

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 2nd March, 2016 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillors

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

Announcement

The Chairman reported the sad death of County Councillor Richard Newman-Thompson who died on 22 February 2016 at the age of only 53.

County Councillor Newman-Thompson was elected as a Labour county councillor to the Lancaster East electoral division in May 2013. During his time as a county councillor he served as Deputy Chair of the Development Control Committee and Lead Member for Health, as well as holding a number of other special responsibilities. He was an active member of the Combined Fire Authority and he was also a councillor on Lancaster City Council, where he was Cabinet Member for Finance.

The Committee joined with the Chair in paying tribute to Councillor Newman-Thompson.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor Bernard Dawson.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillors M Devaney declared a non pecuniary interest in agenda items 4 & 5 as the local member for the area.

County Councillor K Ellard declared a non pecuniary interest in agenda Item 6 as the local member for the area.

County Councillor P Hayhurst declared a non pecuniary interest in agenda Item 10a as the local member for the area, as a Fylde Borough Councillor and as a Member of Elswick Parish Council.

County Councillor P Rigby declared a pecuniary interest in item 10a of the agenda as the applicant had been allowed to access his land for testing purposes.

3. Minutes of the last meeting held on 20 January 2016

Resolved: That the Minutes of the last meeting held on 20 January 2016 be confirmed and signed by the Chair.

4. Chorley Borough: application number 09/13/1075 Environment Act 1995 - application for the determination of conditions for permission 09/98/0049 for the winning and working of minerals at Clayton Hall Landfill Site, Dawson Lane, Whittle le Woods

A report was presented on an application for the determination of conditions for permission 09/98/0049 for the winning and working of minerals at Clayton Hall Landfill Site, Dawson Lane, Whittle le Woods.

The Committee visited the site on the 1 March 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 photographs of the site and an illustration of the site layout plan, post settlement contours and the proposed landscaping scheme.

A local resident and the borough councillor for the area addressed the committee in relation to the application and the linked planning application at Item 5 of the agenda. They objected to the application for the following summarised reasons:

- Existing problems with odours, bird nuisance, flies, rats and litter.
- The detrimental impact on the health of local residents
- The existing landfill site was already too high.
- The emissions from the site may contain particulates or other substances detrimental to public health.
- The existing tree planting had not been managed. The trees now block light and views and cause interference with TV signals.

- Residents were unable to open their doors and windows or use their gardens for recreational purposes because of the foul odours emanating from the site.
- The various regulatory bodies had failed to address the problems associated with the site.
- There was a history of poor site management. The site and the loose overburden mound (rubbish) should be capped/covered each evening.

Officers responded to questions raised by the Members in relation to the odours emanating from the site and the mitigation measures in place to address such; the timescales for the capping of the restoration site and in particular Cells 3A and 3B; the materials to be used and the levels to be achieved. Questions were also raised with regard to the role of the Environment Agency and the enforcement action taken to address the amenity impacts on residents.

Following lengthy debate, it was Moved and Seconded that:

"The application be deferred to enable Officers to investigate with the applicant the potential to control phasing/restoration of site through conditions".

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

Resolved:- That the application be deferred to enable Officers to investigate with the applicant the potential to control phasing/restoration of site through conditions.

**5. 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 the 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 report included the views of the Clayton-le-Woods Parish Council, Whittle-le-Woods Parish Council, the County Council's Developer Support (Highways), County Ecology Service, County Archaeology Service, the Environment Agency, Natural England, the Health & Safety Executive, the Lead Local Flood Authority, the Ramblers Association and details of 11 letters of representation received.

The Committee visited the site on the 1 March 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 photographs of the proposed extension area and an illustration of the site layout plan and landscaping scheme.

A local resident and the borough councillor for the area addressed the committee in relation to the application and the linked planning application at Item 4 of the agenda. They objected to the application for the reasons set out in the Minute to item 4 above, with regard to the potential for problems with odour, bird nuisance, flies, rats and litter and the history of poor site management. It was felt that an extension of the permission would further impact on residents.

During debate Members raised concern with regard to the waste types that would be accepted by the site. Members also discussed whether they should defer consideration of the application pending negotiations with the applicant in respect of the planning application at agenda Item 4. Following further debate, it was Moved and Seconded that:

"The application be deferred until the Officers have investigated with the applicant the potential to control phasing/restoration of the existing site through conditions".

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

Resolved: That the application be deferred until the Officers have investigated with the applicant the potential to control phasing/restoration of the existing site through conditions.

**6. Preston City: Application number. LCC/2015/0070
Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays. Recycling Lives, Longridge Road, Preston**

A report was presented on an application for the variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays at Recycling Lives, Longridge Road, Preston.

The report included the views of Preston City Council, the County Council's Developer Support (Highways), the Environment Agency and details of ten 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 photographs of the site, the shredder and the access road.

It was reported orally that the applicant had requested that condition 2 be amended as follows by the inclusion of the words in bold.

2. No metal recycling operations including the operation of the fragmentising plant shall take place outside the hours of:-

07.30 to 17.00 hours Mondays to Fridays (except public holidays)

08.30 to 13.00 hours on Saturdays

No metal recycling operations or operation of the fragmentising plant shall take place at any time on Sundays or Public holidays.

The requirements of this condition shall not apply to the depollution of end of life vehicles, to metal recycling operations taking place within the building, **the importation of metal waste from household waste disposal centres** or the carrying out 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 Lancashire Minerals and Waste Local Plan.

A representative of Booths Ltd addressed the committee. He informed the committee that Booths warehouse and central offices had been affected by a series of explosions at the site. The explosive events had impacted upon the structure of their central offices, including the glass curtain walling and had caused significant distress to the staff and disruption to the business. It was felt that the proposed increase in hours could lead to the potential for an increase in explosive events. Whilst it was acknowledged that the new pre shredding equipment may well assist with the potential for explosions, it was felt that the application should be deferred to allow for a monitoring period and to allow the Council to make an informed decision based on advice from the Environment Agency and the Health and Safety Executive. Booths advised that they would welcome discussions on the boundary treatments referred to at condition 4 of the application.

The agent for the applicant addressed the committee and spoke in support of the application. He advised the committee that the concerns raised by the previous speaker had been addressed in the report. The committee was urged not to defer the application as this would delay the installation of the pre-shredder.

Officers responded to concerns raised by the Members with regard to the operations at the site and explained how the pre-shredder would assist in preventing further explosive events. Members also raised concerns at the reports that the operator was currently working outside permitted hours. It was felt that an extension of hours may encourage the applicant to continue to do so leading to further amenity impacts on residents and businesses. It was therefore Moved and Seconded:

"That the application be refused".

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

Resolved: That the application be **refused** and that a further report setting out draft reasons for refusal be reported back to the committee for confirmation.

- 7. Lancaster City: Application number LCC/2015/0092
Retrospective change of use of land from go-kart track to waste transfer station, the retention two demountable units, a bale shed and plant and equipment and erection of storage and sorting building. Unit 26, Stalls Road, Heysham Business Park, Middleton.**

A report was presented on an application for the retrospective change of use of land from a go-kart track to a waste transfer station, the retention of two demountable units, a bale shed and plant and equipment and erection of a storage and sorting building at Unit 26, Stalls Road, Heysham Business Park, Middleton.

The report included the views of Lancaster City Council, the County Council's Developer Support (Highways), the Environment Agency and details of 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 photographs of the site and the access road.

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

- 8. Lancaster City: Application number. CRT/2015/0096
Application for a lawful development certificate for proposed erection of a solar photo voltaic array, switchgear housing, ring main unit, underground cabling and 2.4m high security fence.
Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.**

The Committee was advised that this application had been withdrawn.

- 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 last meeting of the committee, six 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 an item of urgent business. The special circumstances for the use of the urgent business procedure were set out under the heading to the report.

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

a. **LCC/2014/0084 Grange Hill Exploration Site, off Grange Road, Singleton, Poulton Le Fylde**

A report was presented on the Planning Inspectorates decisions in respect of the appeal and application for the award of costs in respect of the above planning application.

Resolved: That the Planning Inspectorates decisions in respect of the appeal and application for the award of costs be noted.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 13 April 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston