stored on the site and then distributed elsewhere for re use.

In relation to the plastic recycling business, the Environment Agency have issued a low risk waste exemption that permits the site to process up to 10,000 tonnes of plastic per annum. The recycling use has been in operation since 2010 and hence this aspect of the application is retrospective.

The storage and distribution use involves taking and storing unwanted products such as shampoos, conditioners, body washes, shower gels and detergent based liquids from manufacturers who have decided that the products are not suitable for their intended primary use. There are various reasons for this such as, for example, the product may have had the wrong perfume added, contain slight impurities from the production line, have been packaged in wrongly labelled/ branded bottles, been produced for an out of date promotion or contain the wrong volume of product per unit. The unwanted product is then re-distributed elsewhere to other companies who then process/ amend the products and then repackage as a different product. None of the products involved in the storage and distribution use are disposed of or processed at the application site. These products and the waste plastics to be processed in the recycling business are currently stored externally in the yard area around the site. A permit from the Environment Agency is not required for the storage and distribution use. The use has been in operation since 2009 and hence this aspect of the application is also retrospective.

The proposed warehouse building is required for the storage of the waste plastics, as some plastic types must be retained in a dry condition to prevent deterioration. The warehouse would also provide office and staff welfare facilities and so remove the need for the three existing containers/ portable buildings along the eastern and western boundaries in the southern half of the site currently used for those purposes.

In relation to highway impacts, to ensure that the turning space for HGV's can be maintained for the duration of the development, a condition is recommended to require the turning area to remain clear of any storage, car parking or the portable buildings in the form of the separate toilet and office blocks to the south of the existing building. An additional condition is also proposed to ensure that all vehicles enter and leave the site in a forward gear in order to ensure that there are no reversing manoeuvres into or out of the site onto Station Road.

In relation to foul water drainage matters, the plastic recycling business undertaken within the existing warehouse building on site involves washing the plastics before they are granulated. The applicant has advised that all of the washings are contained on site as the process equipment contains its own in-built sump that collects the washing water. From the sump, the washings are pumped into an intermediate bulk container before being transported to a water treatment facility where the applicant has an existing trade effluent discharge consent that is regulated by the Environment Agency. There is no disposal of any effluent to surface water courses at the site.

In relation to the conditions requested by LCC Specialist Advisor (Ecology), the applicant has submitted a tree constraints plan and survey with the application which demonstrates that the new building can be constructed without affecting the trees on the boundaries of the site. The proposed condition requires the protection of the trees on the site boundaries. This would also accord with the comments raised by the LCC Specialist Advisor (Landscape). As no trees should be affected by the development, there should be no requirement to provide for replacement planting or for the protection of any nesting birds that use these trees. The conditions requested on landscaping and the provision of replacement bird/ bat habitats are therefore considered unnecessary. The external elevations of the warehouse would be coloured Olive Green, which is considered acceptable. A condition is recommended requiring the external elevations of the warehouse building to be coloured as such and thereafter maintained in that colour thereafter.

In conclusion, the applicant has supplied additional information to further detail the activities that are undertaken at the application site and how the impacts of the operation would be managed. It is considered that the impacts of the development on the local highway network, water courses and local amenity can be controlled to acceptable levels and that the development is acceptable in terms of the policies of the Development Plan. The planning conditions that were set out in the report to the 2<sup>nd</sup> September Committee have been updated to reflect the additional information submitted by the applicant and the issues raised in the presentations to the Committee. It is considered that the updated schedule of conditions is capable of controlling the impacts of the development to acceptable levels.

### **Recommendation**

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

### **Working Programme**

1. 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 17th February 2015 and supplemented by the emails from the applicant received on 7th May 2015, 30th July 2015, 14th August 2015, 24th August 2015, 25th August 2015 and 16th September 2015.
  - b) Submitted Plans and documents received by the County Planning Authority on 17 February 2015:

Drawing No. 101 Issue P - Tree Survey  
Drawing No. 101 Issue P - Tree Protection Plan

Submitted Plans and documents received by the County Planning Authority on 30 July 2015:

Site Location Plan



Drawing No. P5303-01 Rev. E - Plan and Elevations  
Proposed HGV turning area and parking layout  
Drawing No. LE13035-001 - Outline Drainage Strategy  
Supplementary Report on Existing Trees  
Tree Survey  
Drawing No. 102 Issue P - Tree Protection Plan

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

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies NPPF 1, DM2 and WM1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3, GN5, EC2, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Building Materials**

2. The external elevations of the warehouse building shall be coloured Olive Green (BS 12B27) and thereafter maintained in that colour.

*Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Site Operations**

3. Materials shall not be stored in the external yard areas to a height exceeding four metres above ground level.

*Reason: In the interests of the visual amenities of the area and to conform with Policy GN3 of the West Lancashire Borough Local Plan.*

### **Hours of Working**

4. No site operations, including the delivery or export of materials shall take place except between the hours of:-

0700 to 1900 hours, Mondays to Friday (except Public Holidays)  
0700 to 1700 hours, Saturdays

The site shall not operate at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

5. No operations or the associated delivery or removal of materials associated with the construction of the new building shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)  
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Highway Matters**

6. The access gates from Station Road shall remain open at all times during the hours of operation specified in condition 4 to allow vehicles to access the site and to prevent such vehicles causing obstruction to other road users.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

7. The turning space for HGV's as shown on the 'Proposed HGV turning area and parking layout' plan shall be available for use within one month of the date of this permission. Thereafter there shall be no storage of materials, no parking of vehicles and no stationing of buildings within this area which would restrict the ability for HGV's to turn within the site.

*Reason: To ensure that there is sufficient space within the site for the turning of HGV's in the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

8. Within one month of the date of this planning permission, the car parking spaces and motorcycle and cycle parking provision as shown on the drawing 'Proposed HGV turning area and parking layout' shall be provided and maintained available for use at all times for the duration of the development.

*Reason: To ensure parking provision in accordance with adopted standards and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

9. All vehicles associated with the construction and operation of the development shall enter and leave the site in a forward gear.

*Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Control of Noise**

10. 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. All plant, machinery and equipment shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. Within three months of the date of this planning permission, all mobile plant used on the site shall be fitted with non-audible or white noise reversing alarms.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Safeguarding of Watercourses and Drainage**

12. Prior to the commencement of the development of the warehouse building, a scheme and programme for the collection, treatment and disposal of all foul and waste water arising on the site to ensure that there shall no discharge of contaminated or polluted drainage to ground or surface waters shall be submitted to and approved in writing by the County Planning Authority. The drainage measures shall thereafter be constructed in accordance with the approved scheme prior to the building being brought into use and shall be implemented and maintained in full working order thereafter.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. The development shall be carried out in accordance with the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy' and the mitigation measures referred to in the drawing to limit the surface water run-off generated for all storm events to 5 litres per second and for the provision of compensatory flood storage.

The proposed surface water mitigation measures shall be fully implemented prior to the warehouse building being brought into use and shall thereafter be implemented and maintained in full working order thereafter.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Floodlighting**

14. No additional lighting shall be erected to illuminate the site unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the County Planning Authority. Any such details shall include provisions to reduce light pollution to adjacent land.

Thereafter, the lighting shall be operated in accordance with the approved specification at all times.

*Reason: To minimise light spill beyond the site boundary and to safeguard the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Landscaping**

15. All trees forming part of the site boundaries shall be protected from any damage and maintained throughout the construction period and life of the development by the implementation of the tree root protection zones and tree protection methods as detailed in the submitted Supplementary Report on Existing Trees, the Tree Survey and Drawing No. 102 Issue P - Tree Protection Plan.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Notes**

The applicant's attention is drawn to the observations of the Network Rail in their letter of 7th April 2015.

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

This permission does not grant the applicant permission to connect to the ordinary watercourse(s) and it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

The applicant/developer is advised to contact Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal & River Trust".

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

Paper	Date	Contact/Ext
LCC/2015/0026	17 February 2015	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

**Development Control Committee**

Meeting to be held on 2nd September 2015

Electoral Division affected: West Lancashire West
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**West Lancashire Borough: Application No. LCC/2015/0026**

**Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.**

Contact for further information:

Rob Jones, 01772 534128

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

**Executive Summary**

Application - Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, site operations, hours of working, highway matters, noise, foul and surface water drainage, lighting and landscaping.

**Applicant's Proposal**

Planning permission is sought for the retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industry (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses.

The applicant imports waste plastics to the site which are then washed, dried, granulated and then transferred into sacks for transport off site for further processing and reuse.

The warehouse would be a portal framed building measuring 36.4 metres x 15.4 metres. The roof would be pitched with an overall height of 7.4m and 6m to the eaves. The only door would be a roller shutter door measuring 3m x 3m in the southern elevation. There would be rooflights but no windows. The warehouse would have 0.3m high brickwork at the base and be clad with vertical composite sheeting. The southern elevation would have a 2.9m high band of horizontal boarding with glazing above. The cladding and boarding would be coloured dark green.

The site operates between the hours of 7.00am and 7.00pm on weekdays and Saturdays, and is closed on Sundays or public/bank holidays. The site generates two x 7.5 tonnes HGV's and 3 employee car trips per day and two articulated trucks per week.

The site processes up to 10,000 tonnes of plastic per annum.

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

The site is an existing industrial site located on the north side of the B5246 Station Road and on the east side of Rufford. The site is a flat and rectangular shaped area measuring 174m by 40m covering an area of 0.56 ha.

The access is on the south side of the site from Station Road where the entrance gates are set back 7m from the public highway. The access leads to an open yard area that occupies the majority of the site and is used for loading and unloading of vehicles and external storage. An existing warehouse building is on the west side of the site set back approximately 30m from Station Road. A number of portable buildings are on site; one for staff use inside the eastern boundary opposite the existing building, and separate toilet and office blocks to the south of the existing building. Mature trees are located inside and along all the boundaries and that screen the site. Those trees closest to Station Road are covered by Tree Preservation Orders.

The site is bound to the east by a railway line, to the north by the River Douglas, to the west by agricultural fields and Alsley Lodge Residential Care Home, and to the south by Station Road. Three residential properties are located on the southern side of Station Road close to the site access. Approximately 20m to the east of the site entrance along Station Road is a railway level crossing providing access to Rufford Railway Station.

The new building would be in the northern half of the site in a similar position to a building previously located in this area. The new building would be set back approximately 90m from Station Road. No trees would be removed to facilitate the new building.

The whole of the site falls within the Green Belt and Flood Risk Zone 2.

### **Background**

Planning permission for an extension to the existing industrial building and the erection of 2 storey offices, was granted in November 1991 (ref. 1991/0681).



Planning permission for a mobile phone telecommunications compound and equipment, was refused in July 1999 but allowed on appeal in May 2000 (ref. 1999/0585).

## **Planning Policy**

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 28, 56 – 66, 79 – 81, 87 – 91, 103, 104, 109, 123 and 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, protecting Green Belt land, flood risk, conserving and enhancing the natural environment, noise and light.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource  
Policy CS8 Identifying Capacity for managing our waste  
Policy CS9 Achieving Sustainable Waste Management

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

Policy NPPF 1 Presumption in favour of sustainable development  
Policy DM2 Development Management  
Policy WM1 Capacity of Waste Management Facilities

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3 Criteria for Sustainable Development  
Policy GN5 Sequential Tests  
Policy EC2 The Rural Economy  
Policy IF2 Enhancing Sustainable Transport Choice  
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

## **Consultations**

West Lancashire Borough Council – Object as the proposal would conflict with paragraph 89 of the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt.

Paragraph 89 lists six exemptions to this but the erection of new storage and office buildings do not fall into one of these categories. Therefore it is considered that the development would be inappropriate development at this site and would be contrary to the NPPF.

Paragraph 87 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. It appears that no special circumstances have been put forward as part of this planning application which would outweigh the resultant harm to the Green Belt.

However, if LCC is to approve the planning application then suitable planning conditions should require the following:

- The submission of a Tree Method Statement so that the building is constructed in such a way to avoid root damage, pruning is agreed to facilitate the building and that tree protection methods are in place.
- Restrictions on operational hours, outside working and use of outside areas for the storage of items other than vehicles

Rufford Parish Council – Express serious concerns in relation to the following:

- The drainage overflow pipe needs further clarification.
- Reported nauseating smells by the public coming from the unit.
- The Parish Council like the idea of West Lancashire Borough Council's suggestion of an alternative location for the building.

LCC Developer Support (Highways) – No objection.

Environment Agency - No objection and make the following comments:

- The proposed surface water drainage scheme that has been submitted is satisfactory.
- A Foul Drainage Assessment has not been submitted with the application. There is not a main foul sewer within 30m of the site and so it is considered that a connection to the main sewer is not viable. An advisory note should be included on the granting of any permission to state that the applicant/ landowner should contact the EA to provide the details of the foul water drainage prior to the erection of the new building as an Environmental Permit may be required from the EA.
- Works to the outfall pipe may require the Consent of Lancashire County Council as the Lead Local Flood Authority as the discharge is to an ordinary watercourse.

Network Rail - Object as the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy' proposes that foul water discharges onto Network Rail land to an assumed soakaway. This is not acceptable to Network Rail. The application cannot be supported until the developer submits a drawing showing that the foul water will be diverted away from the Network Rail boundary.

The following comments are also made:

- Once the construction commences, the developer should submit a risk and method statement for the proposal to Network Rail Asset Protection to consider all works to be undertaken within 10m of the operational railway.

- HGV's turning into the site sometimes back over the level crossing while they are waiting for someone to open the gates. This clearly presents a danger to other road users and to part of the railway network.

LCC Lead Local Flood Authority – No objection subject to the imposition of a condition to require the development is carried out in accordance with the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy' and the mitigation measures referred to in the drawing to limit the surface water run-off generated for all storm events to 5l/s, and for the provision of compensatory flood storage. An advisory note should be included on the granting of any permission to state that the applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

Canal and River Trust - No observations received.

LCC Specialist Advisor (Ecology) – No observations received.

LCC Specialist Advisor (Landscaping) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. One representation has been received objecting to the application for the following reasons:

- This type of business should be on an industrial estate, well away from residential properties and not in a rural, Green Belt setting.
- There are potential hazards, such as explosions, associated with the storage of the type of waste materials that the site accepts. This would be dangerous to nearby houses and can only have a detrimental effect on the character of the area.
- HGV's and articulated trucks regularly have to park outside the site entrance partially on Station Road, 'pip' their horn and wait until the gates are opened before they can enter the site. The vehicles sometimes have to do a dangerous reversing manoeuvre to enter the site. The situation presents a danger to other road users who have to cross the double solid white lines in the centre of the road to pass the waiting vehicles, and because the Station Road railway level crossing is adjacent to the site entrance with a blind bend another 100 metres beyond on Station Road.
- The noise from fork lift trucks operating in the yard area is irritating due to their high pitch alarms.
- The proposed welfare unit and unrestricted hours of opening would be in close proximity to houses and create a loss of privacy.

County Councillor Dereli has expressed concerns as to surface and foul water drainage issues, hours of working and highway matters, and wish them to be controlled by condition.

## **Advice**

Planning permission is sought for the retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industry (Class B1) and storage and distribution (Class B8) uses and the recycling of non-

hazardous waste plastics together with the erection of a warehouse building for the storage and distribution of materials associated with the uses.

The site is currently used for plastic recycling and for storage and distribution uses.

The plastic recycling business involves importing non-toxic and non-hazardous waste plastic items to the site, such as PVC, polycarbonate and HDPE, in the form of plant pots, empty containers such as margarine tubs, shampoo bottles and kegs for recycling that would otherwise go to landfill. The process involves washing the plastic, drying it, granulating it into 5mm pieces and then exporting the granulated product for final processing and re-use in the manufacture of new products such as milk crates, bread trays and garden benches. This process is industrial in nature and is undertaken within the existing warehouse type building on the west side of the site near to the entrance. The use is already in operation and hence this aspect of the application is retrospective.

The storage and distribution use involves taking and storing products such as detergents and other cleaning liquids from manufacturers and then distributing them elsewhere. These products and the waste plastics to be processed in the recycling business are currently stored externally in the yard area around the site.

The proposed warehouse building is required as some plastic types must be retained in dry condition to prevent deterioration of the product. The warehouse would also provide office and staff welfare facilities and remove the need for the three existing containers/ portable buildings along the eastern and western boundaries in the southern half of the site currently used for those purposes. The application initially proposed that the additional warehousing would be provided through an extension to the existing building. However, the application has since been modified to propose a free standing building located further into the site.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD).

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system supports and secures economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are

acceptable, and to support the sustainable growth and expansion of all types of business and enterprise in rural areas including through the provision of well designed buildings. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The shredding of waste plastic to make a granulated product for commercial use in the manufacture of other products diverts waste from landfill and moves waste up the waste hierarchy as it is a re-use of waste. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD in terms of waste management strategy.

The proposal raises issues in relation to the location of the site within the Green Belt, the impact on visual and residential amenity, highway safety, flood risk and surface and foul water drainage.

The proposed site is located within the Green Belt. The NPPF seeks to prevent inappropriate development that would be harmful to the Green Belt and which should not be approved except in very special circumstances. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. The NPPF lists six exemptions to this. West Lancashire Borough Council have objected to the application as they consider that the erection of the warehouse would not fall into one of these categories and would therefore be inappropriate development. However, one of the exemptions listed includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The application is an existing industrial site. The new warehouse would be sited in a similar location to a building that was previously on this site and hence it would constitute the redevelopment of a previously developed site. The applicant initially proposed to provide the new warehousing by extending the existing building towards Station Road. However, this would have require the removal of several trees subject to Tree Preservation Orders and would have been closer to the residential properties off Station Road. The application was therefore modified to provide the new warehousing through a new building located towards the rear of the site.

The whole site is bordered by mature trees which would effectively screen the new building. From Station Road the new building would largely be hidden behind the existing warehouse and therefore the visual impact of the new building in the Green Belt would be minor and would not have a greater impact on the openness of the Green Belt than the existing development.

A condition can be imposed requiring the protection of the trees on the site boundaries. The external elevations of the warehouse would be coloured dark green but to ensure the exact colour is acceptable, a condition should require details of the colour to be submitted for approval. Should it be the intention to provide any additional lighting to the site, then to restrict any light spill to the surrounding area,

the details of such lighting should be subject of a condition. Subject to the imposition of these conditions, the visual impact of the warehouse including on the openness of the Green Belt is acceptable and complies with the policy within the NPPF and Policies EC2 and EN2 of the West Lancashire Local Plan DPD.

The nearest houses to the site are located approximately 15m away from the site boundary on the opposite side of Station Road. It should be remembered that this site has a history of industrial uses and therefore this application does not propose a new industrial activity in this location. The plastics recycling activity is undertaken within the existing building and is not an especially noisy activity. To protect residential amenity, conditions should restrict the hours of construction, the opening and operating hours of the site to between 7.00am and 7.00pm on weekdays and Saturdays and not at any time on Sundays or public/bank holidays, and mobile plant used in the yard area should be fitted with non-audible or white noise reversing alarms. Subject to such conditions, it is considered that the application is acceptable in terms of local amenity and conforms with Policy GN3 of the West Lancashire Local Plan DPD.

In relation to highway impacts, the number and type of vehicles accessing the site would be two x 7.5 tonnes HGV's and 3 employee car trips per day and two articulated trucks per week. The existing site access has been used to serve previous industrial uses on this site and has adequate visibility onto Station Road. The LCC Developer Support (Highways) has raised no objection to the application. However, concerns have been expressed that HGV's waiting to access the site are overhanging the highway and can result in vehicles queuing over the nearby level crossing. In order to avoid such a situation, a condition should be imposed requiring the gates to Station Road to remain open at all times during business hours to allow HGV's to pull clear of the highway. The applicant has also provided a plan to demonstrate how HGV's can enter and leave the site in a forward gear by turning within the site to avoid them having to reverse onto Station Road. To ensure that the turning space for HGV's can be achieved for the duration of the development, a condition should be imposed to requiring the turning area to remain clear of any storage and car parking at all times. West Lancashire Borough Council suggest a restriction on the use of outside areas for storage and the aforementioned condition would effectively require external storage to take place in a location away from Station Road so as to minimise any visual impact. The height of stored items in the yard area can be restricted by condition to 4 metres. With such conditions, the development accords with Policy IF2 of the West Lancashire Local Plan DPD.

In relation to flood risk and drainage matters, the Environment Agency are satisfied with the proposed surface water drainage scheme that has been submitted but comment that a Foul Drainage Assessment has not been submitted. Network Rail have objected that the foul water discharge is proposed onto Network Rail land to an assumed soakaway. In response to this objection, the foul water discharge referred to is existing and has taken place for many years. To ensure there is ensure there is no pollution, a condition should require that no development shall take place until a foul and waste water drainage scheme for the site has been submitted and approved. In accordance with the request of LCC Lead Local Flood Authority, a condition should be imposed to require the discharge of surface water in accordance with the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy', plus the

inclusion of an advisory note that Land Drainage Consent is required from LCC before starting any works on site. The development would therefore accord with Policy GN3 of the West Lancashire Local Plan DPD.

There are concerns from a local resident in relation to contamination risks, fire safety concerns and from potential hazards, such as explosions, associated with the storage of the type of waste materials that the site accepts. Issues relating to the type of waste plastic received at the site and contamination risks are a matter for the Environment Agency. The operations at the site are covered by controls under an exemption to the Environmental Permitting Regulations, a copy of which has been submitted with the application. The EA only issue such an exemption if activities do not cause harm to human health and amenity and do not cause risk to water, air, plants and animals. Issues relating to health and safety and fire risks are a matter for the Health and Safety Executive. However, the types of waste materials stored at the site would not normally give rise to risks of explosions or fire.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act 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 to this permission, in accordance with the following documents:
  - a) The Planning Application received by the County Planning Authority on 17th February 2015, two emails from the applicant received on 30th July 2015 and the email from the applicant received on 14th August 2015.
  - b) Submitted Plans and documents received by the County Planning Authority on 17 February 2015:

Drawing No. 101 Issue P - Tree Survey  
Drawing No. 101 Issue P - Tree Protection Plan

Submitted Plans and documents received by the County Planning Authority on 30 July 2015:

Site Location Plan  
Drawing No. P5303-01 Rev. E - Plan and Elevations  
Proposed HGV turning area and parking layout  
Drawing No. LE13035-001 - Outline Drainage Strategy  
Supplementary Report on Existing Trees  
Tree Survey  
Drawing No. 102 Issue P - Tree Protection Plan

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

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies NPPF 1, DM2 and WM1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3, GN5, EC2, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Building Materials**

2. No development of the new warehouse building shall take place until details of the exact colour of the external elevations of the building have been submitted to the County Planning Authority and approved in writing. Thereafter, the warehouse building shall be maintained in the approved colour/s.

*Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Site Operations**

3. Materials shall not be stored in the external yard areas to a height exceeding four metres above ground level.

*Reason: In the interests of the visual amenities of the area and to conform with Policy GN3 of the West Lancashire Borough Local Plan.*

### **Hours of Working**

4. No site operations, including the delivery or export of materials shall take place except between the hours of:-

0700 to 1900 hours, Mondays to Friday (except Public Holidays)  
0700 to 1700 hours, Saturdays

The site shall not operate at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and*



*Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

5. No construction operations or the associated delivery or removal of materials associated with the construction of the new building shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)  
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Highway Matters**

6. The vehicle access gates from Station Road shall remain open at all times during the hours of operation specified in condition 4 to allow vehicles access to the site and to prevent vehicles overhanging the highway and causing obstruction to other road users.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

7. The turning space for HGV's as shown on the 'Proposed HGV turning area and parking layout' plan shall be available for use at all time during the development. There shall be no storage of materials or parking of vehicles within this area which would restrict the ability for HGV's to turn within the site.

*Reason: To ensure that there is sufficient space within the site for the turning of HGV's in the interests of highway safety and to conform with Policy GN3 of the West Lancashire Borough Local Plan.*

8. The portable buildings used for staff welfare shall be removed from the site within one month of the new warehouse building being brought into use.

*Reason: In the interests of the visual amenities of the area and to protect the openness of the green belt and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. Within one month of the date of this planning permission, the car parking spaces and motorcycle and cycle parking provision as shown on the drawing 'Proposed HGV turning area and parking layout' shall be provided and maintained for the duration of the development.

*Reason : To ensure parking provision in accordance with adopted standards and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Control of Noise**

10. 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. All plant, machinery and equipment shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. Within three months of the date of this planning permission, all mobile plant used on the site shall be fitted with non-audible or white noise reversing alarms.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

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

12. Prior to the commencement of the development of the warehouse building, a scheme and programme for the collection, treatment and disposal of all foul and waste water arising on the site to ensure that there shall no discharge of contaminated or polluted drainage to ground or surface waters shall be submitted to the County Planning Authority for approval in writing. The measures contained in the approved scheme shall thereafter be implemented and maintained in full working order thereafter.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. The development shall be carried out in accordance with the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy' and the mitigation measures referred to in the drawing to limit the surface water run-off generated for all storm events to 5l/s, and for the provision of compensatory flood storage.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority in consultation with the LCC Lead Local Flood Authority.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Floodlighting**

14. No additional lighting shall be erected to illuminate the site unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the County Planning Authority. Any such details shall include provisions to reduce light pollution to adjacent land.

Thereafter, the lighting shall be operated in accordance with the approved specification at all times.

*Reason: To minimise light spill beyond the site boundary and to safeguard the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Landscaping**

15. All trees forming part of the site boundaries shall be protected from any damage and maintained throughout the construction period and life of the development by the implementation of the tree root protection zones and tree protection methods as detailed in the submitted Supplementary Report on Existing Trees, the Tree Survey and Drawing No. 102 Issue P - Tree Protection Plan.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Notes**

The applicant's attention is drawn to the observations of Network Rail in their letter of 7th April 2015.

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

This permission does not grant the applicant permission to connect to the ordinary watercourse(s) and it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

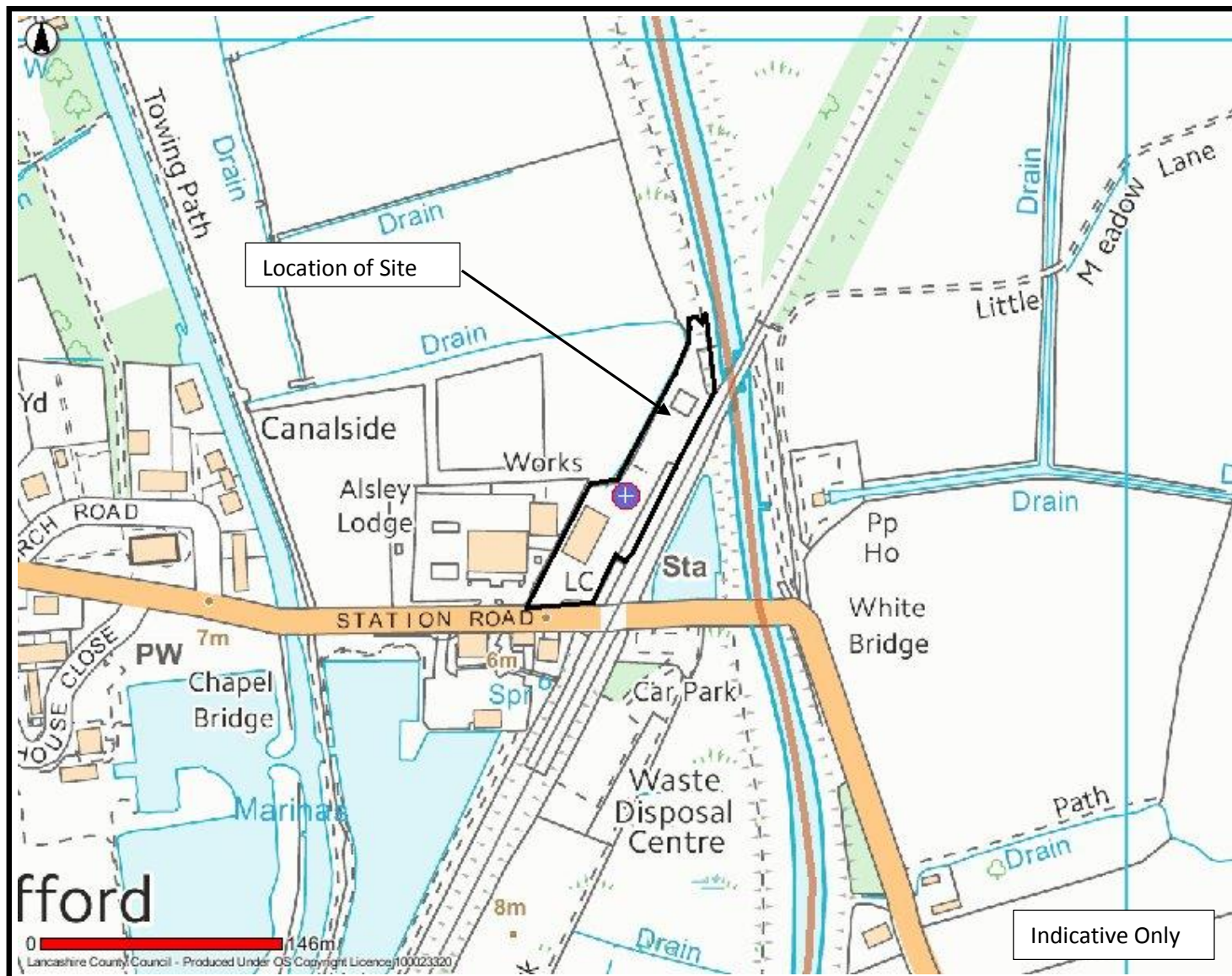
## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Ext
LCC/2015/0026	17 February 2015	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

**APPLICATION LCC/2015/0026 RETROSPECTIVE CHANGE OF USE FOR THE RECYCLING OF PLASTICS AND EXTENSION TO THE EXISTING WAREHOUSE BUILDING AND WELFARE UNIT. UNIT 1 STATION ROAD, RUFFORD**



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## Development Control Committee

Meeting to be held on 14<sup>th</sup> October 2015

Electoral Division affected: Accrington North
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### Hyndburn Borough: Application No. LCC/2015/0050

**Application for the continuation of stone quarrying and restoration of the site by backfilling with inert waste without complying with conditions 2 and 5 of planning permission 11/13/0264 in order to remove the requirement to construct the inert waste bund along the southern boundary of the extension. Whinney Hill Quarry, Whinney Hill Road, Accrington.**

Contact for further information:

Jonathan Haine, 01772 534130, Environment Directorate  
DevCon@lancashire.gov.uk

#### Executive Summary

Application: Application for the continuation of stone quarrying and restoration of the site by backfilling with inert waste without complying with conditions 2 and 5 of planning permission 11/13/0264 in order to remove the requirement to construct the inert waste bund along the southern boundary of the extension.

Whinney Hill Quarry, Whinney Hill Road, Accrington.

#### Recommendation – Summary

That subject to the applicant first entering into a section 106 agreement relating to surface water management and the payment of financial contributions towards highways maintenance, planning permission be **granted** subject to conditions controlling working programme, highway matters, management of ground and surface water, hours of operation, noise and dust, blasting, restoration and aftercare.

#### Applicant's Proposal

The application is for the continuation of stone quarrying and restoration of the site by backfilling with inert waste without complying with conditions 2 and 5 of planning permission 11/13/0264.

Planning permission 11/13/0264 permits the extension of the quarry in an easterly direction and was granted on 11<sup>th</sup> February 2015. The permission is subject to a section 106 agreement relating to highway maintenance and surface water management. Condition 2 of the permission requires the extraction and backfilling of the site to be undertaken in accordance with the submitted drawings. Condition 5

requires a scheme for the construction of a containment bund of inert waste to be constructed along the western boundary of the extension area to be submitted within six months of the date of the planning permission to include a timetable for its construction.

The current application is to remove the requirement to construct the containment bund.

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

The application relates to Whinney Hill Quarry and Landfill site which is an existing stone and shale quarry and landfill site located off Whinney Hill Road 2km north east of Accrington. The northern boundary of the site is formed by the M65 motorway whilst to the east is open land which is part of the Green Belt. To the south is the Whinney Hill brickworks which is supplied with raw materials from the quarry. To the west is Whinney Hill Road linking Huncoat and Clayton le Moors.

The area covered by planning permission 11/13/0264 is immediately to the east of the existing quarry. Stone quarrying operations have commenced in this area but a large part of the planning permission area is unworked at present.

Large areas on the western side of the site are either restored areas of landfill or are currently being landfilled using imported municipal, industrial and commercial waste under a planning permission granted in 2011 (called the Global Scheme Permission). Between the landfill and the area of the current application is the base of the quarry created by the working of the sandstone and which is currently used as a location for mobile plant used to process the sandstone quarried from the application site.

There are no houses near to the application site, the closest being off Whinney Hill Road near to its junction with Whalley Road.

### **Background**

History: Whinney Hill Quarry has a long and complex history of planning permissions for the working of shale and sandstone materials and backfilling of the resultant quarry with imported waste materials.

The most relevant planning permissions to the current application are as follows:-

Planning permission ref 11/94/520 was granted in 1995 for the extension of the quarry in an easterly direction to allow the quarrying of sandstone and brickshale materials. This planning permission also provided for the backfilling of this area with inert wastes.

Planning permission ref 11/03/0017 was granted in 2011 for a revised scheme of landfilling across the whole of the existing quarry. The permission provided for the area covered by permission 11/94/520 to be backfilled with municipal, industrial and commercial waste. This permission is termed 'the Global Scheme permission'.



Planning permission ref 11/12/0012 was granted in 2012 for an easterly extension of the quarry. This permission covers a small area known as phase 1 and only permits the quarrying of sandstone and not the underlying shale materials.

Planning permission 11/13/0264 was granted in 2013 for a further easterly extension of the quarry. The permission covers areas known as phases 2 – 4 and also only permits the quarrying of sandstone and not the underlying shale materials.

A plan showing the planning permission boundaries is appended to this report.

## **Planning Policy**

### National Planning Policy Framework

Paragraphs 6 – 10, 11 – 14, 17, 87 – 90, 142 – 143 and 146 of the NPPF are relevant with regards to the definition and presumption in favour of sustainable development, core planning principles, protection of green belt, safeguarding important minerals resources and the need for industrial minerals.

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

Policy CS1 Safeguarding Lancashire's Minerals Resources  
Policy CS3 Meeting the demand for new minerals  
Policy CS8 Identifying capacity for managing our waste

### Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 Management of waste and extraction of minerals  
Policy DM2 Development Management  
Policy DM3 Planning Obligations

### Hyndburn Borough Core Strategy

Policy BD1 The balanced development strategy

## **Consultations**

Hyndburn Borough Council: No objection. Hyndburn consider that the Accrington Mudstone is an important resource that is required for future brick manufacture in Accrington. The brickworks has significant economic importance. Whilst removal of the bund would affect the means by which the site could be restored and reduce the capacity of the site for imported waste, it is considered that the quantity of waste requiring landfilling has been falling. It is important that the site is still capable of being restored and that the proposed changes do not impact upon the motorway or the nearby gas main and Haweswater Aqueduct.

National Grid: There is a major pipeline in the vicinity of the site and there must be no obstructions within the maintenance easement to the pipeline.

Highways England; No objection – the proposed development would not have any impact on the M65 motorway. Highways England request that steps are taken to ensure that dust emissions from the site do not impact the motorway.

Environment Agency: No objection.

LCC Developer Support (Highways): No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

A letter has been received from HBP (operator of the adjacent brickworks site) supporting the application. HBP say that planning permission 11/13/0264 would involve works that would sterilize brickmaking materials and that they would not provide contractual rights to the operator to construct the bund for that reason. HBP draw attention to the policy in the NPPF in terms of preventing the sterilization of minerals.

## **Advice**

Whinney Hill Quarry is an existing quarry and landfill site with a complex pattern of planning permissions, land ownerships and operators. The eastern part of the site, covered by planning permissions 11/12/0012 and 11/13/0264, is an active sandstone quarry operated by Park Royal Ltd that produces aggregates and limited quantities of building stone. In the central area of the site (that covered by planning permission 11/94/520), the sandstone reserves have already been removed but permission exists to allow the further excavation of the underlying brickshale materials (the Accrington Mudstone) to feed the adjacent brickworks operated by HBP. The western area of the site is comprised of restored and active areas of landfill operations using imported municipal, commercial and industrial waste. These landfill operations are undertaken under permission 11/03/0017 (the Global Scheme permission) and a later variant, both of which permit the restoration of the 11/94/520 area through landfilling operations.

HBP owns those parts of the site covered by planning permissions 11/12/0012, 11/13/0264 and 11/94/520. SITA, who are operators of the landfill site, have

ownership over the majority of the global scheme area apart from that covered by permission 11/94/520. Therefore landfill operations in that part of the global scheme covered by permission 11/94/520 would need to be undertaken with the agreement of HBP. Park Royal, who are the current applicants, operate the stone quarry under a lease from HBP.

The quarrying of the sandstone minerals within the area covered by planning permission 11/94/520 has resulted in the creation of a highwall forming the eastern edge of the quarry. The height of the wall will be extended in future as the quarry is deepened by extracting brickshale below the existing quarry floor. The Global Scheme permission provides for the area covered by permission 11/94/520 to be infilled with waste with the quarry highwall forming a retaining feature against which lining works would take place as part of the engineering of the landfill site.

The planning permissions ref 11/12/0012 and 11/13/0264 for the extension of the quarry in an easterly direction will involve the highwall being worked therefore removing the quarry face against which the landfill lining would be placed. This would have had consequences for the design of the Global Scheme and in effect would have meant that landfill operations could not be undertaken to the same extent as approved it would have removed the cliff face forming the eastern side of the permission area against which landfilling operations would take place. There would therefore be some loss of void capacity within the Global Scheme area. This issue was raised during the determination of application 11/13/0264 and the solution proposed at that time was to construct a containment bund using inert waste and overburden to effectively recreate the former cliff face and allow the landfilling operations to proceed in accordance with the design proposed in the Global Scheme. A scheme for the construction of the containment bund was a requirement of condition 5 of planning permission ref 11/13/0264.

Whilst no planning permission exists for the working of brickshale below the areas covered by permissions 11/12/0012 and 11/13/0264, the effect of the containment bund would be to sterilize the brickshale materials below the bund and prevent them from being worked in future.

When the planning applications for the extension of the stone quarry were considered, the Whinney Hill brickworks was dormant having been mothballed since around 2008. Following closure of the brickworks, various items of brickmaking equipment were removed from the factory and the site was being actively marketed for alternative uses. No representations were made at the time of the previous applications by the owners of the brickworks in relation to the sterilization of brick shale.

However, a new owner (HBP) has now purchased and reopened the site and is actively investing in the factory to re-establish Whinney Hill as a major brick producer. HBP therefore wish to protect the reserves of brickshale at the site and support the current application to remove the requirement to construct the containment bund.

The main planning issue in this case relates to the balance between the need for landfill capacity at the Whinney Hill site and the need to safeguard mineral resources.

The permitted landfill void space at Whinney Hill is sufficiently large such that this site is intended to be the main long term site for the landfill disposal of such waste in Lancashire. Policy LF1 of the Lancashire Minerals and Waste Local Plan states that the County Council will only support the long term landfilling of non hazardous waste at this site. The area of Whinney Hill covered by the global scheme permission forms an important part of Lancashire's landbank of void space for the disposal of municipal, commercial and industrial waste.

There are also policies at national and local level within the NPPF and Minerals and Waste Local Plan which seek to ensure that mineral resources of local and national importance are not needlessly sterilized by non - mineral development. The NPPF also states that reserves of at least 15 years duration should be available to support existing brick making plants.

The brickmaking factory at Whinney Hill is one of only three such sites in Lancashire and is therefore an important site in supplying such building materials across the north west. The raw materials that are held within the site are therefore of equal importance. The recent resumption of brick production at the site means that the importance of these minerals is maintained. Whilst the shale materials that lie underneath the proposed containment bund do not currently have planning permission, the needless sterilization of these minerals would therefore be contrary to the NPPF and policy CS1 of the Lancashire Minerals and Waste Core Strategy.

The containment bund was proposed as a means to permit the continued extraction of stone at the site whilst ensuring that the landfill capacity at the Whinney Hill site permitted under the Global Scheme permission could be maintained. The maintenance of some future landfill capacity at this site is important as Whinney Hill is the only site in Lancashire with substantial capacity and lifetime (until 2045) for the disposal of municipal, commercial and industrial waste and there is likely to be a continuing need for landfilling of some waste over this period. However, the landfill capacity within the Global Scheme is considerable (15 million m<sup>3</sup> at the time of the application) and whilst some of that capacity was uncertain due to it being reliant on continued shale extraction, with the resumption of brick production there is now more certainty that the total capacity will be realised. These factors may offset any reduction in void space that might result from not constructing the containment bund.

Land ownership is another factor that needs to be taken into account. The Global Scheme permission covers land that is not in SITA's ownership. (This land is on the eastern side of the site and is that area subject to planning permission 11/94/0520). At present SITA have no rights to landfill in this area nor do they have a permit from the EA to landfill this part of the site. HBP could therefore require landfilling to be undertaken to different contours to that contained in the planning permission if required to safeguard shale reserves. Provision was built into the Global Scheme permission such that landfill operations to the east of the ownership boundary are subject to a future review with a scheme and programme being submitted prior to landfilling of that area establishing timescales and details of landfill cells. The

existing permission, therefore acknowledges the long term nature of the landfill operations and that some areas of the site were too far in the future to be able to specify the design in any detail. SITA have also confirmed that they have sufficient void on their side of the ownership boundary for them to honour all their existing contracts and that the requirement for further landfilling beyond that point is uncertain. There is therefore doubt as to whether the total void space at Whinney Hill will actually be filled prior to the end date of 2045. In these circumstances, there would be no immediate need for the containment bund to be constructed as the full permitted extent of the landfill may never be required or may be so far into the future that it would allow time for the future working of the shale minerals and future backfilling to provide the necessary support to the global scheme should it ever be landfilled to its full extent.

In conclusion, it is considered that there has been a change in circumstances since planning permission 11/13/0264 was originally granted. With the reopening of the Whinney Hill factory the brickshale materials are of considerable economic importance and therefore should not needlessly be sterilized by other non minerals development. The need to landfill the entirety of the global scheme permission area is currently uncertain and in any event, with declining waste input levels, is likely to be so far into the future that there would be sufficient time to work the underlying shale materials and backfill the site to allow landfilling to proceed in accordance with the existing permission. Therefore there is no immediate requirement to construct the containment bund as required by conditions 2 and 5 of planning permission 11/13/0264.

There would still be a need to restore that area covered by planning permissions 11/11/0008 and 11/13/0264. There are conditions on both those planning permissions that relate to the restoration of those parts of the site including the contours of any fill material. Any new permission should also contain a similar condition but without including any requirement to construct the containment bund.

Planning permission 11/13/264 was also subject to a section 106 agreement which required the submission of a surface water management plan and the payment of financial contributions for highway maintenance purposes. Given that approval of this application will result in a new planning permission being issued, it should similarly be made subject to a section 106 agreement providing for the same matters.

In view of the 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 subject to the applicant first entering into a section 106 agreement relating to surface water management and the payment of financial contributions towards highways maintenance, planning permission be **granted** subject to the following conditions:-

### **Working Programme**

1. 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 as amended by the planning application ref LCC/2015/0050 received on 26th May 2015.
  - b) Submitted Plans and documents:
    - Drawing Number 9973E/01C - Location Plan
    - Drawing Number 9973E/03 - Scheme of working Phase 1
    - Drawing Number 9973E/04 - Scheme of working Phase 2
    - Drawing Number 9973E/05 - Scheme of working Phase 3
    - Drawing Number 9973E/06 - Scheme of Working Phase 4
    - Drawing Number 9973E/07 - Restoration Scheme
    - Drawing Number 9973E/08 - 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 policy CS1 of the Joint Lancashire Minerals Waste Development Framework, policy DM1 of the Joint Lancashire Minerals Waste Core Strategy Policy Env 7 of the Hyndburn Core Strategy and Policy E 10 of the Hyndburn Local Plan.*

2. A copy of this permission and all the documentation referred to in condition 1 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.*

3. The application site shall be worked in the sequence of phases shown on drawings 9973E/04, 9973E/05, 9973E/06 and shall be restored in accordance with the scheme and programme required by condition 22 below by not later than 1st April 2042.

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

4. 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 to Policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.*

- 5. 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 Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.*

- 6. 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 preceding 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/waste 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 policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.*

- 7. 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.*

8. No minerals shall be worked below the basal contours shown on drawing 9973E/06.

*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.*

9. No stripping of top soils or extraction of minerals shall take place in phases 3 and 4 as shown on drawing numbers 9973E/05 and 9973/006 until a scheme and programme of Great Crested Newt mitigation has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the results of a survey of the seven settling ponds in the HBP Brick Works and details of mitigation to be undertaken should the presence of Great Crested Newts be identified.

No stripping of top soils or extraction of minerals shall commence in phases in 3 and 4 until the mitigation measures contained in the approved scheme have been implemented.

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

10. 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*

11. 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.*

12. 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**

13. 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.*

14. 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.*

15. 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.*

16. 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.*

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

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

## **Dust**

18. 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*

19. 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.*

## **Safeguarding of Watercourses and Drainage**

20. Within three months of the date of this permission, a scheme and programme for 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.*

21. 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.*

## **Restoration**

22. 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) Re- spreading of any available topsoils, sub soils or soil making materials.
- e) 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.*

23. Should the restoration levels contained in the scheme and programme approved under the requirements of condition 22 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 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 within a reasonable timescale and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Aftercare**

24. 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) Reseeding 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 JLMWLP.*

## **Definitions**

**Completion of Restoration:** The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 22 have been completed satisfactorily.

**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.

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 ONA.

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/Ext
LCC/2015/0050 11/13/0264		

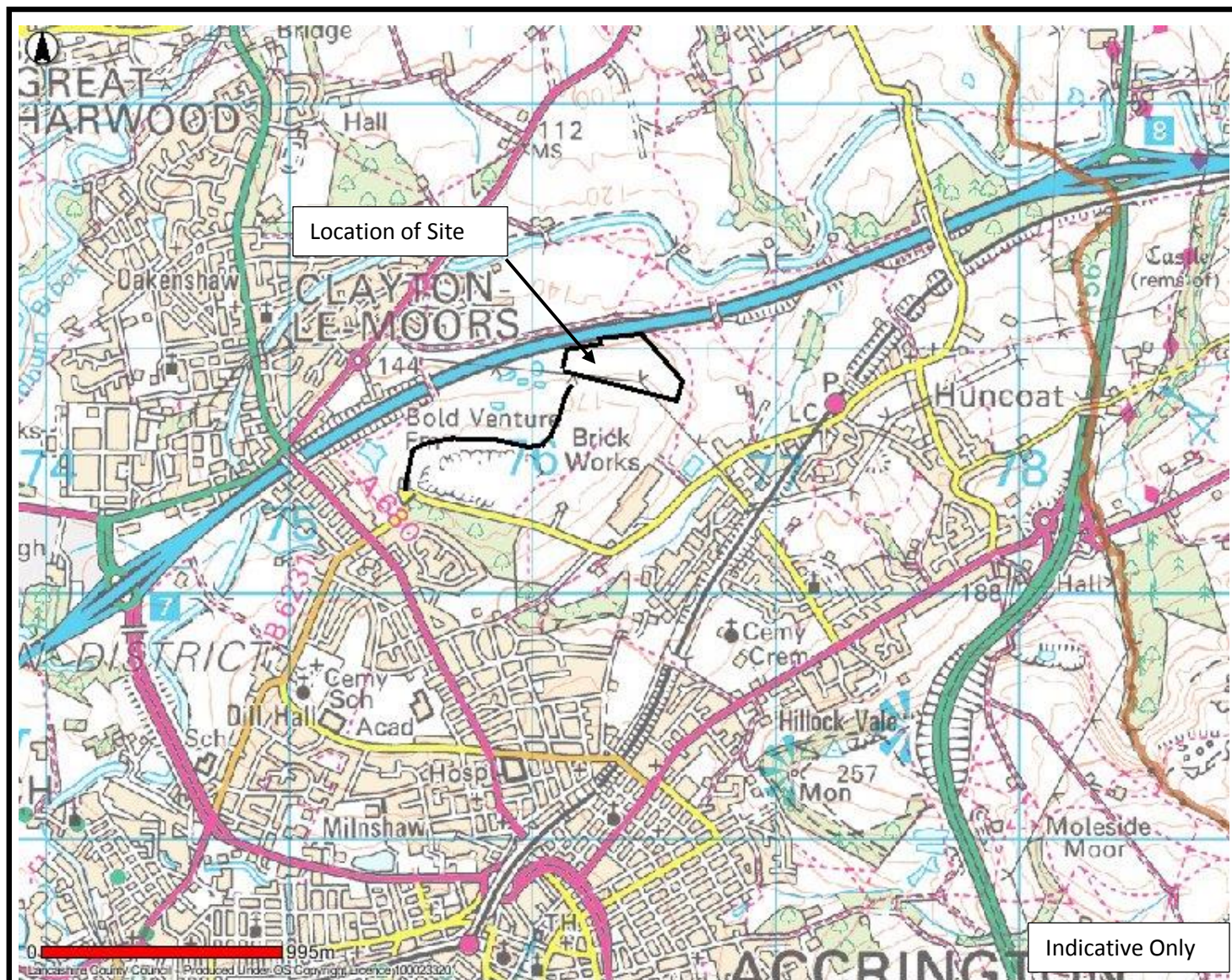
Jonathan Haine  
Planning and Environment  
534130

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2015/0050 APPLICATION FOR THE CONTINUATION OF STONE QUARRYING AND RESTORATION OF THE SITE BY BACKFILLING WITH INERT WASTE WITHOUT COMPLYING WITH CONDITIONS 2 AND 5 OF PLANNING PERMISSION 11/13/0264 IN ORDER TO REMOVE THE REQUIREMENT TO CONSTRUCT THE INERT WASTE BUND ALONG THE SOUTHERN BOUNDARY OF THE EXTENSION. WHINNEY HILL QUARRY, WHINNEY HILL ROAD, ACCRINGTON**

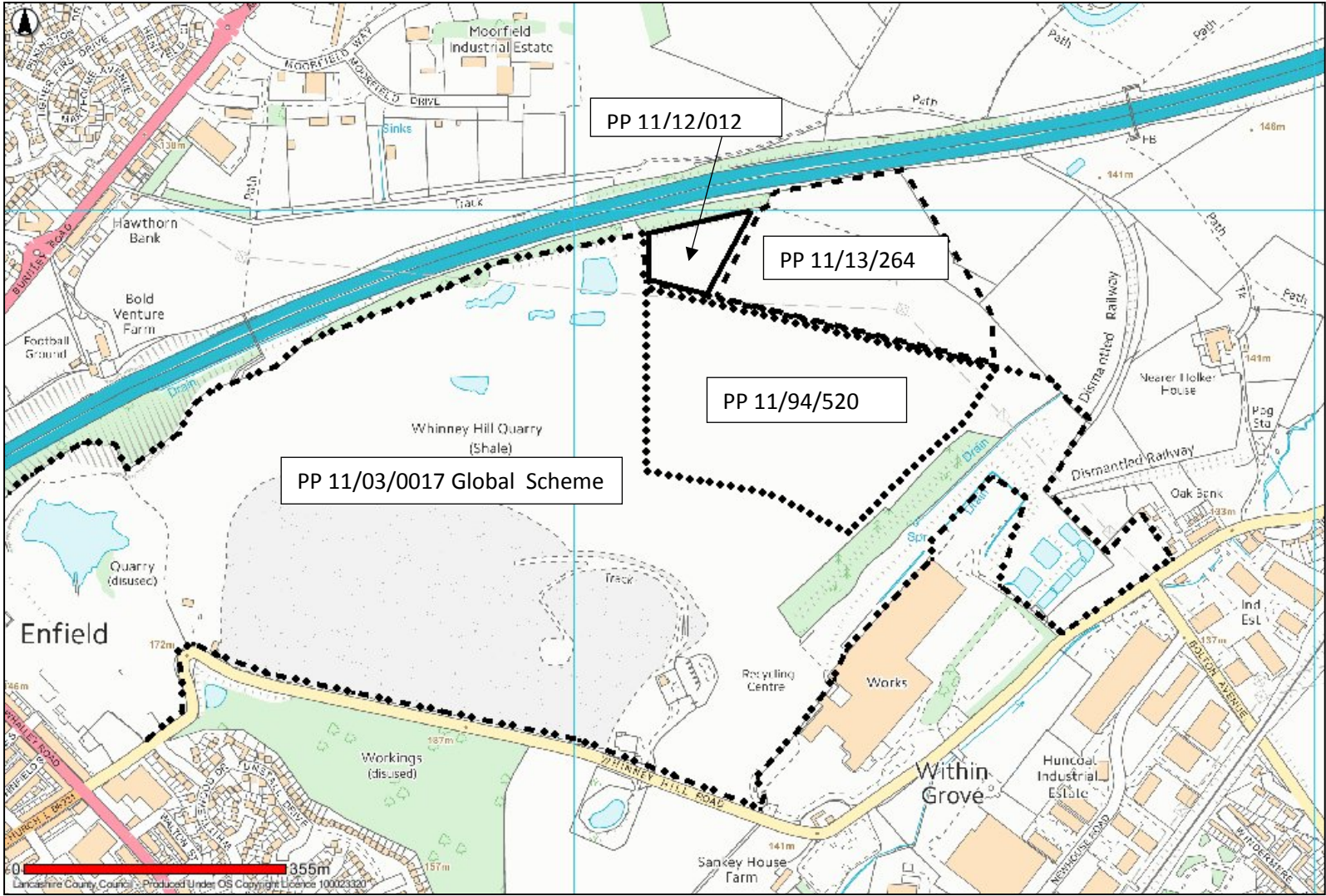


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WHINNEY HILL LANDFILL SITE AND QUARRY – BOUNDARIES OF PLANNING PERMISSONS



## Development Control Committee

Meeting to be held on 14th October 2015

Electoral Division affected: Oswaldtwistle
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### Hyndburn Borough: application number LCC/2015/0077

**Change of use of land to storage and distribution of raw and recycled uPVC material, siting of static caravan for site security, and 2.4m high security fencing at the former NIPA Laboratories Site, Nook Lane, Oswaldtwistle**

Contact for further information:

Robert Hope, 01772 534159, Development Management

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

### Executive Summary

Application – Change of use of land to storage and distribution of raw and recycled uPVC material, siting of static caravan for site security and 2.4m high security fencing at the former NIPA Laboratories Site, Nook Lane, Oswaldtwistle.

### Recommendation – Summary

That planning permission be **refused** for the following reasons:

- 1 The proposed development would be inappropriate development in the Green Belt and no 'very special circumstances' exist to outweigh the potential harm to the Green Belt by reason of inappropriateness. The proposed development would therefore be contrary to Green Belt policy as set out in the National Planning Policy Framework.
- 2 The use of Nook Lane as an access to the site would give rise to unacceptable impacts on highway safety and the safety of pedestrians contrary to Policies WM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan.
- 3 The proposed development by virtue of the visual impacts arising from the open storage of plastic materials and the movement of heavy goods vehicles along Nook Lane would give rise to unacceptable loss of local amenity contrary to Policy Env7 of the Hyndburn Core Strategy.

### Applicant's Proposal

Planning permission is sought for the change of use of a vacant former chemical works site to allow for the open storage and distribution of baled and bulk bagged raw and recycled uPVC material. There would be no processing or sorting and no storage of loose materials. Each bale/bulk bag would measure approximately 1m<sup>2</sup> and up to 1.8m high.

The application site, which covers just under 1 hectare of the much wider previously developed industrial site, would be secured with 2.4m high mesh security fencing coloured green. The proposal would also involve setting back the site access gates, siting of a static caravan for security staff and the refurbishment of an existing dilapidated building for additional storage.

The applicant states that the amount of waste material to be stored at any one time would vary but would generally be around 400-500 tonnes at any one time. It is predicted that 4-5 heavy goods vehicles would be unloaded and 3 containers loaded at the site each week.

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

The site is a vacant former chemical works site located off Nook Lane in Oswaldtwistle that is now characterised by large areas of broken concrete hardstanding and demolished buildings. The site is known to be heavily contaminated. To the north of the application site are further areas of the former chemical works. To the east is the Brookside Industrial Estate. Nook Lane, a narrow, largely privately maintained road is to the south, beyond which is agricultural land. To the west is an area of woodland. The site is within the Green Belt.

### **Background**

#### History

The site is a former chemical works. There is no relevant planning history.

### **Planning Policy**

National Planning Policy Framework (NPPF) -

Section 9 Protecting Green Belt land.

Planning Practice Guidance accompanying the NPPF (PPG) -

Policies relating to waste

Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD -  
Managing our Waste and Natural Resources (JLMWDF) -

Policy CS8 Identifying Capacity for Managing our Waste

Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) -

Policy WM2 – Large Scale Built Waste Management Facilities

Policy WM3 – Local Built Waste Management Facilities

Policy DM2 – Development Management

Hyndburn Core Strategy -

Policy ENV6 – High Quality Design  
Policy ENV7 – Environmental Amenity  
Policy A5 – Brookside Business Centre

Hyndburn Council Local Plan-

Policy E.10 – Environmental Enhancement and Protection

## **Consultations**

Hyndburn Borough Council – The site is in the Green Belt. Although Policy A5 of the Hyndburn Core Strategy recognises that there are circumstances when the Green Belt boundary may be changed, these circumstances have not been satisfied and the site therefore falls outside the urban boundary and remains in the Green Belt.

The use of land for the storage and distribution of waste materials / recycled products is not cited by National Policy as one that is not inappropriate in the Green Belt and the manner in which this is proposed (open storage) would have a significant impact on the openness of the Green Belt. The need for a caravan for security purposes will only serve to exacerbate this impact. These products are best managed within an appropriate industrial building on an industrial estate.

The proposed development would also result in heavy goods vehicles using an access that is clearly not designed for such use and which has a poor quality junction with New Lane. It is understood that the Highways Authority has also objected to the proposal for these reasons.

The council objects for the reasons set out above.

LCC Developer Support (Highways) – The adopted section of Nook Lane is narrow in nature, being in the region of 3.2m wide for the majority of the 90m of which it is adopted highway (from its junction with New Lane). The privately maintained section is however wider in the region of 6.5m wide, albeit without a footway provision.

The Lane is a popular spot for walking. Due to the limited road width, the adopted section of Nook Lane is unsuitable for two cars to pass side by side. Should two vehicles need to pass, one would by necessity need to either mount the pedestrian footway or reverse along the road.

Sight lines to the west beyond the adopted road section are very poor due to a left hand bend in the road and an existing structure which blocks the view. In addition the unadopted section of Nook Lane has no footway provision.

Reversing along the adopted section of Nook Lane towards the wider unadopted section would potentially be perilous. Reversing onto New Lane, which is a classified Road (B6231) would also be unacceptable.

The adopted section of Nook Lane would require widening to 4.5m to allow two way vehicle (car) flows as detailed in 'Manual for Streets'. Given the nature of articulated vehicles likely to be accessing the site it is suggested that 5.5m would be required as a minimum to provide safe two way access as illustrated in 'manual for streets'.

If land bordering the adopted section of Nook Lane is available to the applicant in order to undertake localised road carriageway widening works, the County Council would require the applicant to enter into a section 278 Highways Agreement to deliver a road widening scheme.

In addition, a specific footway provision of a minimum width of 1.5m would be required along the unadopted section of Nook Lane in order to safely facilitate pedestrian movements and avoid conflict with articulated delivery vehicles. Again, a section 278 Highways Agreement would be required to deliver these works.

Should the issues identified above be addressed then the County Council in its role as highway authority would also require details of the proposed new entrance to ensure adequate access and sightlines of a minimum distance of 2.4m x 43m are achievable.

As the proposal stands objections are raised on highway safety grounds due to the access arrangements being unsuitable for the proposal as detailed above.

Environment Agency – no objection in principle but make the following comments:

The site was identified as a potential special site under Part 2A of the Environmental Protection Act 1990 by Hyndburn Borough Council. The Environment Agency (EA) and the former owner of the site (Clariant UK) undertook an intrusive investigation of the site to assess whether significant contaminant linkages were present, which would indicate that the site met the legal definition of a contaminated land site and subsequently a special site. The investigations, identified contamination at the site. However, taking into account statutory guidance issued by Defra the site did not meet the strict criteria of contaminated land.

Although the site does not meet the strict criteria of contaminated land the site is impacting Lottice Brook and the EA would like to see some improvement in water quality achieved via the planning regime. Consequently, conditions are recommended.

The EA is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a recommended condition of the permission.

Lead Local Flood Authority – No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 3 representations have been received objecting on the following grounds:

- Contrary to development plan policy
- Historical contamination issues
- Previous unauthorised tipping on site including fly infestations.
- Inappropriate use of the site on the rural fringe.

Concerns are also raised by County Councillor Britcliffe on similar grounds.

### **Advice**

The application site is a former chemical works site that falls within Green Belt land. Paragraph 89 of the NPPF sets out exceptions to the general principles of inappropriate development in Green Belt and provides for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces, extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 87 advises that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF advises that '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.

Policy A5 of the Hyndburn Core Strategy stipulates that the development of a sustainable construction centre and country park would be supported on the application site provided that its development is guided by a supplementary planning document that has been developed in consultation with the local community and statutory consultees. The policy continues by adding that only on this basis alone could the site be removed from the Green Belt.

The proposal would include the storage of baled and bagged plastic materials in the open air over a large previously developed site. 2.4m high mesh security fencing would also be erected around the site and a static caravan would be sited. Given that little remains of the former chemical works it is considered that the proposal would have a significant and detrimental impact on the openness of the Green Belt and the purposes of including land within Green Belt and would therefore be inappropriate. The requirements of Policy A5 of the Hyndburn Core Strategy have not been met and it is considered that no very special circumstances exist that would outweigh the harm to the Green Belt.

Policy DM2 of the JLMWLP supports development for minerals or 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. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments are conserved and enhanced through high quality development. Saved Local Plan Policy E.10 has similar aims. In addition, Core Strategy Policy Env7 states that proposals for new development will only be permitted if there are no unacceptable adverse impacts in terms of, *inter alia*, traffic, visual impact, noise, dust, emissions, pollution, and the development can be

properly controlled. It is considered that the open air storage of plastic based materials over a large area of the former chemical works site would present a detrimental impact on local visual amenity and there could be no assurance that litter could be adequately controlled.

The site is known to be contaminated by chemicals from the former use and the Environment Agency has raised concerns in this respect. Although the application largely relates to a change of use there could be implications associated with the storage of large quantities of plastic material across the site. However, it is considered that a better understanding the status of contamination at the site, the likely interaction of the proposed development, and the need for any remedial measures could be satisfactorily addressed by way of condition should permission be granted and would not constitute a reason for refusal of the application.

The site is accessed via Nook Lane, which is a narrow, largely privately maintained road with no footways along the unadopted stretch. The applicant anticipates that 4-5 heavy goods vehicles would be unloaded and 3 containers loaded each week, which is not a particularly significant volume of traffic. However, even with low numbers of heavy goods vehicle movements, the County Council's Developer Support (Highways) has identified that Nook Lane is wholly unsuitable for HGV movements (see 'Consultations' section above) without substantial improvement works, requiring land outside the applicant's control.

In response to the comments made by the County Council's Developer Support (Highways), the applicant has noted that the suggested improvements to both the adopted and unadopted sections of Nook Lane would involve works on land that are outside of the applicant's ownership and as such they are unable to commit to any improvement works to these sections of Nook Lane. The applicant has acknowledged the concerns raised about pedestrian safety and the lack of passing places but highlights that given the historical industrial use associated with the application site, the change of use to this specific storage use would result in a considerable reduction in vehicle movements along Nook Lane compared to those levels which may have historically occurred and as such the applicant believes this can be considered as a planning / highway gain over development that could possibly be undertaken at the site without separate planning permission.

In response, the previous use has long since ceased and therefore it is argued that this development represents a new planning chapter where the highway impacts of traffic using Nook Lane which require consideration afresh.

Policies WM2 and WM3 of the JLMWLP seek to direct waste management facilities towards specific industrial estates that are recognised for their suitability. Only when opportunities for development at these sites do not become available should developers look to other vacant previously developed sites which can provide equally good or improved access to the road network. The access to the site is poor and along with the open air location within the Green Belt it is considered that the proposed development would be unsuitable for this location.

Overall, it is considered that the proposed development would be an unacceptable use of the site as it would have a detrimental impact on green belt, local visual amenity and highway amenity contrary to Policies WM2 and WM3 of the JLMWLP, Policy Env7 of the Hyndburn Core Strategy, and Green Belt policy within the



National Planning Policy Framework. Therefore it is recommended that planning permission be refused.

The proposal raises issues relating to Article 1 of the 1<sup>st</sup> Protocol of the Human Rights Act 1998. This gives every person the right to peaceful enjoyment of their property and possessions and imposes an obligation not to interfere with peaceful enjoyment of property. However there will be no breach of that right if such interference is carried out lawfully and is in the public interest.

This proposal would conflict with provisions of the development plan and the interference with the rights of the applicant is considered to be justified and proportionate in order to safeguard the public interest.

Article 6 provides that an individual is entitled to a fair and public hearing. If the application is refused the applicant has the right of appeal. It has been determined that the planning decision making process is article 6 compliant including as it does the right of review by the High Court.

### **Recommendation**

That planning permission be **refused** for the following reasons:

1. The proposed development would be inappropriate development in the Green Belt and no 'very special circumstances' exist to outweigh the potential harm to the Green Belt by reason of inappropriateness. The proposed development would therefore be contrary to Green Belt policy as set out in the National Planning Policy Framework.
2. The use of Nook Lane as an access to the site would give rise to unacceptable impacts on highway safety and the safety of pedestrians contrary to Policies WM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan.
3. The proposed development by virtue of the visual impacts arising from the open storage of plastic materials and the movement of heavy goods vehicles along Nook Lane would give rise to unacceptable loss of local amenity contrary to Policy Env7 of the Hyndburn Core Strategy.

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

Paper	Date	Contact/Ext
LCC/2015/0077	Sept 2015	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2015/0077 CHANGE OF USE OF LAND TO STORAGE AND DISTRIBUTION OF RAW AND RECYCLED UPVC MATERIAL AND SITING OF STATIC CARAVAN FOR SITE SECURITY. FORMER NIPA LABORATORIES SITE, NOOK LANE, OSWALDTWISTLE**



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# Agenda Item 7

## Development Control Committee

Meeting to be held on 14 October 2015

Electoral Division affected: Chorley North
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### **Chorley Borough: application number LCC/2015/0081**

### **Importation of soils to meet stability requirements for approved residential development at Little Quarry, Hill Top Lane, Whittle-le-Woods**

Contact for further information:

Robert Hope, 01772 534159, Development Management Group  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### **Executive Summary**

Application – Importation of soils to meet stability requirements for approved residential development at Little Quarry, Hill Top Lane, Whittle-le-Woods.

#### **Recommendation – Summary**

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

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

Planning permission is sought for the importation and deposit of approximately 100,000m<sup>3</sup> of additional soils/inert waste at Little Quarry.

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

Little Quarry is a former gritstone quarry that has been filled with inert waste materials and occupies an elevated position to the east of Whittle-le-Woods off Hill Top Lane. It extends over an area of approximately 6.6 hectares. The site is bounded by farmland to the north and east including a number of residential properties, residential property gardens to the west and Hill Top Lane and Whittle Hill Quarry to the south. Public footpath numbers 25, 27, 28, 29 and 30 are located at the south and western site boundaries.

#### **Background**

Recent planning history

In 2003 planning permission was granted for the construction of a dry ski slope involving the importation of waste materials (ref. 09/98/0841).

A number of planning permissions were subsequently granted for time extensions to allow the restoration works to be completed (planning reference numbers

09/04/1272, 09/08/1027 and 09/10/1030). The post restoration scheme for a dry ski slope and associated infrastructure has not been implemented.

Outline planning permission was granted in 2013 by Chorley Council for up to 85 new dwellings including a means of access. All other matters are reserved (ref. 12/01134/OUTMAJ).

### **Advice**

Planning permission has previously been granted at the site to allow for the importation and deposit of inert waste materials to create a landform for a dry ski slope and also to stabilise the quarry faces.

The applicant has stated that in the intervening years since permission was granted for a dry ski slope, technology has changed such that a dry ski slope is not a modern proposition.

The Borough Council has now granted outline planning permission on this site for up to 85 dwellings including means of access. The outline planning permission is subject to a number of conditions, including a requirement that the stability of the site be assessed. Through geo-technical assessment, the applicant concluded that additional material needs to be deposited at the site to ensure continued stability of the ground prior to any housing development. The importation and deposit of additional inert waste materials would constitute development in itself and is not provided for within the outline permission for housing. Hence this separate planning application.

Irrespective of the proposed housing development, the County Planning Authority must be satisfied that the proposal is acceptable in planning terms and there must be an alternative acceptable restoration scheme for the site including any landscaping should the housing scheme not be taken forward.

The proposed development has generated significant local interest and concerns are raised particularly in relation to highway matters and the use of Chorley Old Road to access the site in order to import the additional waste materials. This being the case, it is considered that a site visit would provide the Committee with a clearer understanding of the development proposal, the issues raised, and the relationship of the site to the surrounding area before the application is determined.

### **Recommendation**

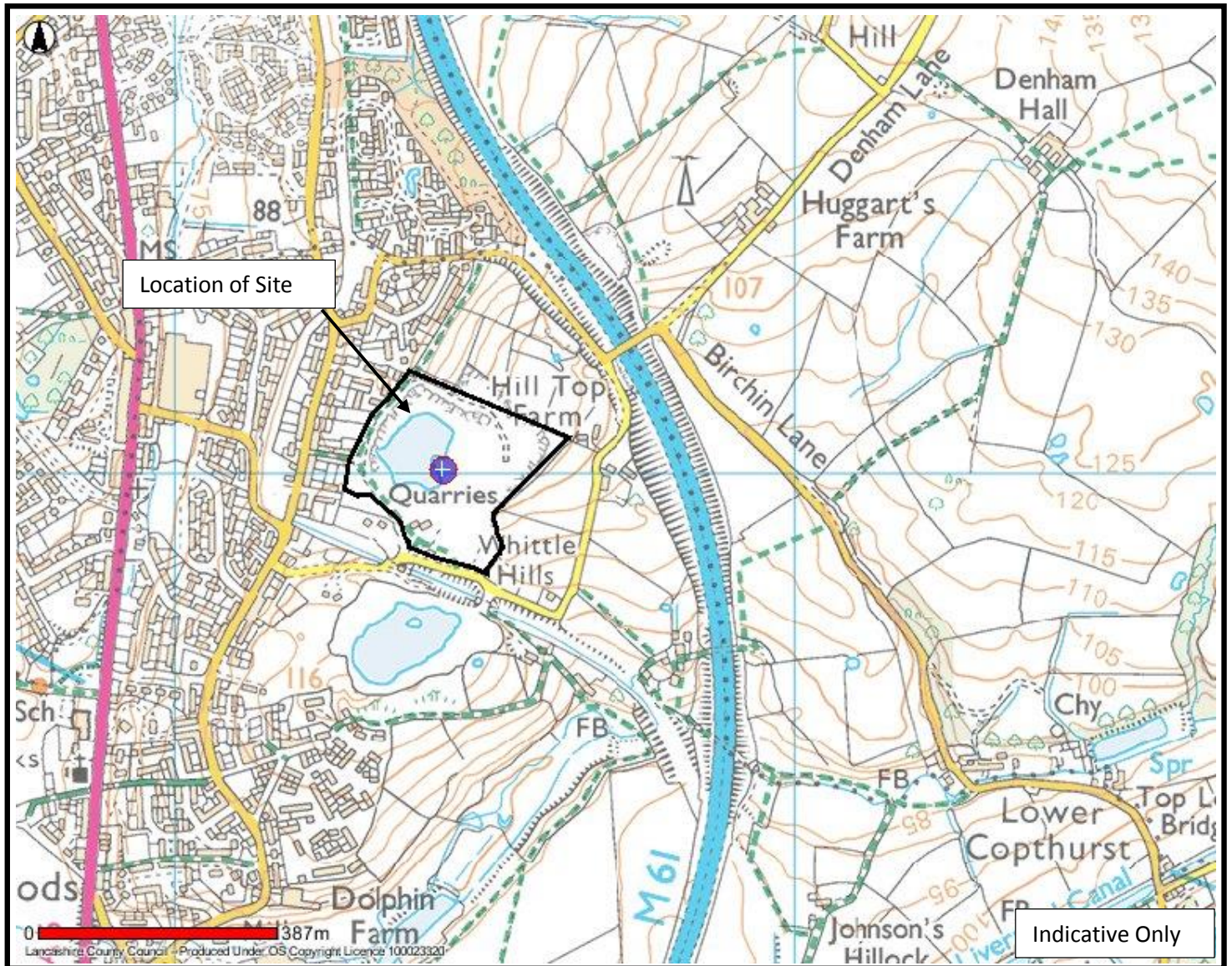
That the Development Control Committee visits the site before determining the application.

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

<b>Paper</b>	<b>Date</b>	<b>Contact / Ext</b>
LCC/2015/0081	Sept 2015	R Hope/34159

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

**APPLICATION LCC/2015/0081 IMPORTATION OF SOILS TO MEET STABILITY REQUIREMENTS FOR APPROVED RESIDENTIAL DEVELOPMENTS. LAND AT LITTLE QUARRY, HILL TOP LANE, WHITTLE-LE-WOODS**



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# Agenda Item 8

## Development Control Committee

Meeting to be held on 14th October 2015

Electoral Division affected: West Lancashire West
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**West Lancashire Borough: application number LCC/2015/0078**  
**Modular building with decking area and access ramp. Burscough Village**  
**Primary School, Colburne Close, Burscough.**

Contact for further information:

Jess Manfield, 01772 531942

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

### Executive Summary

Application - Modular Building with decking area and access ramp. Burscough Village Primary School, Colburne Close, Burscough.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, duration of the development and working programme.

### Applicant's Proposal

Planning permission is sought for a modular building at Burscough Village Primary School. The modular building would be constructed from Canadian lodge pine timber cladding coloured brown with a flat roof covered in grey felt with aluminium double glazed windows and doors. The modular building would be surrounded by brown decking and timber bannister rail to match the cladding.

The modular building would measure approximately 12m by 7.5m with a height of 3m.

The modular building would be used as a year 6 classroom.

### Description and Location of Site

Burscough Village Primary School is located off Colburne Close, within Burscough, approximately 4.6km from Ormskirk town centre. The modular building would be located to the rear of the school building on a grass area 4 metres away from the school boundary along School Lane.

The nearest properties are on School Lane the rear elevations of which would be approximately 17 metres from the building. A tall hedge forms this boundary of the school.

## **Background**

### History

The site is located at an established educational facility.

Planning permission was granted in June 2013 for a new entrance extension (08/13/0434).

## **Planning Policy**

### National Planning Policy Framework

Paragraphs 11 – 14, 56 – 64 and 72 are relevant in terms of the presumption in favour of sustainable development, the need for high standards of design and the need for new school accommodation.

### West Lancashire Local Plan 2012- 2026

Policy GN3 Design of Development  
Policy SP1 Key Service Centre

## **Consultations**

West Lancashire Borough Council – Object to the application on the grounds that the development, by virtue of its sitting and use, would result in a significant adverse impact on the amenity of neighbouring occupiers and therefore conflicts with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

Burscough Parish Council – No observations received.

Representations – The application has been advertised by site notice and neighbouring residents informed by individual letter. One objection has been received stating the following:

- the school building is within 2m of the end of our garden with only a hedge between
- What is wrong with attaching this building to the existing school buildings for the same or less costs and benefiting from far better access to and from other school facilities in all weathers?
- The building would generate a very high noise level from so many young children and staff required to run the facility, together with 26 families coming and going every day to drop off and collect their children

- Noise levels through walls, floors, roofs for modular timber clad building are far higher than traditionally built buildings.
- Reference is also made to a history of flooding in the area

## **Advice**

There is a need for a modular building at Burscough Primary to provide increased education facilities to alleviate overcrowding. The numbers on roll at this school have increased considerably and the two existing key stage 2 classrooms are below standard in terms of size. The additional classroom would alleviate these conditions as it would allow the two existing classrooms to be made into one larger teaching space.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and proposed communities. The principle of providing additional school accommodation to meet intake numbers is therefore supported by national planning policy.

The main issues relate to the location of the building and the impact upon the visual amenities of local residents.

Policy GN3 of the West Lancashire Local Plan states that new development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings and be of high quality design.

The Borough Council have objected to the application due to adverse impact on residential amenity. One representation has also been received from a resident on School Lane objecting to the siting of the building.

Consideration was originally given to extending the existing school building but this option was not viable due to limited funding and the impact that such an extension would have on the existing playground. Consideration was given to siting the proposed modular building elsewhere on the school playing field. However the modular building needs to be accessed easily from the existing school building. The Head teacher has stated that the opposite end of the playing field would be unsuitable due to longstanding issues with drainage and the area has been developed into a sensory garden. Additionally the chosen location is a well-drained area of the school field which is close to existing drains given that the proposed classroom block includes toilet facilities.

In response to the objections, the applicant has submitted a revised plan to increase the separation between the modular building and the school boundary to 4 metres. The modular building would be sited next to the existing playground so is located in an area of the school where there is already some noise during certain times of the school day. The building would be an insulated structure and it is not anticipated there would be an increase in discernible noise levels during teaching periods. The boundary between the school and the properties on School Lane is comprised of a substantial hedgerow which would provide adequate screening of the building for the

properties. However, given the nature of the building and its location, it is considered that any permission should be restricted to a temporary period of five years which would provide opportunity to review the ability to extend the existing school should the funding position improve in future.

The external elevations of the proposed building would be constructed from timber cladding. The proposed decking would be in keeping with the modular building and the character of the surrounding area. Therefore it is considered that the proposed development conforms to policy GN3 of the West Lancashire Local Plan.

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

### **Recommendation**

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

#### **Time Limits**

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

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

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

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy GN3 of the West Lancashire Local Plan.*

3. The classroom building authorised by this permission including all foundations and services shall be removed from the site within 5 years from the date of commencement of the development as notified to the County Planning Authority under the requirements of condition 2 above.

*Reason: To provide for the removal of the building within the approved timescale and in the interest of local and visual amenities and to conform with Policy GN3 of the West Lancashire Borough Local Plan.*

#### **Working Programme**

4. The development shall be carried out in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the County Planning Authority on 11th August 2015
  - b) Submitted Plans and documents:

Drawing number B01 Location Layout Rev D01  
Drawing number B02 Rev A - Proposed Plan and Elevations

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies GN3 and SP1 of the West Lancashire 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**

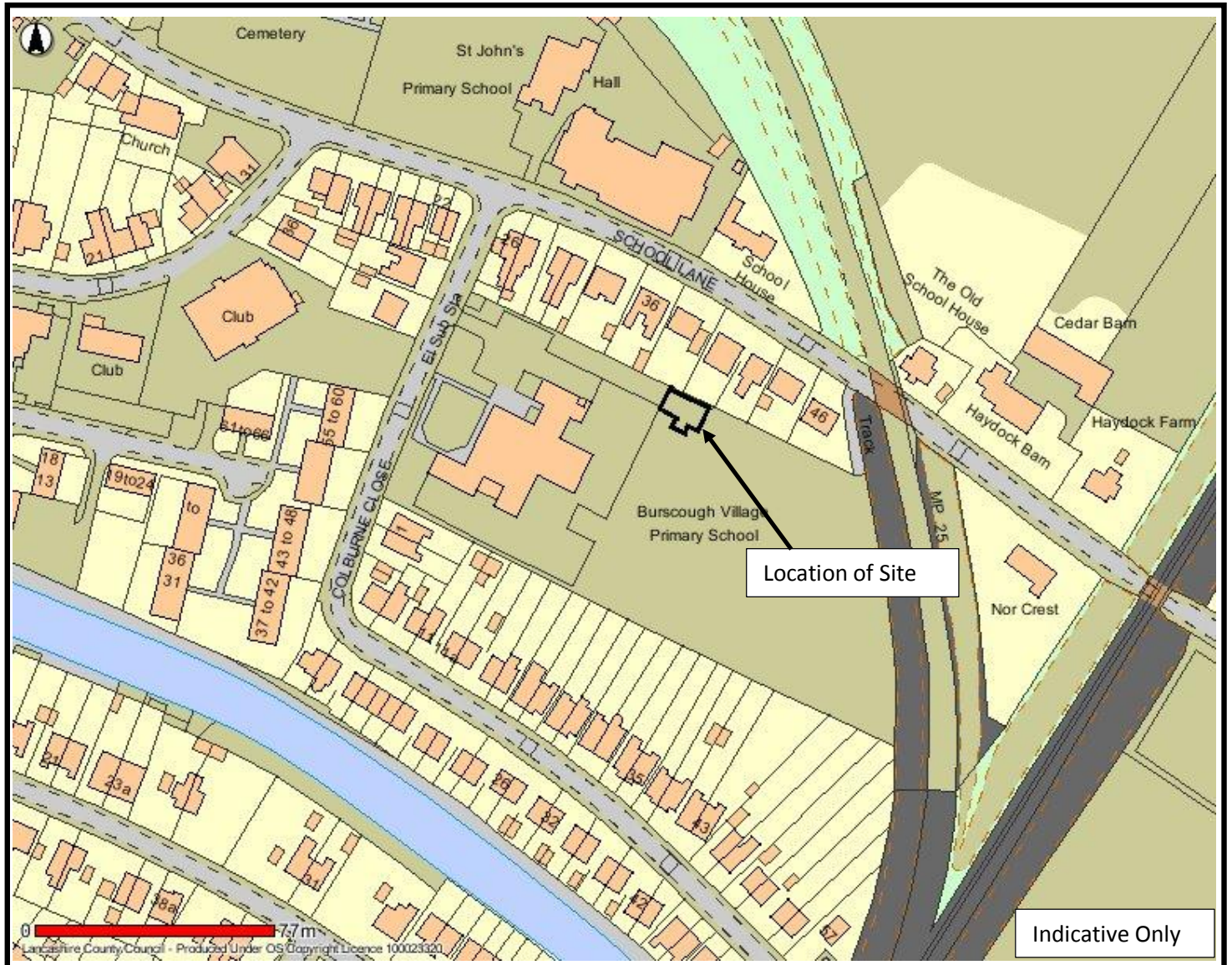
Paper	Date	Contact/Ext
LCC/2015/0078 Environment /	September 2015	Jess Manfield / Planning and Ext 31942

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2015/0078 MODULAR BUILDING WITH ATTACHED CANOPY, DECKING AREA AND ACCESS RAMP. BURSCOUGH VILLAGE PRIMARY SCHOOL, COLBURNE CLOSE, BURSCOUGH**



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## Development Control Committee

Meeting to be held on 14th October 2015

Electoral Division affected: Chorley North
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### **Chorley Borough: application number. LCC/2015/0063**

**Single storey extension to provide 8 new classrooms, new hall, storage and toilet/cloakroom areas, infill to existing building to provide extended teaching area and office, new playground, multi-use play area including 2m high fence, extension to car park and formation of new playing field area with 2m high fencing. Primrose Hill Primary School, Primrose Hill Road, Euxton**

Contact for further information:

Jonathan Haine, 01772 534130

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

### **Executive Summary**

Application - Single storey extension to provide 8 new classrooms, new hall, storage and toilet/cloakroom areas, infill to existing building to provide extended teaching area and office, new playground, multi-use play area including 2m high fence, extension to car park and formation of new playing field area with 2m high fencing. Primrose Hill Primary School, Primrose Hill Road, Euxton.

### **Recommendation – Summary**

That the Development Control Committee visit the site before considering the application.

### **Applicant's Proposal**

The application is for an extension to Primrose Hill Primary School in Euxton to provide a further eight classrooms and associated school accommodation. The proposed extension would allow the school to expand from a single form entry school to a two form entry school with a total intake of 420 pupils.

The proposed extension would be single storey and would be sited to the west of the existing school building on an area of playing fields. To replace the playing field provision, two new pitches would be developed immediately to the north of the existing school building.

The proposal also provides for an increase in staff car parking.

Full details of the proposal will be provided when the application is reported to committee for determination.

## **Description and Location of Site**

The proposed extension is located at Primrose Hill Primary School which is located off Primrose Hill Road in Euxton west of Chorley. The existing school is of single storey construction and occupies land between Primrose Hill Road and the M6 which is in cutting below natural ground level at this point.

Land immediately to the west of the existing school building is currently used as playing field and this land would be used for the proposed extension. The pitches would be relocated to a site immediately north of the school building which is within the Green Belt.

Properties on Laurel Avenue back onto the site of the proposed extension but a belt of mature trees screens the application site from these houses. Several properties on Primrose Hill Road face the school site but views of the application site from these houses are restricted by the existing school building and existing landscaping.

Primrose Hill Road is a residential street with properties on both sides of the road which links with Runshaw Lane and serves a large residential area.

## **Advice**

This application is for a major extension of an existing primary school. The main planning issues raised by the proposal relate to the likely traffic impacts on Primrose Hill Road given its residential character. A number of representations have been received from local residents concerned about the traffic impacts of the proposed extension and expansion of the school.

It is therefore considered that it would be helpful for Members of the Committee to visit the site before considering the application.

## **Recommendation**

That the Development Control Committee visit the site before considering the application.

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

### **List of Background Papers**

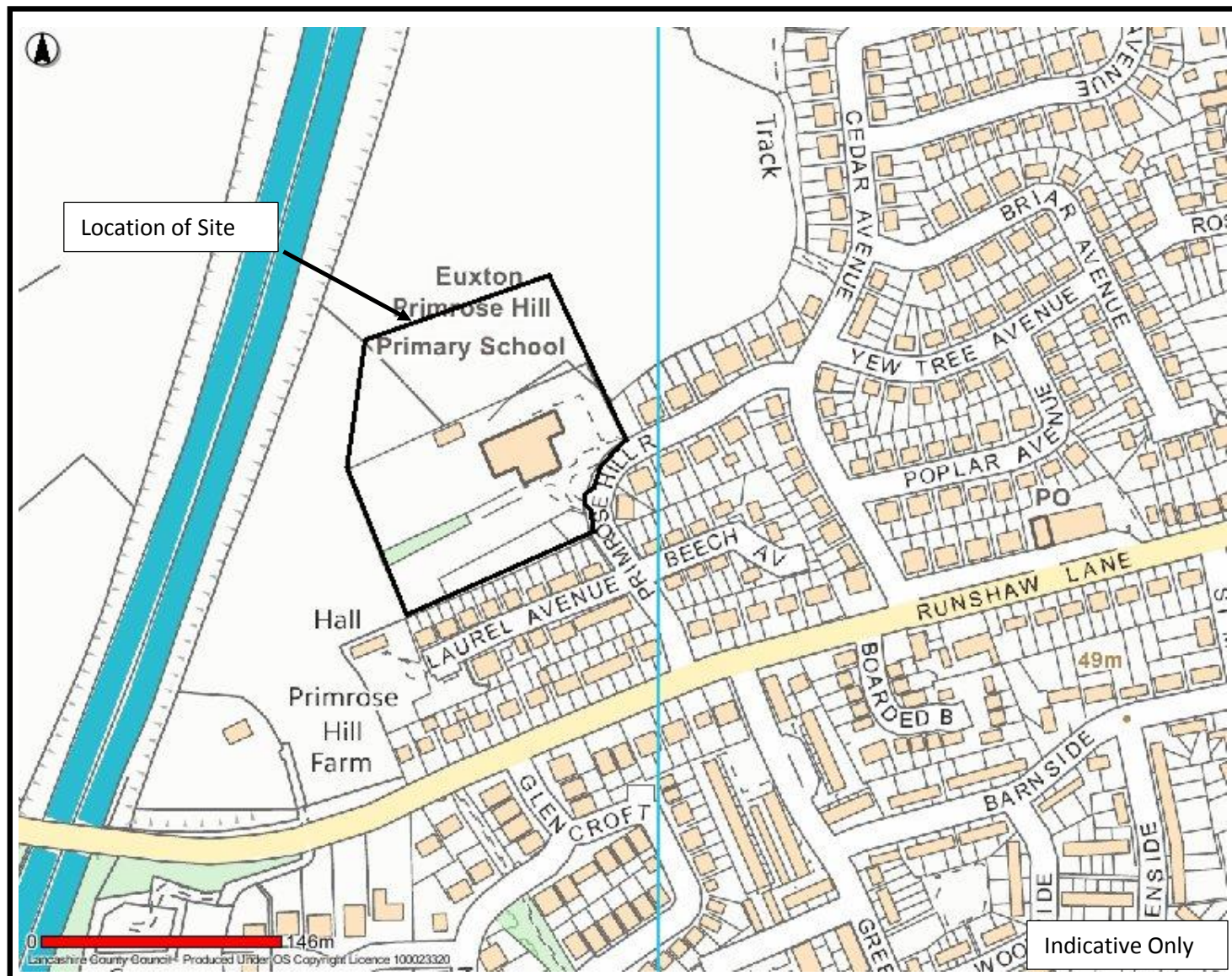
Paper	Date	Contact/Directorate/Ext
LCC/2015/0063		

29th June 2015

Jonathan Haine  
Planning and Environment  
534130

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

**APPLICATION LCC/2015/0063 SINGLE STOREY EXTENSION TO PROVIDE 8 NEW CLASSROOMS, NEW HALL, STORAGE AND TOILET/CLOAKROOM AREAS, INFILL TO EXISTING BUILDING TO PROVIDE EXTENDED TEACHING AREA AND OFFICE, NEW PLAYGROUND, MULTI USE PLAY AREA INCLUDING 2M HIGH FENCE, EXTENSION TO CAR PARK AND FORMATION OF NEW PLAYING FIELD AREA WITH 2M HIGH FENCING. PRIMROSE HILL PRIMARY SCHOOL, PRIMROSE HILL ROAD EUXTON**



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## Development Control Committee

Meeting to be held on 14 October 2015

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

Contact for further information:

Susan Hurst 01772 534181

DevCon@lancashire.gov.uk

#### Executive Summary

Planning applications determined by the Head of Planning and 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 02 September 2015, the following planning applications have been granted planning permission by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

#### Lancaster City

Application: No. LCC/2015/0074

Westgate County Primary School, Langridge Way, Morecambe.

Single storey extension to form new main entrance.

#### Preston City

Application: No. LCC/2015/0064

Brookfield Community Primary School, Watling Street Road, Preston.

Installation of a modular classroom including toilet, kitchen and storage.

#### West Lancashire Borough

Application: No. LCC/2015/0068

Elm Tree Community Primary School, Elmers Wood, Skelmersdale.

Installation of a modular building to be used for offices and classrooms for a period of 5 years.

### **Chorley Borough**

Application: No. LCC/2015/0066  
Southlands High School, Clover Road, Chorley.  
Construction of new sports hall on site of existing hard surface games area.

### **Hyndburn Borough**

Application: No. LCC/2015/0080  
Lee Royd Nursery School, Royds Street, Accrington.  
Enclosing the existing stepped access.

### **Rossendale Borough**

Application: No. LCC/2015/0072  
Haslingden High School, Broadway, Haslingden.  
Installation of a modular building.

### **Recommendation**

That the report be noted.

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

Paper	Contact/ /Ext
LCC/2015/0074	Susan Hurst, Ext: 34181
LCC/2015/0064	
LCC/2015/0072	
LCC/2015/0066	
LCC/2015/0080	
LCC/2015/0068	