

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 9th December, 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	N Penney
C Crompton	P Rigby
B Dawson	K Sedgewick
M Devaney	K Snape
M Green	D Westley
D Howarth	B Yates
M Johnstone	

County Councillors C Crompton and D Westley replaced County Councillors K Ellard and A Schofield on the Committee for this meeting.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor P Hayhurst.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillors D Howarth and B Yates declared a non pecuniary interest in agenda item 6 as a member of South Ribble Borough Council.

County Councillor M Green declared a non pecuniary interest in agenda item 6 as he is acquainted with one of the objectors to the application.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 8 as a member of West Lancashire Borough Council.

County Councillor P Rigby declared a pecuniary interest in agenda items 9a and 9b of the agenda as the applicant had been allowed to access his land for testing purposes.

County Councillor Westley declared a non pecuniary interest in agenda item 8 as a member of the West Lancashire Borough Council. Councillor Westley had previously given his views on the application as a member of the borough council planning committee.

3. Minutes of the last meeting held on 25 November 2015

Resolved: That the Minutes of the last meeting held on 25 November 2015 be confirmed and signed by the Chair.

**4. Lancaster City : Application number LCC/2014/0136
Erection of a wind turbine (79 metres to tip), transformer container
and amendments to existing internal site access road. Morecambe
Waste Water Treatment Works, Compression Road, Heysham.**

A report was presented on an application for the erection of a wind turbine (79 metres to tip), transformer container and amendments to existing internal site access road at Morecambe Waste Water Treatment Works (WWTW), Compression Road, Heysham.

The report included the views of Lancaster City Council, the Environment Agency, Natural England, the Ministry of Defence, National Air Traffic Services, the Joint Radio Company Limited, OFCOM, Lancashire Constabulary and the County Council's Developer Support (Highways) and Specialist Advisor (Ecology). It was noted that no letters of representation had been received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties, the location of proposed turbine plus locations of nearby approved wind turbines, Illustrations of the proposed wind turbine and photo montages of the wind turbine from various viewpoints.

The applicant addressed the committee and spoke in support of the application. The environmental benefits of the proposed wind turbine were outlined and the purpose of such explained. It was maintained that the appropriate assessments had been completed including the implications for breeding, migratory and wintering bird species within the Morecambe Bay special protection area (SPA).

Following debate during which it was pointed out that there were a number of other wind turbines in the area and that no objections had been received from local residents, it was Moved and Seconded that:

"Planning permission for the erection of a wind turbine, transformer container and amendments to existing internal site access road at Morecambe Waste Water Treatment Works, Compression Road, Heysham, be approved."

On being put to the vote the Motion was Lost.

In response to further questions raised by the Committee, the Development Management Officer advised that insufficient information had been provided to allow the Council to assess the significance of the potential impacts on birds such as the herring gull and the lesser black-backed gull within the SPA. Therefore the potential impacts on the wildlife site remained unresolved.

Following further debate it was:

Resolved: That planning permission be **refused** for the following reason:

1. Insufficient information has been submitted to enable Lancashire County Council, as the competent authority, to carry out the necessary appropriate assessment to conclude that the proposed wind turbine would not give rise to a significant effect on the qualifying interest features of the Morecambe Bay Special Protection Area. The significant environmental effects being disturbance, an effect on their feeding patterns and the risk of bird strike. Therefore, the application cannot be determined as it would be in breach of the Conservation of Habitats and Species Regulations 2010 (as amended) and contrary to Policies DM17, DM18, DM27 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

**5. Wyre Borough: Application Number LCC/2015/0071
Single storey extension to create enclosed antechamber for vehicles accessing the waste transfer building, the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.**

A report was presented on an application for a single storey extension to create an enclosed antechamber for vehicles accessing the waste transfer building, the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high at Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The report included the views of the Environment Agency, the County Council's Specialist Advisor (Ecology) and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown an illustration of the proposed building and its elevations and photographs of the site including the existing fencing.

The Development Management Officer reported orally that a further letter had been received from agents acting on behalf of Cala Gran Caravan Park. The agent continued to be concerned that there was no evidence to demonstrate that the development would result in any improvements to noise or odour and that the full details of their objection had not been included in the Committee report. The agents suggested that if planning permission was granted, a number of additional conditions would be necessary, including one to control the operation of the doors to ensure that the antechamber was only used for access purposes and not for storing waste.

The Committee was advised that there is no requirement for the applicant to demonstrate that the development would have any benefits. The relevant test is that the application would not have any unacceptable impacts.

In relation to the suggested conditions, the committee was advised that a condition could be imposed to require details of the operation of the doors to be submitted and also a condition that the doors to the extension must be the only means of vehicular access to the building. It was pointed out that if the antechamber was used as the access to the building there would be no room for the storage of waste and therefore the other condition suggested was not necessary. The additional conditions are set out below:

4. No development shall commence until details for the control of the doors to the building have been submitted to and approved in writing by the County Planning Authority. The details shall provide for the implementation of a system that ensures that the doors to the building do not open simultaneously.

Thereafter the operation of the doors shall be controlled in accordance with the submitted details.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

5. Upon the building extension being completed, the doors to the extension shall be the only means of vehicular access into and egress from the waste transfer building. No other doors shall be used for the purposes of vehicular access. All other vehicular access doors shall remain closed at all times except for emergencies.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Following brief debate it was:

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

6. **South Ribble Borough: application number LCC/2015/0099
Proposed roof alteration to house additional tanks at 117-118
Clydesdale Place, Moss Side Industrial Estate, Leyland.**

A report was presented on an application for a proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

The Committee was reminded that the application was presented to the Development Control Committee on 25 November 2015. At that meeting it was

resolved that consideration of the application be deferred to allow the Committee to visit the site.

The Committee visited the site on the 8 December 2015.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown a site layout plan and photographs of the site.

Following debate during which concerns were raised with regard to the potential adverse impact of the proposals on neighbouring businesses, an amendment was Moved and Seconded:

'That the application be approved subject to an additional condition in relation to the imposition of a heavy goods vehicle (HGV) turning area to be provided within the yard area of 117A Clydesdale Place. The turning area should enable HGVs to enter and exit the yard area in forward gear.'

On being put to the vote the Motion was Carried.

The additional condition is set out below:

4. No development shall commence until a plan showing the location and dimensions of a heavy goods vehicle (HGV) turning area to be provided within the yard area of 117A Clydesdale Place has been submitted to and approved in writing by the County Planning Authority. The turning area shall enable HGVs to enter and exit the yard area in forward gear.

The HGV turning area shown on the approved plan shall be provided prior to the commencement of the development and thereafter retained at all times free from obstruction to allow HGVs to enter and exit the site in forward gear. HGVs shall not reverse out of the yard area of 117A Clydesdale Place at any time.

Reason: In the interests of local amenity and highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Resolved: That planning permission be **Granted** subject to the conditions set out in the report and the additional condition as set out above.

7. **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 last meeting of the committee, nine 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.

8. West Lancashire Borough: Application LCC/2015/0061 Erection of two windturbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar

A report was presented on an application for the erection of two wind turbines and ancillary works at Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.

The report included the views of West Lancashire Borough Council, the Environment Agency, Natural England, National Air Traffic Service Ltd, the Lead Local Flood Authority, the Ministry of Defence, OFCOM, the Joint Radio Company, the County Council's Archaeology Service and Developer Support (Highways) and details of four letters of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The Committee was also shown the location of the proposed turbines, a map showing the results of the consultation exercise and photographs of the site from several viewpoints.

The Officer reported that at the request of the applicant, it was proposed to amend Condition 6 to allow ground works to commence in advance of the requirements of this condition being satisfied.

County Councillor Westley addressed the committee and raised concerns with regard to the visual impact of the turbines and the impact on wildlife and in particular pink footed geese populations. It was maintained that the application should be refused as it conflicted with the Ministerial Statement issued in June 2015 relating to wind energy development which stated that the views of the local residents should be the sole determining factor. Some of the nearest residents had concerns, even though the Parish Council had not objected. Councillor Westley requested that the Committee visit the site before determining the application.

County Councillor Westley is also a Councillor at West Lancashire Borough Council and had given his views on this application as a member of the WLBC Planning Committee. He therefore left the room at this point in the proceedings and took no part in determining the application.

County Councillor Dereli and the agent for the applicant both spoke in support of the application. The environmental benefits of the proposed wind turbine were outlined and the purpose of such explained. The agent advised that the applicant had carried out ornithological surveys which demonstrated that the application would not have a significant impact on the bird species. They also advised that

the height of the turbines was relatively low, the hub height being the same height as the pylons.

Officers responded to questions raised by the committee in relation to the two public consultation exercises carried out in accordance with June 2015 Ministerial Statement on wind turbines.

Following further debate with regard to the visual impact of the proposals, it was Moved and Seconded that:

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

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

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

9. Urgent Business

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

Exclusion of Press and Public

The Committee was asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act, 1972.

Resolved: That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the paragraphs 3 and 5 of Part 1 of schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

a. Shale gas appeals - Planning conditions and Section 106 legal agreements

Councillor P Rigby left the room during consideration of the following items of business as he had declared a pecuniary interest in the items.

Special circumstances for use of urgent business procedure:

The Planning Inspectorate has set a bespoke timetable for the submission of documents and the conduct of the inquiry. This matter cannot wait until the next Committee meeting on 20 January 2016 as if the Committee does not see the draft conditions and legal agreements now it will not have an opportunity to do so before they are finalised and shared with the Rule 6 Parties prior to the submission to the Planning Inspector.

A report was presented on the draft conditions and Section 106 legal agreements to four appeals relating to planning applications for shale gas exploration sites and associated monitoring arrays.

The Committee was informed that as part of the appeal process the County Council must agree planning conditions and any section 106 legal agreements with the Appellant for each appeal as far as it is able in advance of the public inquiry and submit them to the Planning Inspector. Where conditions could not be agreed they would remain matters of dispute and be dealt with in evidence at the public inquiry.

The Committee was invited to submit any views or comments on the draft planning conditions and section 106 agreements to officers by 5.00pm on Wednesday 16 December 2015.

Resolved: That the report be noted.

b. Shale Gas Inquiry - Update on the Statements of Common Ground

Special circumstances for use of urgent business procedure:

It was considered that this matter could not wait until the next Committee meeting on 20 January 2016 as it was considered appropriate that the Committee should receive an update on the matter following receipt of their comments on 27 November 2015.

The Officers presented an oral report on the joint 'Statements of Common Ground' which the committee had considered at their last meeting.

The Committee was informed that the Statements of Common Ground had been amended to reflect the views and comments of the Committee and had since been forwarded to the appellant from whom comments were awaited.

Resolved: That the report be noted.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 20 January 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston