

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 20th January, 2016 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
B Dawson	P Rigby
K Ellard	A Schofield
M Green	K Sedgewick
P Hayhurst	R Shewan
D Howarth	D T Smith
M Johnstone	D Westley

County Councillors R Shewan, D Smith and D Westley replaced County Councillors K Snape, M Devaney and B Yates on the Committee respectively.

County Councillor A Barnes attended the meeting under Standing Order 19(1).

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 Westley declared a non pecuniary interest in agenda item 4 as a member of the West Lancashire Borough Council. He advised that he 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 9 December 2015

Resolved: That the Minutes of the last meeting held on 9 December 2015 be confirmed and signed by the Chair.

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

County Councillor Westley had previously given his views on this application as a member of the West Lancashire Borough Council Planning Committee and therefore left the room during consideration of the application.

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 committee had considered the application at their last meeting on 9 December 2015 and resolved that further consideration of the application be deferred to allow the committee to visit the site.

The site visit took place on the 14 January 2016.

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.

It was reported orally that since the last meeting, Members had received a letter from the agent on behalf of the applicant to address several points which were raised in debate at the last Committee as follows:

- Pre application consultation – the applicant had produced details of the pre application consultation that was carried out, the address points from where responses were received and the comments that were made.
- An overview of the responses that have been received from consultees in relation to some of the key planning issues.
- Comments on shadow flicker including an explanation of why the shadow flicker issues that were raised in relation to the wind turbine in Skelmersdale would not occur at this site.

The officer advised that the comments contained in the applicant's letter were covered in the committee report.

Officers responded to questions raised by the Members in relation to the June 2015 Ministerial Statement relating to wind energy development and the community response to the consultation. The Officer pointed out that those residents living nearest the site either supported or raised no objection to the proposals.

The Committee was also mindful of other concerns including the impact on wildlife and the cumulative impact of the proposed turbines with another windfarm proposal nearby.

Following further debate with regard to the community response and the proposed mitigation measures, it was:

Resolved: That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the conditions set out in the report to the committee.

**5. West Lancashire Borough: Application number LCC/2015/0067
Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.**

A report was presented on an application for the change of use of land at Jubilee Wood to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road, Bickerstaffe.

The report included the views of West Lancashire Borough Council, Bickerstaffe Parish Council, the Environment Agency, the County Council's Developer Support (Highways), Specialist Advisors (Ecology and Archaeology) and Environment and Community Projects, National Grid Gas and Electricity, the Coal Authority and three 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 an illustration of the proposed site layout and vehicular access and photographs of the existing site entrance, the access road and the application site.

The Officer reported orally that the applicant had submitted further information to support and justify the location of the development within the Green Belt and had provided a plan of a proposed alteration to the central reservation located opposite the site entrance. The comments of the LCC Developer Support Highways in relation to the alteration were also reported together with details of two further letters of representation received and the officer advice. (Details set out on the update sheet at Annex A to the Minute Book).

A local resident addressed the committee and objected to the proposals for the following summarised reasons:

- No detailed information had been provided about the processes to be carried out on the site.
- No impact assessment had been carried out on the potential detrimental effects from noise, dust pollution and contamination.
- There were highway safety issues associated with the proposal which had the potential to impact on nearby residential properties, businesses and users of the cycle trail.

- The appropriate notices had not been served in relation to the access to the site which forms part of the Bickerstaffe Cycle Trails and which has been designated as an Asset of Community Value.
- The site is unsuitable for the proposed industrial use due to the potential impacts on health and safety.

Following discussion on the impacts of the proposal on highway safety and on the Green Belt it was:

Resolved: That planning permission be **refused** for the reasons set out in the report to the committee.

- 6. West Lancashire Borough: Application Number LCC/2015/0088
Pyrolysis plant to convert low worth waste plastic into diesel and gasoline, and to comprise a fuel reception hall, conveyors, chemical treatment plant, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.**

The Committee was advised that this application had been withdrawn.

- 7. Rossendale Borough: application number LCC/2015/0106
Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth**

A report was presented on an application for the demolition of the existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth.

The report included the views of Rossendale Borough Council, the Council's Developer Support (Highways) and Ecology Service, the Environment Agency, the Coal Authority, Natural England, the lead Local Flood Authority 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 a site location plan, illustrations of the proposed building and photographs of the site from several viewpoints.

It was reported orally that the applicant had submitted a bat survey to seek to address the recommended reason for refusal in relation to bats. However, the survey identified that further investigation would be required to reasonably demonstrate the presence/absence of bats. It was further reported that where there is a likelihood of protected species being present and affected, surveys should be complete, and mitigation in place through planning condition/obligation, prior to determination of the application. The committee was advised

that without this further survey work, the reasons for refusal remained the same as set out in the committee report.

It was also reported that one additional representation had been received raising the same issues to those referred to in the committee report.

County Councillor Alyson Barnes, the local Member for the area, addressed the Committee. Councillor Barnes felt that the proposed development would have an adverse impact on the area and on the local countryside; would be highly visible in the area despite attempts to mitigate it; would be detrimental to residential amenity; and was inappropriate in an open countryside location. She also pointed out that it was also contrary to the Local Plan.

A representative of CBS UK Ltd spoke on behalf of the applicant and raised the following summarised points in support of the application:

- Cemeteries and crematoriums were generally located outside of the urban boundary so this should not be a reason for refusal;
- The development would create a further 9 jobs;
- The proposed development was in keeping with other buildings in the area and the designs materials were comparable with a barn at nearby farm;
- The applicant would be happy to carry out further bat surveys;
- The proposal would result in higher environmental standards;
- It was not feasible to relocate the crematorium to an industrial area;
- The LCC Highways officer and the borough council's Environment Health Officer had raised no objection to the proposal.

During lengthy debate during which arguments both for and against the application were put, it was Moved and Seconded:

"That planning permission be granted subject to a further bat survey".

On being put to the vote the Motion was Lost.

Following further debate and advice from officers with regard to the bat survey it was:

Resolved:- That planning permission be refused for the reasons set out in the report to the committee.

8. 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, seven 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

9. Urgent Business

There were no items of urgent business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 2 March 2016.

11. Update Sheet - Annex A

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Annex A

Development Control Committee Update – 20th January 2016

Item 4 – Application LCC/2015/0061 – Hillhouse Waste Water Treatment Works

Since the previous Committee on 9th December 2015, Members will have received a letter from the agent on behalf of the applicant to address several points which were raised in debate at the last Committee. The points raised are:

- Pre application consultation – the applicant has set out the details of the pre application consultation that was carried out, the address points from where responses were received and the comments that were made.
- An overview of the responses that have been received from consultees in relation to some of the key planning issues.
- Comments on shadow flicker including an explanation of why the shadow flicker issues that were raised in relation to the wind turbine in Skelmersdale would not occur at this site.

Advice: The comments contained in the applicant's letter are covered in the committee report.

Item 5 - Application LCC/2015/0067 – Jubilee Wood

The applicant has submitted further information to support and justify the location of the development within the Green Belt and has provided a plan of a proposed alteration to the central reservation located opposite the site entrance.

In terms of Green Belt, the applicant states that the site was used a haulage depot for approximately 30 years prior to its use as a yard associated with the construction of the M58 Motorway in the late 1970's and early 1980's. In approximately 2012 the local planning authority, recognising the previously developed nature of the land, approached the owner with a view to identifying the site for a park and ride scheme associated with Edge Hill University. Since that date the local authority have promoted the land as an appropriate location for a travellers' site, a use which the owner did not wish to pursue. The applicant states that these uses would have a much greater impact on openness than the scheme proposed.

The applicant states that the development would accord with Paragraph 89 of the NPPF as the footprint of the proposed warehouse would be smaller than the combined area of the two derelict buildings that it would replace, and because the land can be classed as a previously developed site as the remaining permanent structures are still present and have not blended into the landscape.

The applicant also states that the development would accord with Paragraph 90 of the NPPF because the development would be both a mineral extraction and an engineering operation. It would be classed as mineral extraction as the proposed storage and blending of soils requires the collection and depositing of soils at the site that have been extracted during operations such as road construction.

The applicant also argues that pre-application advice was provided by LCC that dealt specifically with the matter of Green Belt and that stated quite clearly that *“With regard to the issues regarding the more general change of use of the land necessary to establish the soil processing facility, I note the policy at Paragraph 90 of the NPPF that such developments are not inappropriate provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.”* The applicant also states that it was confirmed that new buildings in the Green Belt would not normally be considered appropriate, but it was recognised that if it could be demonstrated that the new buildings were similar in scale to the buildings currently on site this would be regarded as acceptable, and this is precisely what the application proposes. The applicant feels that this shows that LCC has acknowledged that the operation proposed would fall within the forms of development set out in the NPPF which are considered to be not inappropriate in the Green Belt.

To address the highway concerns, the applicant has submitted a plan showing how the central reservation located opposite the site entrance would be altered by extending the central reservation to prevent HGV's from turning right from the southbound A570. A 'No right turn' sign would also be provided. The applicant states this would force any commercial traffic visiting the site from the M58 direction to travel along the A570 to the Lodge Lane/ Bushey Lane roundabout and return along the other carriageway thus avoiding HGV's having to cross the central reservation.

Consultations

LCC Developer Support (Highways) – Considers that the amendments to the central reservation on the A570 do not address the previous highway concerns. There are several gaps in the central reservation along the length of carriageway between the site entrance and the Lodge Lane / Bushey Lane roundabout and it is likely that vehicles will take the first opportunity to turn right rather than travelling to the Lodge Lane/Bushey Lane roundabout. This would result in HGVs doing 'U turns' and as there are no filter lanes for turning right at any of the gaps in the reservation, the vehicles would need to utilise both lanes of the carriageway to enable them to manoeuvre into the gap which would be unacceptable and dangerous.

Representations – Two further representations have been received raising the following issues:

- The safety of the operation and its impact on our health and amenity.
- The impact on the local road network and road safety.
- The sharing of the entrance to the site with the entrance to the cycle trails.

Advice

The advice in the committee report is repeated and supplemented by the following:

- The use of the site for a hotel that was granted planning permission in 1991 was never implemented and therefore there is no fall back position that the applicant can now

claim as justifying the further development of the site. There is no permission or lawful use for any other activity on the site

- The footprint of the proposed building would be 464.5sq.m. and hence would not be smaller than the area of the two derelict buildings that it would replace. It is considered that the land cannot be classed as a previously developed site as the remains of the former mine buildings and access infrastructure have blended into the landscape in the process of time and the site now has the appearance of a woodland. Therefore the development would not accord with Paragraph 89 of the NPPF.
- The storage of soil at the site is not considered to be a mineral extraction process. Whilst the changes in ground levels proposed would be an engineering operations, the application is primarily for the change of use of land to an industrial use. Therefore the development would not accord with Paragraph 90 of the NPPF as the proposed use would be inappropriate development in the Green Belt. The pre-application advice correctly stated the paragraphs of the NPPF for Green Belt policy to which the development would have to comply.

The proposed alteration to the central reservation has been incorporated into the Committee Presentation as Slide 6. The prevention of HGVs turning right across the central reservation into the site and sending them further south to the Lodge Lane/Bushey Lane roundabout would be an additional distance of 2.5km in each direction and where there are five gaps in the central reservation through which vehicles could undertake a 'U' turn to avoid having to travel to the Lodge Lane/Bushey Lane roundabout. The views of the LCC Developer Support (Highways) are supported in that it is highly likely that vehicles will take the first opportunity to turn right rather than travel to the roundabout which would be unacceptable and dangerous as road speeds will be higher in these locations.

The two additional representations do not raise any further issues above those that have already been included in the committee report.

Item 7 – LCC/2015/0106 – Rossendale Pet Crematorium

The applicant has now submitted a bat survey. The aim of the survey was to undertake an inspection and assessment survey of the buildings to be demolished to ascertain if potential or evidence of use existed for any bat species. The report concludes that two of the buildings to be demolished have negligible and negligible to low bat roost potential. However, the crematorium building complex has been identified as having low to moderate bat roost potential. The report recommends that further activity surveys are required to establish if bats are using these buildings. For buildings with low to moderate roost potential; two dusk emergence and/or pre-dawn re-entry surveys are recommended during May to September with the optimum time period being May to August.

Representations

One additional representation has been received raising the same issues to those referred to in the committee report.

Advice

The applicant has submitted a bat survey to seek to address the recommended reason for refusal in relation to bats. However, the survey identifies that further investigation is required to reasonably demonstrate the presence/absence of bats. Planning guidance is clear that if there is a likelihood of protected species being present and affected, surveys should be complete, and mitigation in place through planning condition/ obligation, prior to determination of the application.

Without this further survey work it is recommended that the reasons for refusal remain the same as set out in the committee report.