

Lancashire County Council

Development Control Committee

Wednesday, 13th April, 2016 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 March 2016** (Pages 1 - 8)
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** (Pages 9 - 24)
5. **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.** (Pages 25 - 42)
6. **Fylde Borough: Application number. LCC/2016/0024 Single storey extension, new pedestrian entrance, widening of existing vehicle entrance and 7 no. new car parking spaces to replace spaces lost due to new pedestrian footpath. Mayfield Primary School, St Leonard's Road East, Lytham St Annes.** (Pages 43 - 50)

7. The Housing and Planning Bill - Technical Consultation on implementation of planning changes. Implications for Development Management. (Pages 51 - 60)

8. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation. (Pages 61 - 62)

9. 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.

10. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 25 May 2016 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 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 report included the views of the County Council's Ecology Service, the Environment Agency and the Rambler's Association.

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 this 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 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.

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

Agenda Item 4

Development Control Committee

Meeting to be held on 13 April 2016

Electoral Division affected: Chorley Rural North, Chorley North, Leyland Central
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**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
(Appendix A refers)**

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application – 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.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 conditions be imposed on planning permission 09/98/0049 controlling time limits, working programme, hours of working, site operations, highway matters, noise, restoration and aftercare.

Background

This application was presented to Development Control Committee on 2 March 2016 following a site visit on the preceding day.

Following an officer presentation and after listening to two public speakers the Committee resolved to defer determination of the application until officers had explored the opportunity to formulate an additional condition to more closely control the phased restoration of the site.

Advice

The following additional condition is recommended along with the list of recommended conditions set out in the report presented to the Development Control Committee on 2 March 2016 (see Appendix A).

'There shall be no deposit of waste in the area of cell 4B as shown on drawing no. 08469/99 – Working Plan until final capping and restoration has been completed in cell 3A of drawing no. 08469/99 – Working Plan in accordance with condition 19 to this permission..

Reason: 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.'

It is considered that all the recommended conditions would meet all the tests for planning conditions, they would not restrict working rights in respect of the site and would not prejudice the economic viability of the applicant's working of the minerals at the site or the asset value of the site.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 conditions be imposed on planning permission 09/98/0049 controlling time limits, working programme, hours of working, site operations, highway matters, noise, restoration and aftercare as set out in the report to Development Control Committee on 2 March 2016 (at Appendix A), and including the additional condition referred to above.

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

Paper	Date	Contact/ext.
09/13/1075	March 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee
Meeting to be held on 2 March 2016

Electoral Division affected:
CHORLEY RURAL NORTH,
CHORLEY NORTH, LEYLAND
CENTRAL

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

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – 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.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 conditions be imposed on planning permission 09/98/0049 controlling time limits, working programme, hours of working, site operations, highway matters, noise, restoration and aftercare.

Legislative Background Information

Section 96 and Schedules 13 and 14 of the Environment Act 1995 provide for the initial review and updating of old mining permissions granted between 30 June 1948 and 22 February 1982 and the periodic review of all mineral planning permissions thereafter as a means of protecting the environment and amenity, and to provide equal treatment between sites and mineral operators.

Initially the County Council as Mineral Planning Authority (MPA) was required to prepare a list of all relevant mineral permissions and then divide the sites between

those permitted between 1948 and 1969 (Phase 1 sites) and those permitted between 1969 and 1982 (Phase 2 sites). Applications for the determination of new conditions for active Phase 1 sites had to be submitted within a period of time set by the MPA, which was between 1 and 3 years of the date of publication of the MPA's list and within the following 3 years for active Phase 2 sites. Periodic Reviews typically take place every 15 years unless the MPA is satisfied that the existing permission provides sufficient controls. The purpose of periodic reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time.

The MPA can either approve the applicant's proposed schedule of conditions as submitted or impose their own set of conditions. The conditions imposed by the MPA should meet all the tests of planning conditions and should not restrict working rights nor prejudice adversely, or to an unreasonable degree, the economic viability of operating the site or asset value of the site. If the application is determined on terms different from those set out in the application, the applicant has a right of appeal to the Secretary of State and if his working rights are restricted he may be entitled to compensation. It is not open to the MPA to refuse a valid application.

Applicant's Proposal

The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 (permission reference number 09/98/049). The reviewed conditions provide for the extraction of minerals followed by progressive restoration of the site involving the importation of non-hazardous waste materials until the end of 30 years from the date of the permission i.e. 6 April 2028. An application has been submitted for the periodic review of permission 09/98/049.

Based on figures derived from the status of the site at the end of 2012 (prior to the application being submitted), the operator estimated that 29,000m³ of sand and gravel remained (approximately 58,000 tonnes) and this relates to an area of some 1.2 hectares within the wider site. The area of landfill operations is some 8.1 hectares and the remaining capacity was approximately 423,000m³, or 5-6 years.

With the passage of time and the continuation of operations at the site the applicant has indicated that the remaining mineral reserves are below 6000m³ and the landfill capacity has fallen to below 320,000m³, with a life of some 4 years.

The area of the site still to be worked comprises Cells 3A, 3B, 3C, 4A and 4B shown on drawing no 08469/99 – *Working Plan*. Cells 3A and 3B are largely complete and await capping and final restoration.

At the time the application was submitted it was considered that the development was a Schedule 1 Project under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The application was first submitted without an Environmental Statement and consequently the application could not be determined. The applicant subsequently submitted an Environmental Statement (ES) and Non-Technical Summary. The ES provides details of the site history and the proposed development before examining the impacts associated with the

proposal. It assesses key identified potential environmental impacts in respect of hydrology and hydrogeology, landscape and visual impact, landfill gas, ecology, cultural heritage, and other matters including noise, air quality and highways matters.

The application includes a schedule of proposed new planning conditions regarding site area, updated drawings, time limits, development schemes, site operations, restoration and aftercare.

Description and Location of Site

The site is a largely worked out sand and gravel quarry, which is being restored through the deposit of non-hazardous waste. The site also has an associated waste management and recycling centre. The site is accessed from Dawson Lane and is located between Whittle-le-Woods and Leyland, on the western flank of the River Lostock Valley. The existing waste sorting and recycling centre is located in the service yard to the south of the site.

Open agricultural land extends beyond the site to the north and east. Buckshaw Village is to the south. An established residential estate is located to the north-west.

This site is located within Green Belt.

Background

Site History

Clayton Hall Quarry is a long established sand quarry, which is currently being restored by landfilling. The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 as part of permission ref. 09/98/049. The reviewed conditions provide for the extraction of minerals followed by progressive restoration of the site involving the importation of waste materials until the end of 30 years from the date of the permission i.e. 6 April 2028.

Planning permission for a waste baling and recycling centre was granted in February 1991 (ref 09/90/0690).

Planning permission for an extension to existing facility to provide new recycling shed weighbridge and office cabin and inert/green waste sorting bays was granted in March 2003 (ref 09/02/1268).

Planning permission for the demolition of existing workshop building and erection of new building on same site for use as transfer station was granted in April 2005 (ref 09/05/0150).

Planning permission for the erection of a concrete leachate tank and landfill gas flare was granted in August 2007 (ref. 09/07/0640).

Planning permission for the erection of 3 leachate tanks was granted in June 2008 (ref. 09/08/0478).

Planning permission for the erection of a landfill gas generator for the generation of electricity from landfill gas, gas flare, plant, switch/meter room and ancillary offices and stores was granted in March 2009 (ref. 09/09/0009).

Planning permission for a proposed additional gas engine, revised layout of renewable electricity generation compound used to generate electricity, and retention of meter and switch/substation cabinets was granted in April 2011 (ref. 09/11/0058).

Planning permission for the construction of a leachate tank, heat exchange unit, pipework and bridges to be used to treat landfill leachate was granted in November 2011 (ref: 09/11/0794).

Planning permission was granted on 30 November 2012 for an extension to the waste sorting and recycling centre building to connect with the existing waste transfer station, increase in the roof height of the existing building to create continuity, additional external water tanks, electrical cabinets and the creation of additional car parking spaces (ref. 09/12/0868).

Planning permission was granted on 19 February 2015 for the construction and use of a new tank for storage of water for fire-fighting, with association pump house and concrete foundation (ref. LCC/2015/002).

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, 79 - 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, protecting green belt land, conserving and enhancing the natural environment and facilitating the sustainable use of minerals respectively.

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals

Waste

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

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demands for New Minerals
- Policy CS5 Achieving Sustainable Mineral Production
- Policy CS7 Managing our 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 (JLMWLP)

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy DM4	Energy from Waste
Policy LF1 –	Sites for Non-Hazardous Waste
Policy M1	Managing Mineral Production

Central Lancashire Core Strategy

Policy 22	Biodiversity and Geodiversity
Policy 29	Water Management

Chorley Local Plan 2012-2026

Policy ST1	New Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development.
Policy V1	Model Policy
Policy BNE9	Biodiversity
Policy HW3	Valley Parks

Consultations (summary)

South Ribble Borough Council – No observations received.

Chorley Borough Council – No observations received.

Clayton-Le-Woods Parish Council – No observations received.

Whittle-Le-Woods Parish Council – No comments.

LCC Developer Support (Highways) – No objection. Conditions are recommended for wheel cleaning facilities, condition of road, sheeting and travel plan.

County Landscape Service – No observations received.

County Ecology Service – No objection. Retaining overburden mound preferable. Conditions recommended for better control of restoration and aftercare.

County Archaeology Service – No observations received.

Environment Agency – There are existing environmental permits for this site issued under the Environmental Permitting (England and Wales) Regulations 2010. Controls are already in place particularly in terms of monitoring groundwater.

Natural England – No objection.

Ramblers Association – Potential impact on public rights of way should be addressed within the Environmental Statement.

United Utilities - No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

Advice

Clayton Hall Quarry and Landfill site has a long history of mineral extraction and tipping of waste materials for restoration purposes. The applicant has submitted a proposed scheme of continued working at the site, together with an Environmental Statement and a proposed schedule of conditions under the provisions of Section 96 and Schedule 14 of the Environment Act 1995.

The applicant has provided details of a proposed scheme of working and restoration for the remaining operations at the site, which reflects the approved development. Working cells have been reorganised to be consistent with the approved programme of works through the Environmental Permit issued by the Environment Agency. A large overburden mound at the southern end of the site has become vegetated over the passage of time and now represents a valuable ecological asset. With this in mind the applicant has proposed to retain this element, which is reinforced with a proposed condition. There are no other significant changes to the scheme of working or restoration.

The number of HGV movements varies depending on market conditions and there are currently no planning conditions restricting numbers. There is one permitted access route into the site off Dawson Lane, which will continue to be used. A wheel cleaner is located adjacent to the existing waste management buildings and would continue to be used to clean the wheels of HGVs leaving the site via a long internal access road. There would be no additional effect on any public rights of way.

Overall, the applicant's proposed schedule of conditions are reasonable and appropriate and provide a modern update to reflect the current status of the site and scheme of working. The applicant's proposed conditions in relation to restoration and aftercare are recommended to be made more precise with reference to the current approved scheme. Additionally, a condition is recommended to seek to ensure that tipping of waste materials does not take place above accepted pre-settlement levels.

The applicant has submitted an Environmental Statement to assess any likely significant effects of the existing site and the remaining development. It is accepted that subject to the proposed conditions and protection that is afforded under the terms of the existing Environmental Permit, there should be no detrimental impact on local amenity, the environment or the highway network as a consequence of continued operations.

A draft set of proposed conditions was issued to the applicant who confirmed agreement.

Human Rights Act

In view of the location and nature of the development in relation to the existing environment and permitted rights of the developer it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Conclusion

Clayton Hall Quarry and Landfill site has had a long history of mineral extraction and tipping of waste. Current operations are undertaken in accordance with a number of existing planning permissions. Under the provisions of Section 96 and Schedule 14 of the Environment Act 1995 the applicant submitted a proposed scheme of continued working and restoration and a schedule of proposed conditions. It is recommended that the proposed scheme of working and restoration be approved subject to a number of minor changes as referred to above. It is considered that the recommended conditions set out below would meet all the tests for planning conditions, they would not restrict working rights in respect of the site and would not prejudice the economic viability of the applicant's working of the minerals at the site or the asset value of the site.

It is considered that continued operations at the site, carried out in accordance with the submitted scheme of working and conditions set out below, would not give rise to any unacceptable adverse impact on local amenity, the Green Belt, the environment or the landscape and would comply with the policies of the NPPF and the development plan.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 the following conditions be imposed on permission 09/98/0049:

Time Limits

1. The mining operations authorised by this permission shall cease not later than 6 April 2028 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 6 April 2029.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity and to secure the proper restoration of the site in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Working Programme

2. 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 on 28 October 2013 (as amended)

b) Submitted Plans:

Drawing no. 08469/97 - Site and Planning Permission Boundary
Drawing no. 08469/99 - Working Plan
Drawing no. 08469/101 - Access and Parking
Drawing no. 08469/103 - Pre-settlement Restoration Contours
Drawing no. 08469/105 - Proposed Revised Post Settlement Contours
Drawing no. 08469/106 - Cross Sections
Drawing no. 08469/112 - Cross section Location Plan
Drawing no. 08469/113 - Cross Sections - Sheet 1 of 3
Drawing no. 08469/113 - Cross Sections - Sheet 2 of 3
Drawing no. 08469/113 - Cross Sections - Sheet 3 of 3
Drawing no. 08469/127A - Current Scheme- Base of Waste Contours
Drawing no. 08469/133 - Current Scheme Pre-Settlement Levels (in relation to Cells 4A and 4B)
Drawing no. 08469/137A - Basal Layout - Cross Sections
Drawing no. T239-001, Rev 1 - Final Landscape Proposals
Drawing no. T239-002, Rev 1 - Landscape Phasing Plan
Drawing no. 11.171/11 - Site Layout - Sprinkler tank

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

3. No material shall be excavated from the 'overburden mound' shown on drawing no 08469/95.

Reason: To safeguard biodiversity interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

4. A copy of the conditions and all documents referred to in this permission, shall be made available at the site office at all times throughout the development.

Reason: to ensure all site operatives can readily make themselves aware of the planning conditions.

5. A topographical survey of the site 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 aftercare period referred to 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 wastes have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission.

6. The provisions of Part 17, Class A and B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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 local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. No waste or restoration materials shall be deposited permanently on any part of the site at a higher level than the levels shown on drawing no. 08469/103 - 'Pre-settlement Restoration Contours' and drawing no. 08469/133 - 'Current Scheme Pre-Settlement Levels' (in relation to Cells 4A and 4B). Any waste previously tipped above these levels shall be regraded to comply with the levels shown on drawing no. 08469/103 within 6 months of the date of this permission. Restoration materials may be stored temporarily in the area shown hatched on drawing no. 08469/99 up to a height of 3 metres above the pre-settlement levels shown on drawing no. 08469/103.

Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. Waste materials arising from the wining, working or processing of minerals under this permission shall not be deposited outside the excavated area except in the formation of approved landscape mounds, or areas shown for the storage of site materials on the submitted plans referred to in condition 2.

Reason: 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. No mining operations, landfill operations or restoration works shall be carried out and no movement of heavy goods vehicles from the site shall take place except between the hours of 7.30am and 6.30pm Monday to Friday inclusive, 8.00am to 12.00 noon on a Saturday, and at no time on a Sunday or Public Holiday. For the purposes of this permission a heavy goods vehicle shall be defined as a vehicle designed to carry a payload of 1,500kg or more.

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

10. All plant and machinery shall be silenced effectively in accordance with the manufacturer's specification and shall be maintained in that condition at all times.

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

11. Where reversing alarms are employed on site on mobile plant and equipment, only broadband multi-frequency sound alarms (white sound) shall be used.

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

12. Within 6 months of the completion of restoration works as provided for in condition 1 of this permission, a scheme and programme shall be submitted to the County Planning Authority for approval in writing to include the following matters:

- a) a plan showing the position of all plant, equipment, buildings and structures which are to be retained beyond the period required to complete the restoration of this site in accordance with condition 18, and a timeframe for that retention;
- b) the works necessary to make good any subsidence of or damage to the land brought about by the repair or provision of the control equipment involved in the management of leachate or landfill gas;
- c) details of all additional plant, equipment, buildings, structures, pipelines or similar which involve disturbance of the land and will be required in addition to those shown on the plan referred to in a) above; and
- d) details of the final restoration of the land following the removal or cessation of the use of the plant, equipment, buildings, structures and pipelines referred to in a), b) and c) above.

The approved scheme and programme shall be carried out.

Reason: To ensure satisfactory restoration of the site and to comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

13. All buildings, structures, plant and equipment other than those referred to in the preceding condition shall be removed from the site by 6 April 2030.

Reason: To ensure satisfactory restoration of the site and to comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

14. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been used in the restoration of the site.

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

15. No machinery, plant or equipment, which is not directly concerned with the actual mining or restoration operations, shall be stored on the site.

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

16. The existing wheel cleaning facilities shown on drawing no. 11.171/11 - 'Site Layout - Sprinkler tank' shall be retained and shall remain available for use at all times during the operational life of the site so as to ensure no mud or other materials from the site are deposited on the public highway. Such facilities shall be used and maintained in full working order at all times and shall be used by all vehicles leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. All vehicles transporting minerals 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 Joint Lancashire Minerals and Waste Local Plan.

Restoration

18. Restoration and aftercare of the site shall be carried out in accordance with the details approved under condition 10 of permission 09/98/049 as set out in the approval letter dated 20 December 2011.

Reason: To secure the proper restoration of the site

19. If the approved pre-settlement levels have not been achieved within the permitted time limit of this permission, details for revised lower restoration levels utilising existing materials on the site and a revised landscaping scheme shall be submitted to the County Planning Authority for approval in writing within 1 month of the expiry of the permitted time period to this permission. The approved details shall be completed within 12 months of the date of approval. All landscaping works including the planting of trees and shrubs approved as part of the approved scheme and programme shall be implemented within the first planting season, as defined in this permission,

following the completion and restoration of the site and shall thereafter be maintained for a period of five years including replacement of dead and dying species and maintenance of protection measures.

Reason: To secure the proper restoration of the site.

Aftercare

20. 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/amenity after use of the site shall be carried out in accordance with the conditions of this permission for a period of five years.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

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

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

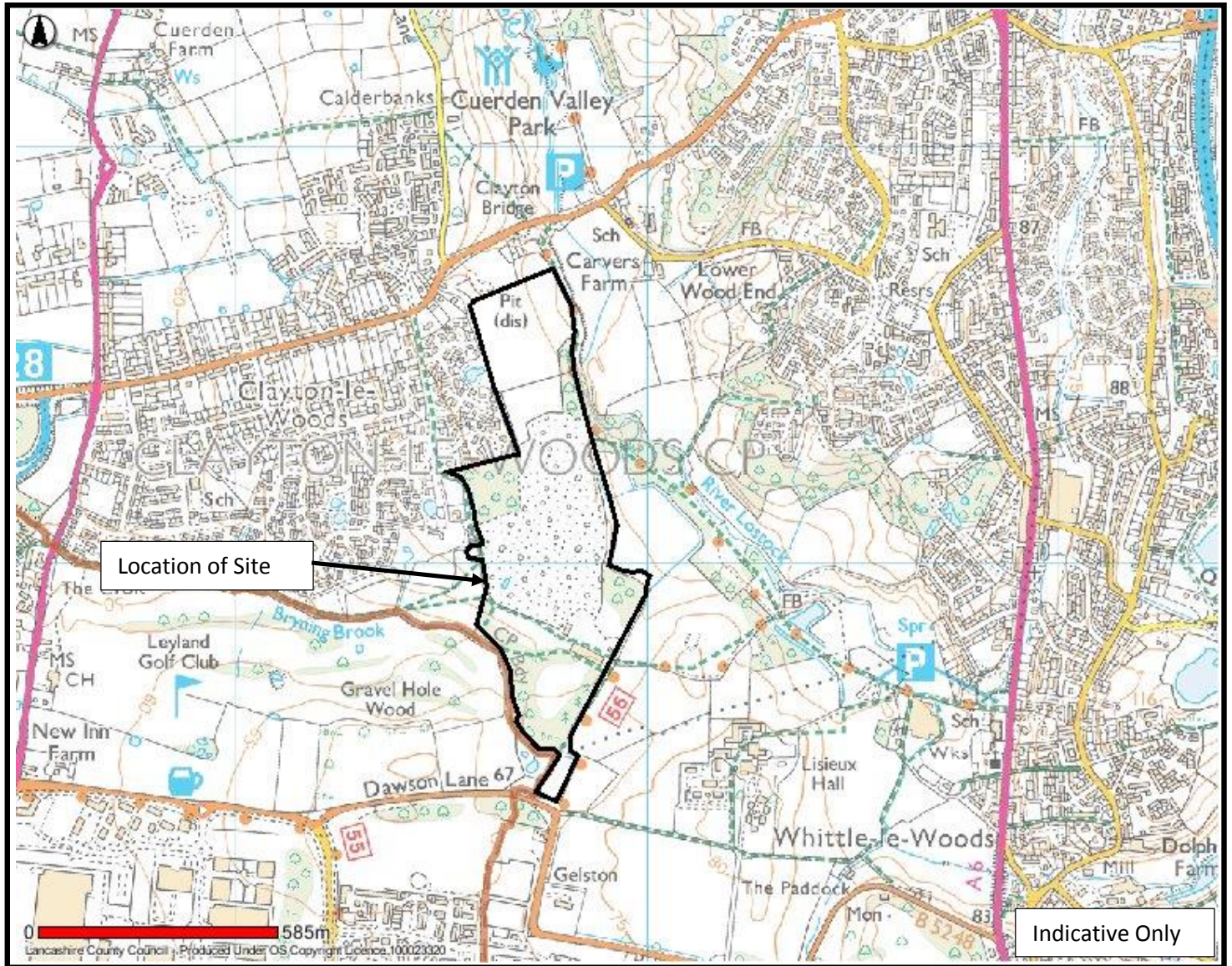
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/ext.
09/13/1075	Feb 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

APPLICATION 09/13/1075 ENVIROMENT ACT 1995 APPLICATION AND SCOPING OPINION FOR DETERMINATION OF CONDITIONS FOR PERMISSION 09/98/0049 FOR THE WINNING AND WORKING OF MINERALS. CLAYTON HALL LANDFILL SITE, DAWSON LANE, WHITTLE LE WOODS.



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Development Control Committee

Meeting to be held on 13th April 2016

Electoral Division affected: Preston East
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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.

Appendix A refers

Contact for further information:

Jonathan Haine, 01772 501772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application : 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) 07.30 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.

Recommendation – Summary

Based upon the Committee's conclusion that the impacts of the proposal are considered likely to be so great as to render the proposal unacceptable, then the application be refused for the following reason:-

The proposed extension of operating hours for the fragmentiser plant would be likely to have unacceptable impacts on the amenities of adjacent land users by reason of noise, dust and vibration contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Background

This application was reported to the meeting of the Development Control Committee on 2nd March 2016. A copy of the report is set out at Appendix A. The Committee resolved to refuse the application having concluded that the proposal would be likely to result in unacceptable harm to the amenities of the area. The Committee further resolved that the application should be reported back to the next available committee to confirm the full reasons for refusal.

Applicants proposal and Description and Location of Site

This information was included within the report to the Development Control Committee meeting of 2nd March 2016.

Planning Policy

The following policies were considered to be of most relevance to the proposal:-

National Planning Policy Framework

Paragraphs 6 – 14, 17 and 122 – 123 of the National Planning Policy Framework are relevant with regards to the definition of sustainable development, core planning principles and prevention of pollution and noise impacts.

Joint Lancashire Minerals and Waste Development Core Strategy

Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 Development Management

Central Lancashire Core Strategy

Policy 10 Employment premises and sites

Preston City Local Plan

Policy V1 Model policy

Policy AD1(a) Development within (or in close proximity to) the existing residential area.

Policy AD1(a) was not referenced in the report to the 2nd March 2016 Committee but is considered to be relevant to the planning application.

Consultations

The consultation responses and representations relevant to the application were summarised in the report to the 2nd March 2016 Development Control Committee meeting. No further consultation responses or representations have been received subsequent to the report being published.

Two presentations by members of the general public were made to the meeting of the Development Control Committee on 2nd March 2016 which are summarised as follows:-

Mr Andrew Tait from Abbot Associates representing Booths Supermarkets – explained that his client's property was close to the south west boundary of the site. A number of explosions had caused significant distress to Booth's staff from air pressure effects and noise which had caused the glass panels at the rear of their

central offices to move and crack. 60 – 80 staff were employed at the Booths site but the explosion events have resulted in the office building having to be evacuated which has made staff apprehensive. The additional hours would give potential for more explosive events. Mr Tait noted that pre shredding equipment had been installed at the site – the effectiveness of this should be monitored before there is any agreement to longer hours. The decision on the current planning application should therefore be deferred to allow this to take place.

Mr Marco del Pol (Agent on behalf of applicant) – his clients were pleased to note the conclusions and recommendations of the report. He noted that the merits of the pre shredder had been set out by the case officer in his presentation to the committee. The pre shredder had cost £¾ million to install and should reduce the incidence of flame events. He urged the committee not to defer consideration of the application as requested by Abbot Associates but to accept the officer's recommendation.

Advice

After hearing the officer presentation and public speakers opposing and supporting the proposal, the Committee resolved:-

- i) that the application be refused due to the likely detrimental impacts of the proposed development on local amenity and;
- ii) that a further report setting out the precise reasons for refusal in terms of the policies of the Development Plan be reported back to the Committee.

At the 2nd March Committee, the concerns of Members of the Committee related to the impacts of noise, vibration and dust arising from the operation of the fragmentiser plant and particularly the impacts of flame events resulting from inappropriate materials being admitted into the fragmentiser plant.

Policy DM2 of the Lancashire Minerals and Waste Local Plan is a central policy against which all waste management proposals are considered. The policy supports 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.

The application is to extend the hours of use of the fragmentiser plant and the proposed development would therefore result in an extended period over which the impacts of this plant including noise, dust and vibration might be experienced. In the light of the consultation responses and representations received from adjacent landusers, the Committee could conclude that the longer hours of operation for the fragmentiser plant would extend the duration of such impacts on the adjacent landusers contrary to Policy DM2 of the LMWLP.

Policy AD1(a) of the Preston City Local Plan - Site Allocations and Development Management Policies sets out criteria for assessing development within or in close proximity to the existing residential area. The policy states that such development will be permitted where the design and scale of development is sensitive to and in keeping with the character and appearance of the area, there would be no adverse impact on residential amenity by reason of noise and general disturbance, the proposal would not lead to an over concentration of non residential uses and the

proposal would not lead to an over intensification of use of the site. The City Council considers that the proposal is contrary to this policy.

The supporting text to policy AD1(a) does not specify the distances where development would be considered to be in close proximity to existing residential areas. The nearest properties are located around 450 metres to the north east of the site on the edge of Grimsargh and whilst the separation distances are considerable, it is considered that this policy could be considered relevant to this application.

The policy requires that development in such areas would not give rise to adverse impacts on residential amenity by reason of noise and general disturbance. Whilst the additional hours of use of the fragmentiser plant would extend the duration over which the impacts are experienced, the nearest residential properties are located at some considerable distance from the site with a range of other industrial uses in between. It is unlikely that there would be any dust or vibration impacts over such long distances and therefore the only possible effects might be in terms of noise. However, some of the nearest properties are located adjacent to a busy road and day time noise levels in the general area are relatively high given the proximity of the motorway and other industrial / distribution type developments. Therefore, it is considered that it would be difficult to demonstrate that the proposed development would be so harmful to residential amenity that it would be contrary to Policy AD1(a). Consequently, to refer to this policy in any reason for refusal would not be sustainable.

Human Rights

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The refusal of planning permission has the potential to affect the applicant's rights under this Article. However, the County Council has a duty to secure the proper location and design of waste recycling development in order to protect the amenities of local land users as set out in the policies of the Development Plan. The proposal would conflict with these policies and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by refusal of permission and that refusal of the application would not place a disproportionate burden on the applicant.

Conclusions

At the meeting of the Committee on 2nd March 2016 it was resolved to refuse the application due to its likely detrimental impact on local amenity but to report the application back to a subsequent meeting in order to agree full reasons for refusal. Taking into account the location of the site and the likely impacts of the development, it is considered that the proposal could be found to be contrary to Policy DM2 of the LMWLP due to the impacts on adjacent landusers. However, it is considered unlikely that the proposal would have a unacceptable impacts on the nearest residential properties and therefore there would be no conflict with Policy AD1(a) of the Preston City Local Plan – Site Allocation and Development Management Policies.

Recommendation

If the Committee concludes that the likely impacts of the proposal would be so great as to render the proposal unacceptable, then the application be refused for the following reason:

The proposed extension of operating hours for the fragmentiser plant would be likely to have unacceptable impacts on the amenities of adjacent land users by reason of noise, dust and vibration contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2015/0070		
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15th July 2015		
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Report to the Development Control Committee		
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2 March 2016		
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Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate N/A		
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Development Control Committee
Meeting to be held on 2nd March 2016

Electoral Division affected: Preston East
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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.

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - 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.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of operation, review of boundary treatments, noise, stockpiling and protection of water resources.

Applicant's Proposal

The application is for a variation of condition 3 of planning permission 6/10/0169 to vary the hours of use within which the metal shredding machinery can be used.

Condition 3 currently restricts the use of such machinery to between 07.30 – 14.00 hours on Mondays to Fridays and from 07.30 – 13.00 hours on Saturdays with no operations on Sundays or Public Holidays.

The applicant wishes to vary this condition so that the metal shredding equipment can be used between the hours of 07.30 – 17.30 hours Monday to Friday and from 07.30 - 13.00 hours on Saturdays with no operations on Sundays or public holidays.

Description and Location of Site

The application site is an existing metal recycling facility located off the B6243 Longridge Road, Preston approximately 1 km south west of Grimsargh and 4km east of Preston city centre. The recycling site measures around 6 ha in area and lies to the north of Longridge Road from where access is gained and is separated from the road by a landscaped strip. To the northeast of the site are a number of industrial units including car dismantlers and scrapyards on the Rough Hey Road Industrial Estate. Running along the south western boundary is the Guild Wheel cycle path beyond which is the distribution warehouse and central offices belonging to EH Booths Ltd. To the north west is the former Preston – Longridge railway line beyond which is the distribution warehouse belonging to James Hall Ltd.

The application site itself is comprised of a large industrial building measuring 120 metres by 120 metres which is used for the processing of non ferrous metals and recycling of electronic equipment. To the rear is a yard area which is used for the depollution and breaking of end of life vehicles and processing of ferrous metals. The yard area includes a large processing plant which is used to shred and fragment metals.

The nearest residential properties to the fragmentiser plant are located 450 metres to the north east of the site off Longridge Road and on the Hills Estate, Grimsargh.

Background

History: Planning permission was granted for the change of use of use of land from storage and distribution to a metal recycling site was granted in 2010 (planning permission 6/10/0169). The permission provided for the erection of a metal fragmentising plant in the northern part of the site.

A further permission (ref 6/12/0984) was granted in 2013 for the erection of a concrete panel screen wall to part of the site boundaries.

Planning Policy

National Planning Policy Framework : Paragraphs 6 – 14, 17 and 122 -123 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, and prevention of pollution and noise impacts.

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

Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

Central Lancashire Core Strategy

Policy 10 Employment Premises and Sites

Preston City Local Plan – Site Allocations and Development Management Plans

Policy V1 Model Policy

Consultations

Preston City Council: The City Council objects to the application as the proposed extension in hours of operation would create undue noise which would impact on residential amenity.

LCC Developer Support (Highways): No objection.

Environment Agency: The EA have no objection in principle to the extension of the operating hours. However, they consider that the operation of the fragmentiser plant is currently contributing to a number of amenity impacts including noise, dust and explosion events and that an extension of hours would lead to an increase in the frequency of such events. The EA consider that the hours should not be extended until such improvements are in place.

In a further response, the EA note that the applicant has now proposed a number of improvements to the plant including installation of a pre shredder which is due to be completed imminently. The EA also note that off site dust levels appear to comply with standards but that further monitoring is required. In relation to noise, the EA state that their latest monitoring indicates that current daytime noise levels are not giving rise to impacts due to background noise levels but that there are still some concerns about noise in the late afternoon period (17.00 – 17.30) and on Saturdays but that a further review of the management systems for noise and vibration control will be carried out with the Company.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Ten representations have been received objecting to the application which can be summarised as follows:-

Three representations are from residential properties on the Hills Estate or on Longridge Road who raise the following issues:-

- Noise from the site, including crashing metal, often continues until 1.30 am and any planning applications that would result in more noise should be rejected.
- Noise from site interferes with sleep at the nearest residential properties.

The other representations originate from other industrial and commercial properties which adjoin the application site and which raise the following issues:-

- The site has given rise to explosions, a major fire, smell and a fly infestation which has affected employees working in adjacent industrial units.

- The site gives rise to significant levels of noise and the increased working hours would worsen these problems.
- The shredding plant has already worked outside permitted hours.
- The operations on site have given rise to dust impacts.
- The explosions are frightening to staff and have caused damage to adjacent buildings.
- Windows in adjacent units cannot be opened due to the impacts of noise, fumes and odour and the site has an unacceptable impact on staff welfare.
- The site is an inappropriate location for a metal fragmentiser plant and longer hours should not be permitted.
- The site is adjacent to EH Booths warehouse and central offices. The central offices have a high quality design and the explosion events have had impacts upon the structure of the building, including the glass curtain walling and have caused distress to staff.
- Booths state that they objected to the original planning application in 2010 for the change of use of the site to a scrapyards but later withdrew their objections as their concerns were allayed by the applicant company. However, their earlier fears have been exceeded and therefore no further permissions should be granted.
- The installation of additional plant may require planning permission and an environmental impact assessment.

Advice

Planning permission was originally granted in 2010 for the change of use of a former distribution warehouse and attached yard area to a metal recycling site. The permission included provision of plant and machinery located at the rear of the site for the shredding and fragmentising of metals.

The fragmentising plant is located on the north western and north eastern boundaries of the site and is of significant scale. The highest part of the plant is around 13 metres high and 90 metres in length. The plant includes a feed hopper, a main fragmentising plant incorporating a hammer mill for the mechanical breaking and shredding of scrap metal and a number of 'downstream' screening plants linked by conveyors for separating different metal types.

In the planning application, the applicant proposed that the fragmentising plant would be used between the hours of 07.30 - 14.00 Mondays to Fridays and 07.30 – 13.00 on Saturdays with no operation of the plant on Sundays and public holidays. These hours were incorporated into condition 3 of the planning permission. No other controls were imposed with respect to hours of operation and therefore metal recycling operations within the general yard area and within the building are currently unrestricted.

The applicant has now applied to amend condition 3 of planning permission 6/10/0169 so that the metal fragmentising plant can be used between the hours of 07.30 – 17.30 Mondays to Fridays with no change to the hours on Saturdays and Sundays. Longer hours are required to maximise production and to allow for maintenance during normal working hours.

Scrap metal including end of life vehicles is imported to the site for recycling. End of life vehicles are normally crushed for ease of transport. Scrap metal is then loaded into a hopper at the start of the fragmentising plant and passes through a hammer mill which breaks down the feedstock into smaller pieces so that it can be separated into different metal types through magnetic separators. The hammer mill is able to accept crushed cars to reduce them to fragmented metal and is therefore a large and powerful piece of equipment which can generate significant levels of noise. There are also occasions where items such as fuel tanks or particularly gas bottles concealed within larger bails of metal are fed into the process and which then give rise to explosions or 'flame events' when they are passed through the hammer mill. The shredded product then passes along a series of conveyors and other separation plant situated adjacent to the north eastern boundary of the site.

The application for longer operating hours for the fragmentising plant has given rise to a number of objections including from residents who are concerned about noise levels including in the night time period. A number of businesses on the Rough Hey Road Industrial Estate which are located immediately adjacent to the fragmentiser plant have objected due to the incidence of the explosion events causing vibration and disturbance, flies, general dust and noise levels. Agents for EH Booth Ltd who have a distribution warehouse and main office to the south east of the application have objected particularly in relation to the disturbance to staff and structural damage to their head office building caused by the explosions.

The plant subject to this application is part of a significant recycling operation and therefore makes an important contribution towards the recycling of metals in the north west. The facility as a whole therefore contributes to ensuring that waste metals are managed at the highest level possible within the waste hierarchy. The extension of working hours for the fragmentising plant would further enable that objective to be achieved by increasing the volume of material that can be processed by the plant. However, it is also important to ensure that such operations are undertaken with due regard to local amenity and the health and safety of other adjacent landusers.

Paragraph 120 – 123 of the NPPF requires that planning decisions should ensure that new development is appropriate to its location and that the effects of pollution on general amenity should be taken into account. In carrying out this exercise, it states that LPA's should focus on whether the development itself is an acceptable use of land and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. In such circumstances LPA's should assume that these regimes will operate effectively.

In their response to the planning application, the Environment Agency state that the site is regulated by them through an environmental permit. The EA state that they consider that the operation of the fragmentising plant is currently contributing towards a number of off site amenity impacts and that an increase in operating hours could increase the risk of impact pending implementation of further control measures including enclosure of the fragmentiser, installation of a pre shredder and further monitoring. In a further response, the EA state that the applicant Company are current working to install a pre shredder and that they are in discussions with the Company regarding a range of other measures to mitigate for noise and dust. The

pre shredder would reduce explosion events as it would allow vehicles and other crushed metal to be slowly pulled apart enabling a visual inspection before waste is admitted into the hammer mill. The EA consider that installation of the pre shredder would prevent the majority of the explosion events.

In response to recent explosion events, (most recently on the 9th February), the EA have served a notice on the applicant Company which prohibits certain waste streams from being imported to the site – these waste streams are end of life vehicles which are imported in crushed form from elsewhere and which the EA consider are responsible for the majority of the explosion events.

The principle of the use on this site has already been established. The planning issue to consider is whether the use of the fragmentiser plant for an additional 3.5 hours on Monday to Friday afternoons will result in unacceptable impact on local amenity by reason of noise, dust or other impacts. In relation to noise, the EA state that their most recent monitoring indicates that current noise levels from general site operations are not causing an off site impact due to the generally high background noise levels in this area. It is considered that the background noise levels over the proposed extended period will not be dissimilar to those during the current permitted working hours and therefore, it is unlikely that noise from normal operations between the hours of 14.00 – 17.30 would give rise to unacceptable impacts. There are still issues with particularly high instantaneous noise events and vibration levels arising from the explosion events. However, the EA have the controls within the permitting system to exclude the waste streams that are likely to cause such events and can also require the operator to install improvements (such as the pre shredder) to reduce the incidence of such events. Given the main detrimental impacts of the site arise from particular aspects of the operation, which the EA have the power to control, it is considered that the extension of operating hours is acceptable.

The boundaries of the external yard area are currently formed by a concrete panel wall which is constructed between metal columns. This wall was permitted in 2013 (planning application 6/12/0964) and varies in height between 6 and 4.5 metres high and provides some screening to the metal recycling operations. However, the metal columns extend beyond the height of the concrete panels. A condition to the planning permission requires the metal columns to be reduced in height so that they equate with the height of the columns but to date this condition has not been complied with. It is considered that there would be some merit in reviewing the design of the wall including the addition of a further row of concrete panels to raise the height of the wall, particularly on the north eastern boundary of the site where the fragmentiser plant adjoins other industrial units. Such works would provide additional screening of noise and dust and the visual impacts arising from the raising of the wall would be acceptable in this industrial location. It is therefore considered that a condition should be imposed requiring a further review of the boundary treatments to the site.

Objections have also been received in relation to odours and flies. It is understood that these issues arose through the importation of metal cans derived from household waste collections. The extension of working hours for the fragmentiser would not increase the likelihood of such impacts and in any event, odours and pests are matters for the EA to control through the permit.

There are currently no restrictions on the hours of operation for the site outside of the fragmentiser. A number of objections, particularly from local residents, are concerned with noise disturbance arising from activities on this site in the evening and night time period. The applicant has agreed that they would accept a control on the hours of general site operations in the external yard as part of a new permission to allow the fragmentiser to be operated for an extended period. Such controls would clearly reduce the impact of the operation on local amenity particularly for the nearest residential receptors.

In conclusion, the concerns of local residents and other adjacent land users with regard to the operations on this site are acknowledged. However, the principle of the use of the fragmentiser plant on this site has already been approved through the 2010 permission and it is considered that the extension in the hours of use of the plant in normal operation would not give rise to unacceptable impacts on local amenity or health and safety. Whilst there are concerns in relation to particular aspects of the operation of the plant, these are matters that can be controlled effectively by the Environment Agency and the planning system should proceed on the basis that these regimes will operate effectively. On this basis, the application is considered acceptable in relation to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

In view of the scale, location 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:

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 ref 6/10/0169 and supporting statement received by the County Planning Authority on 18th March 2010 as amended by the planning application ref LCC/2015/0070 received on 15th July 2015.

- b) Submitted Plans and documents:

Plans and Drawings submitted with planning application 6/10/0169: _

Drawing E5800098105 -01-ZNG1 Rev A - Installation Drawing
Drawing 649/SK/01 Rev B - Existing site layout plan
Drawing 649/PL/01 Rev A - Location Plan
Drawing 649/SK/05 Rev D - Proposed Site Layout Plan
Environmental Noise Impact Study - R0243-REP01A-SJW (as amended May 2010)
Preliminary Services Drawing

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 DM2 of the Lancashire Minerals and Waste Local Plan.

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

07.30 to 17.30 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 or carrying out 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 Lancashire Minerals and Waste Local Plan.

3. 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 Lancashire Minerals and Waste Local Plan.

4. Within three months of the date of this planning permission, a scheme and programme for the review of the existing boundary treatments to 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) a review of the heights of the existing boundary treatments on the south western, north western and north eastern boundaries permitted under permission ref 6/12/0964 including the heights of concrete panels and steel uprights and the positioning of the floodlighting with respect to the concrete panels.
- b) the need for additional fencing along the south western boundary of the site including design and heights of fencing.

c) the need for additional landscaping to screen the existing or proposed fencing to include details of areas to be planted, sizes and species of plants, planting techniques and protection measures.

d) a timescale for the installation of the additional boundary treatments and landscaping measures.

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

5. A copy of this permission and all other documents 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 all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. No waste materials or recycled materials shall be stockpiled outside the areas shown for this purpose on Drawing 649/SK/05 rev D and such stockpiles shall not exceed 5 metres in height.

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

7. No waste other than ferrous and non ferrous metals, waste electronic and electrical equipment and end of life vehicles shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

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 Lancashire Minerals and Waste Local Plan.

9. 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 watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Notes

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
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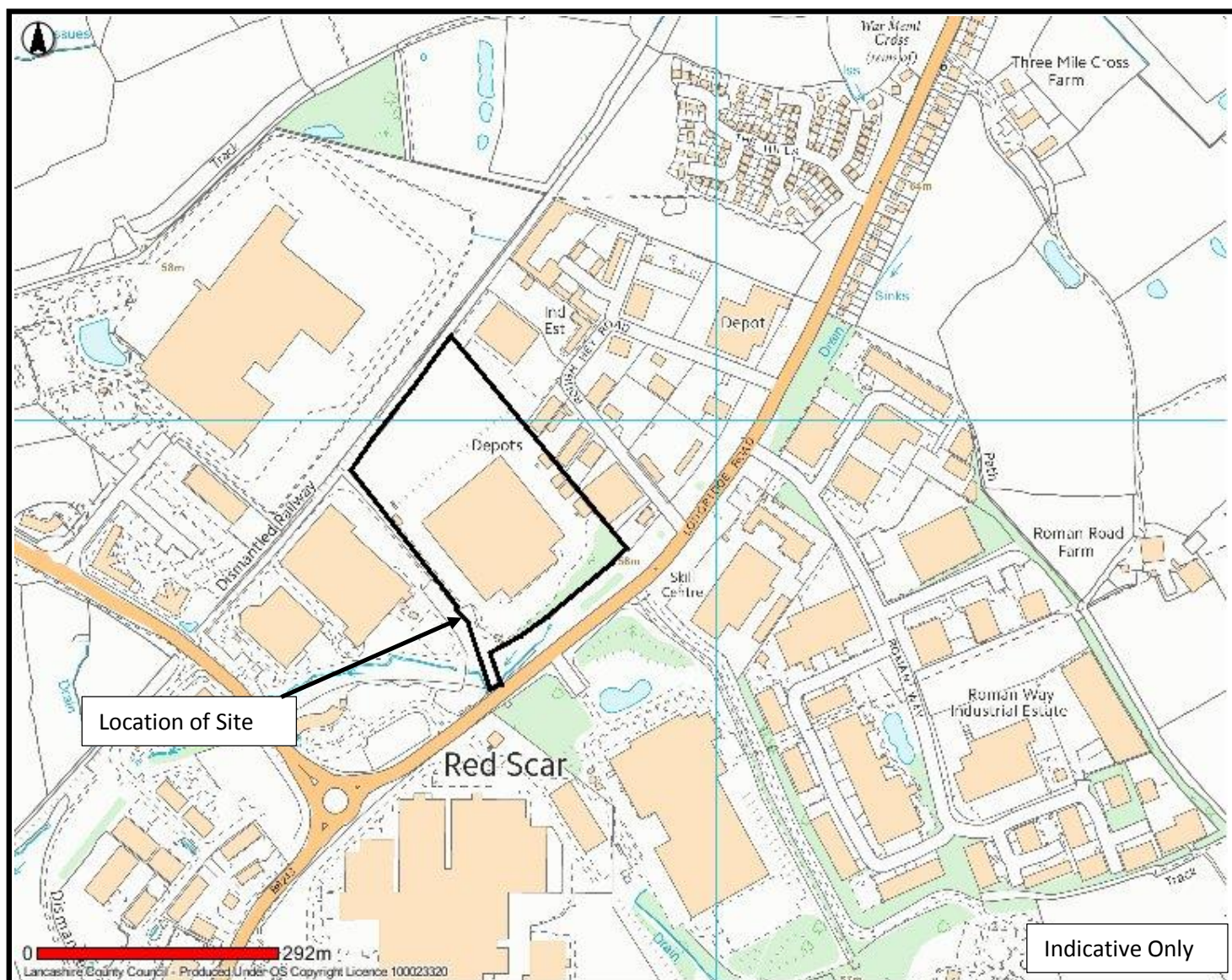
LCC/2015/0070		
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15th July 2015		
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Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate
N/A

APPLICATION 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, NO METAL PROCESSING OPERATIONS SHALL BE UNDERTAKEN BY THE SHREDDER RECYCLING PLANT AT ANY TIME ON SUNDAYS AND PUBLIC HOLIDAYS. WORK CAN BE CARRIED OUT OUTSIDE THESE HOURS FOR ESSENTIAL REPAIRS TO PLANT AND MACHINERY USE ON THE SITE. RECYCLING LIVES, LONGRIDGE ROAD PRESTON.



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Agenda Item 6

Development Control Committee
Meeting to be held on 13th April 2016

Electoral Division affected: St Annes North
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Fylde Borough: Application number. LCC/2016/0024
Single storey extension, new pedestrian entrance, widening of existing vehicle entrance and 7no. new car parking spaces to replace spaces lost due to new pedestrian footpath. Mayfield Primary School, St Leonard's Road East, Lytham St Annes.

Contact for further information:
Faiyaz Laly, 01772 538810
DevCon@lancashire.gov.uk

Executive Summary

Application - Single storey extension, new pedestrian entrance, widening of existing vehicle entrance and creation of 7no new car parking spaces to replace spaces lost due to new pedestrian footpath. Mayfield Primary School, St Leonard's Road East, Lytham St Annes.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, highway matters and working programme.

Applicant's Proposal

Planning permission is sought for a single storey extension to the school. The proposed extension would be similar in design to the existing building, with the roof pitch, brickwork, windows and fascias to match. The extension would measure 4.065m x 5.625m and with a maximum height of 3.700m.

Permission is also sought for improvements to the access to the school off St Patricks Road North. The improvement works include formation of a new pedestrian entrance and path, widening of the existing vehicle entrance to 4m and installation of new 1.5 metre high gates and the creation of 7 new car parking spaces to compensate for the spaces lost due to the creation of the pedestrian footpath.

The path would be fenced off from the access road and car park with new 0.9 m high powder coated hoop top fencing.

Description and Location of Site

Mayfield Primary School is located within a residential area approximately 0.7km north of St. Anne's town centre and bounded by St Leonard's Road East (north-

west), Oxford Road (north-east), Mayfield Road (south-east) and St. Patrick's Road North (south-west). The nearest residential properties to the proposed development would be located approximately 25m away on St Patricks Road North.

The school buildings are on the north side of the site, hard play areas are located on the east side of the school and school playing fields on the south side. The new pedestrian access and widened vehicular entrance would be onto St Patricks Road North, directly opposite the new entrance extension.

The proposed car parking spaces would be located north of the entrance. The majority of the new extension would be taking place on hard standing areas on the north west side of the existing school building.

Background

The proposed development is at an existing school.

Planning permission was granted in August 2009 for the installation of a 1.2m wide pedestrian access gate within the existing school boundary fencing fronting Oxford Road. (05/09/0415)

Planning permission was granted in March 2012 for a proposed canopy with roller shutters. (05/12/0059)

Planning Policy

National Planning Policy Framework

Paragraphs 11 - 14, 17 and 56 - 66 are relevant with regard to the presumption in favour of sustainable development, core planning principles and the requirement for good design.

Fylde Borough Local Plan

Policy SP1 - Development within Settlements
Policy CF1 - Provision of Community Facilities

Consultations

Fylde Borough Council - No observations received.

St Anne's on the Sea Parish Council - Support the application.

LCC Developer Support (Highways) - No objection to the development but request that the proposed new pedestrian access on St Patricks Road North includes a barrier located 450mm back from the kerb edge, 'School Keep Clear' markings are provided in front of the new pedestrian access and the drop kerbs at the amended vehicle access are extended to accommodate the wider access.

A condition is also requested that no part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. One representation has been received which whilst not raising objections to the proposed building raises concerns about the proposed improved access in terms of highway safety issues on St Patricks Road North and the parking issues created by teachers and parents parking on the public highway. The resident states that any additional parking should be of suitable size to provide for all existing staff together with any future expansion of the school.

Advice

The proposed extension is to provide a new school entrance. The existing entrance is not very visible or welcoming and the current foyer does not provide sufficient space for visitors to the school. This lack of space has led to visitors having to sit on the school side of the security doors, having access to the remainder of the school and in turn the staff and pupils.

The extension would highlight the entrance and provide a larger and more welcoming entrance for visitors to the school. The proposed extension would have a similar external appearance and height as the existing building with the roof pitch, brickwork, windows and fascia's to match the current school building. Due to the size and design of the proposed extension, the visual impact of the extension would be acceptable and the development would comply with policy CF1 of the Fylde Borough Local Plan.

Currently pupils and parents are accessing the school site through the vehicle entrance on St Patricks Road North which is causing safety concerns. To address this, the proposal includes a new pedestrian entrance onto St Patricks Road North leading to a new pedestrian path linking with the new entrance.

As a consequence of the new pedestrian footpath, seven existing car parking spaces would be lost. These spaces would be re-sited to the north of the school entrance. The vehicular access onto St Patricks Road North is proposed to be widened to accommodate larger vehicles such as ground maintenance vehicles.

LCC Highways raise no objection to the application but request that the pedestrian access includes a barrier located 450mm back from the edge, 'School Keep Clear' markings are provided in front of the new pedestrian access and the drop kerbs at the amended vehicular access are extended to accommodate the wider access. This can be the subject of a planning condition.

LCC Highways have also requested a condition to be attached requiring that no part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the

Highway Authority. It is considered that not allowing building operations to commence before the highway works are carried out would be unreasonable. A condition requiring that no part of the development shall be brought into use before the highway works are completed would be more acceptable.

One representation has been received which whilst not objecting to the application raises issues regarding staff and parent parking. However, the proposed development would not result in an increase in staff or pupil numbers and therefore will not result in any increase in traffic to the site. The new footpath would result in the loss of some existing car parking spaces but these are proposed to be replaced elsewhere on the site. A condition is recommended to require the new car parking spaces to be made available before the existing spaces are lost. The proposed widening of the access onto St Patricks Road would improve highway safety as it would ease the passage of vehicles when turning to the school. The issues raised by the local resident are therefore not supported.

In view of the scale, location 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 5 years from the date of this permission.

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

Working Programme

2. The development shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 9th March 2016.

b) Submitted Plans and documents:

Drawing Number - B01 - Proposed Plan and Elevations

Drawing Number - B02 - Entrance Extension and External Works

Drawing Number - B03 - Existing Plan and Elevations

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies SP1 and CF1 of the Fylde Borough Local Plan.

3. The building materials to be used for the external elevations and roof of the proposed new entrance extension shall match those used on the existing school building.

Reason: In the interests of the visual amenities of the area and to conform with Policies SP1 and CF1 of the Fylde Borough Local Plan.

Highway Matters

4. No part of the development shall be brought into use until highway works within the adopted highway have been constructed in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall include details of the following:

- a) details of the location and design of a pedestrian barrier located at the junction of the new pedestrian access with St Patricks Road North.
- b) details for the installation of 'School Keep Clear' markings on St Patricks Road North.
- c) details for the extension of drop kerbs across the full width of the widened access.

Reason: In the interests of highway safety and to conform with Policy SP1 and CF1 of the Fylde Borough Local Plan.

5. The new car parking spaces shall be surfaced and marked out in the positions shown on Drawing B/02 prior to the existing parking spaces being removed.

Reason: In the interests of highway safety and to conform with Policies SP1 and CF1 of the Fylde Borough Local Plan.

Notes

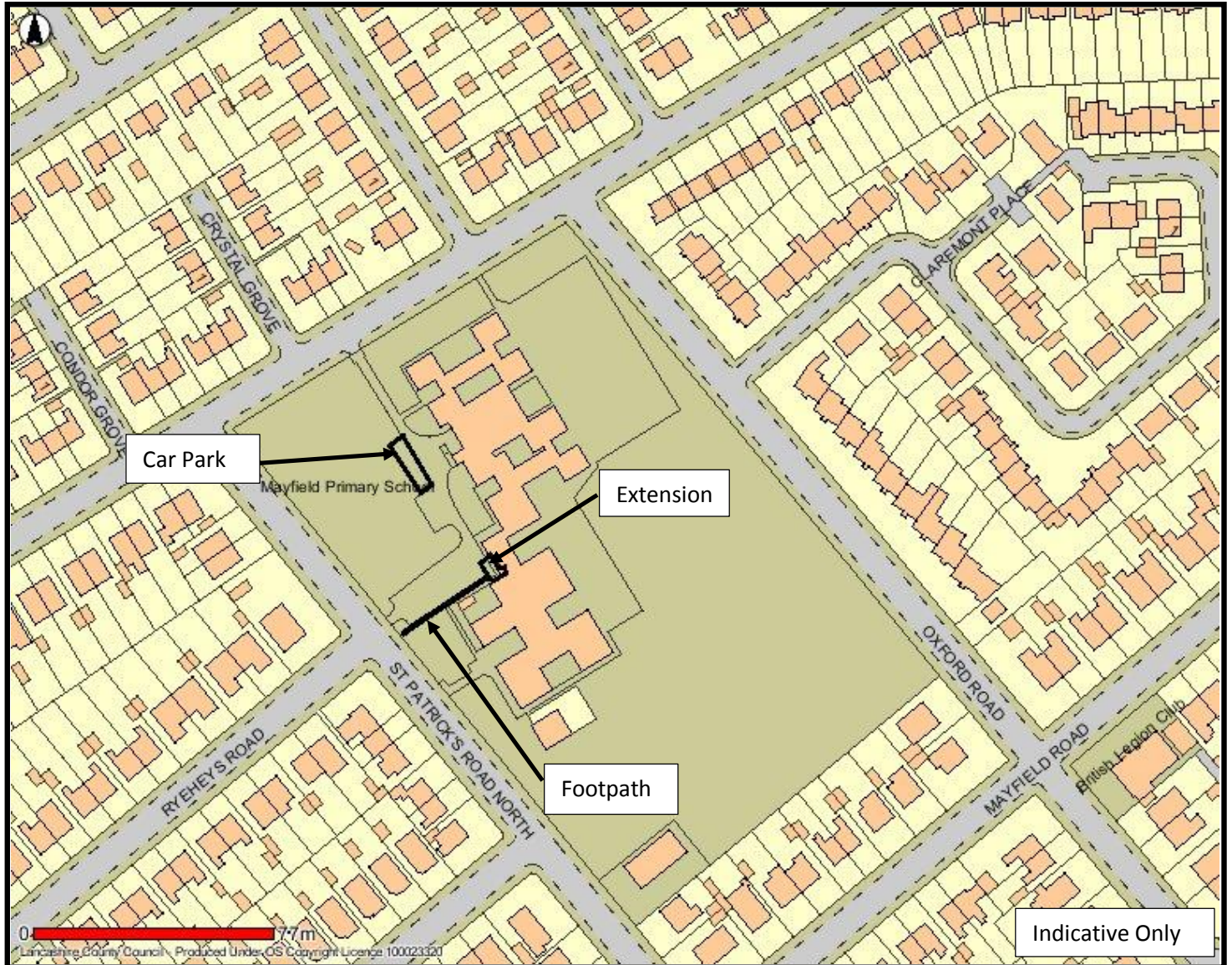
This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact the Area Manager (Public Realm) [North] quoting the planning permission reference.

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

Paper	Date	Contact / Ext
LCC/2016/0024	April 2016	Faiyaz Laly / 01772 538810

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

APPLICATION LCC/2016/0024 SINGLE STOREY EXTENSION, NEW PEDESTRIAN ENTRANCE, WIDENING OF EXISTING VEHICLE ENTRANCE AND 7NO NEW CAR PARKING SPACES TO REPLACE SPACES LOST DUE TO NEW PEDESTRIAN FOOTPATH. MAYFIELD PRIMARY SCHOOL, ST LEONARD'S ROAD EAST, LYTHAM ST ANNES



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Development Control Committee

Meeting to be held on 13th April 2016

Electoral Division affected: N/A

The Housing and Planning Bill – Technical Consultation on implementation of planning changes.

Implications for Development Management.

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

The Housing and Planning Bill was published in October 2015 and is currently passing through Parliamentary procedures. The Bill includes a number of measures that would have implications for development management and other planning procedures. The Government have recently launched a technical consultation on how the provisions in the Bill will be implemented. This report details these provisions and explains possible implications for development management practice.

Recommendation – Summary

The Development Control Committee is asked to:

- i) Note the potential implications of the Housing and Planning Bill for development management procedures and development plan preparation.
- ii) Instruct the Head of Service – Planning and Environment to respond to the consultation as indicated in this report.

Background and advice

The Housing and Planning Bill was published by the Government in October 2015. The Government's broad aim with the Bill is to increase housing supply and to allow more people to own their own home. The Bill incorporates a number of measures to increase build rates of starter and open market housing together with a wide range of reforms to the planning system to improve local plan coverage, assist in the allocation of land for housing and speed up the operation of the development management system.

The Government has recently published a technical consultation on how the legislation in the Bill will be implemented in practice. The proposals in the consultation have a number of implications for development management and planning generally that have a much wider effect than being confined to purely housing issues.

The responses to the consultation will inform the detail of the secondary legislation that will be required once the Bill gains Royal Assent.

The consultation deals with the following topics:-

- Changes to planning application fees
- Extending the existing designation (special measures) to include applications for non major development.
- Testing competition in the processing of planning applications
- Information on financial benefits
- Introducing a section 106 dispute resolution service
- Facilitating delivery of school places through expanded permitted development rights
- Improving the performance of all statutory consultees.
- Introducing criteria to inform decisions on intervention to ensure local plan coverage
- Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or on brownfield registers and allowing small builders to apply directly for permission in principle for minor development
- Introducing a register of brown field land suitable for housing development.
- Creating a small sites register to support custom build homes
- Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums

Many of these proposals will not directly affect the County Council due to the particular types of development that are determined by the Development Control Committee. However, as a general comment, the various initiatives to increase housing supply may have implications for the County Council in terms of increasing demand for construction minerals and the need to dispose of construction and demolition wastes.

1. Changes to Planning Application fees

Most applicants for planning permission have to pay a fee. The fees are set nationally and were last revised in line with inflation in 2012.

The Government are now proposing that fees are increased by a proportionate amount linked to both inflation and local authority performance in terms of speed and quality of decision making. The proposal is that fee increases would only apply to authorities which are performing well and that they would not apply to authorities which are designated as under performing in the handling of planning applications.

An alternative suggestion is that fee increases would be limited to those authorities that are in the top 75% of performance for both speed and quality of decision.

The Government have considered the ability for authorities to set fees locally but are concerned that such increases would not be sufficiently related to performance or might be increased to a level that would be a deterrent to applications being submitted. As an alternative, the Government is proposing that applicant's may be able to pay a higher fee for a fast track service or that applicants would be able to have a choice of applying to the local authority or another approved provider thereby establishing a competitive market for the processing of planning application. Such a market would require authorities (and other providers) to set their own fees.

Comment: - In general the recognition that fees should be increased is welcomed. For some application types, the fee received falls far short of the costs of determining planning applications. This particularly affects Minerals and Waste Planning Authorities which receive many applications to vary conditions which can raise complex issues yet the fee received is limited to £195. However, as a general theme, it is clear that the Government wish to link the ability to charge higher fees to local authority performance, measured either in terms of timescales for determination of application or quality of decision (percentage of decisions overturned at appeal). Linking the fee increase to such performance indicators raises a number of issues which are discussed below as are the proposals to introduce alternative providers for development control services.

2. Expanding the approach to planning performance

The Government states that timely and well considered decisions on planning applications are a key feature of an effective planning system. They stress the importance that is attached to ensuring that decisions are reached within a reasonable time frame and that there is confidence in the decisions that are made and that they are reasonable taking into account national and local policies.

The Growth and Infrastructure Act 2013 introduced a performance approach for major planning applications. This assesses speed and quality of decisions taken by LPA's and provides a system for authorities being designated as underperforming if they do not meet performance thresholds which are expressed in terms of 1) speed of decision and 2) quality of decision:-

- Speed is assessed as percentage of applications determined in the statutory period (including any agreed extended period) over a two year period. The threshold for designation is 50% or fewer of an authority's decisions made within the statutory determination period (13 weeks or 16 weeks in the case of EIA development) or such extended period as has been agreed in writing
- Quality is assessed as the percentage of all decisions on applications for major development that are overturned at appeal, over a two year period. The threshold for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being overturned at appeal.

Where an authority is designated as underperforming having regard to either of these criteria, applicants have the choice of submitting the application direct to the Secretary of State. An authority so designated also has to produce an action plan to address areas of weakness.

The proposals in the Bill propose that these thresholds will be extended to non major development. This change will not affect the County Council since all county matter minerals and waste applications are 'major' for the purposes of assessment. However, the Government have said that the thresholds for major development will be kept under review. Of more immediate importance is the Government's proposals to reduce the threshold for quality of decisions to 10% of decisions overturned at appeal.

Comment: The Government's continued drive to improve LPA performance on determination timescales is clear and the existing thresholds may well be raised further in future. In terms of the County Council's performance in determining major planning applications, the data for 2015 shows that 100% of such applications were determined within the statutory period or such other period as was agreed with the applicant.(57% were determined within 13 weeks). Therefore, the County Council is performing well in excess of the Government's thresholds in terms of speed of decision.

In terms of quality of decision, the following table provides details of planning applications in the last 10 years that have been refused by the County Council and which have been subject to an appeal.

Site name	Officer recommendation	Committee resolution	Appeal outcome
Preesall Underground Gas Storage	Refuse	Refused	Dismissed
Preesall Underground Gas Storage	Refuse	Refused	Dismissed
Sandons Farm	Approval	Refused	Allowed
Sandons Farm	Approval	Refused	Allowed
Runshaw Quarry, Euxton	Approval	Refused	Allowed
Spondon Mill	Refuse	Refused	Dismissed
Tarnbrick Farm	Refuse	Refused	Allowed
Old Sawmill, Pressall	Refuse	Refused	Allowed
Ream Hills Farm	Refuse	Refused	Allowed
Nans Nook Farm	Refuse	Refused	Dismissed
Grange Road Exploration Site	Approval	Refused	Allowed
Preston New Road	Approval	Refused	Decision awaited
Preston New Road Arrays	Approval	Refused	Decision awaited
Roseacre Wood	Refuse	Refused	Decision awaited
Roseacre Wood Arrays	Approval	Approved (Appeal against conditions)	Decision awaited

Analysis of the above table shows that since 2013 (when the criteria on appeal performance was introduced), 66 % of the County Council's decisions have been overturned at appeal. Should the current shale gas appeals be determined against the County Council, then this figure will clearly change. In either scenario, the figure is higher than the current performance indicator or that proposed by the Government in the Bill, therefore putting the County Council at risk of designation of under performance in relation to quality of decision. If the County Council was so designated, applicants would have the option of submitting applications direct to the Planning Inspectorate with the County Council losing its role as determining authority. The Government state that only limited exemptions would apply – authorities will not be liable for designation if they decided ten or fewer applications for major development during the assessment period. The County Council determines around 50 major applications per year and would therefore not fall within this exemption. The proposals in the Bill in relation to quality of decision therefore have implications for the County Council's decision making procedures particularly if the threshold is further reduced as is proposed in the technical consultation.

Although the Government have already established the criteria in terms of quality of decision, there is a concern that further lowering the threshold will make authorities very risk adverse when considering applications, particularly when proposals are very finely balanced and where the issues may hinge on subjective judgement for example in terms of landscape impact. It is considered that a better measure of poor quality decisions would be where costs are awarded against authorities for unreasonable behaviour or failure to produce evidence to defend refusal of planning permission.

3. Testing Competition in the Processing of Planning Applications

The Government considers that it is important that the planning process is resourced in a way that allows an efficient service to be provided. The consultation seeks views on changes to planning application fees linked to improved performance and provision of innovative planning services. One form of innovation that the Government are keen to explore is competition in the processing of planning applications. It is important to note that Authorities would still retain their decision making powers and the proposals only relate to that part of the development management process that is undertaken prior to determination such as validation, advertising, consultation, negotiation and production of recommendations.

The Government consider that many local authority services such as Building Control are already subject to competition and that there is merit in extending this to planning as this would provide greater choice for applicants, enable innovation in service provision and drive down costs and improve performance. The Government therefore intend to introduce competition in a number of specific areas across the country for a limited period of time where an applicant would be able to apply to either the local authority or another 'approved provider'. An approved provider could be either a private sector company or another local authority. The alternative provider would have to meet certain criteria in terms of competence and capabilities

but would be able to set their own fees with the Government retaining powers to intervene to prevent excessive fees being charged or to allow fees to be returned where service standards are not met.

Comment: These proposals represent a major change in the operation of the planning system. At present, only local planning authorities (or the Secretary of State) have the powers to process planning applications. The Government's proposals only relate to the processing of applications and therefore the democratic determination of applications would remain with Local Planning Authorities – this is considered to be vital as it is a fundamental pillar of the planning system. However, even with competition limited to processing, a number of important issues are still raised as follows:-

- There would remain a need for local authorities to oversee the work carried out by alternative providers to ensure that legal requirements are complied with and that recommendations are reasonable having regard to law and policy. This overseeing role would have staffing implications for LPA's without any of the fee income that is normally received. This would be a particular issue where the LPA do not agree with the recommendations of the alternative provider.
- Who would incur the costs in the instances of a permission being quashed by the courts for failure of an alternative provider to comply with legislation or the Local Government Ombudsman concluding maladministration for lack of adequate consultation for example
- Major planning applications frequently give rise to substantial levels of public representation. There may be concerns about accountability and fairness should the processing of applications be handled by a private company rather than a local authority.
- The processing of planning applications (particularly for minerals and waste sites) requires knowledge of the local area and particularly site history. Providing such information to an alternative provider would be demanding on local authority resources and ultimately may never provide the same level of information that is held by existing local authority officers.

In conclusion, these proposals involve a major change in the operation of the planning system. There may be benefits from these proposals for some local authorities in terms of being able to undertake work in other areas thereby supporting fee income or in terms of providing for greater collaborative working at a time when local authority finances are under pressure. However, there are a number of other issues that are raised as highlighted above and it is considered that the Government should consider these issues carefully before introducing a competitive process.

4. Information about Financial Benefits

The Government considers that the potential financial benefits of proposed developments are not always made publically available during the decision making process which prevents local communities from understanding the full benefits that development can bring. To address this issue, the Government are proposing to place a duty on local authorities to ensure that planning reports include details of

financial benefits that are likely to accrue to the local area if planning permission is granted. The Government consider that council tax revenue, business rate revenue and section 106 payments should be the types of benefit that should be included.

Comment: The proposals are noted. However, in the County Council's experience with determining proposals for major development, opposition is generally strongly orientated around environmental issues and will not be reduced simply through a requirement to set out the financial benefits of development. For example, the Government have quoted the shale gas industry as an instance where financial benefits at pre-set levels have to be paid to local communities. However, in the County Council's experience, this did not radically change the balance of objections and support for these developments. There may be a concern that such proposals will actually prove counter productive as it may give the impression that permission is being bought on the back of such financial benefits thereby undermining the principles of the planning system.

5. Section 106 Dispute Resolution

The Government considers that negotiation of section 106 agreements can lead to delay in issuing planning permissions. Therefore the proposal is for a dispute mechanism to be provided by a body on behalf of the Secretary of State. The matter would be concluded within prescribed timescales and would provide a binding report setting out appropriate terms where there has been no agreement between the LPA and the developer. There would be a fee payable for using this service.

Comment: There may be occasions when this would be helpful to the County Council, although usually the broad terms of any section 106 agreement have been agreed before an application is presented to Committee. This provision may be more relevant where the County Council is seeking highway or education contributions in a section 106 agreement with a district council.

6. Permitted Development rights for schools

The Government is committed to expanding free school places and wishes to reduce the barriers to such. Currently there are certain permitted development rights that apply to state schools to allow, without the need for planning permission, change of use of existing buildings to education, limited extension to existing buildings and erection of temporary buildings for educational purposes. The proposals are to further relax existing permitted development rights to allow existing buildings to be used for educational purposes for 2 years instead of 1 year, permit larger extensions to existing school buildings without the need for planning permission (250m² rather than the existing limitation of 100m²) and to permit temporary buildings for educational uses on cleared sites for up to 3 years.

Comment: The main issue for the County Council relates to the relaxation of permitted development rights in relation to the floor space of extensions to existing state schools. If larger extensions to existing schools are classed as permitted development, this could reduce the number of applications to be considered by the Development Control Committee. It should be noted that the Government do not appear to be proposing to relax the existing limitations in relation to height of the

building, proximity to the boundary and impact on playing fields so these protections would continue to apply which is important particularly in terms of the amenity of adjacent properties.

7. Statutory Consultations on Planning Applications

The Government considers that delays in responses by statutory consultees can result in delays in determining planning applications. Consultees ordinarily have 21 days to respond to a consultation but can request additional time. The suggestion is that any extension of the time period should be limited to 14 days.

Comment: Whilst a speedy response to consultations would be welcome it must be noted that in some cases the County Council is consulting on very complicated issues, for example consultation with the Environment Agency on shale gas applications. It would be of great concern if by limiting the extension time for responses this resulted in a less full or well considered response than would otherwise have been the case.

8. Local Plans

Whilst many authorities now have adopted local plans in place or have published a draft local plan, there remains some authorities where less progress on plan preparation has been made. The Government wish to ensure full local plan coverage by publishing league tables setting out local authority progress, intervening where no local plan has been produced by 2017 and establishing a new delivery test to ensure build out of housing units against levels of provision set out in local plans. The consultation states that intervention will be prioritised in certain circumstances including where policies in plans are not being kept up to date.

Comment: The main issue for the County Council relates to the provisions for intervention to ensure local plan coverage. The County Council has a statutory duty to prepare a minerals and waste local plan, the Core Strategy and Development Management Policies of which were last adopted in February 2009 and September 2013 respectively. Since that date, the requirements for local plan preparation have changed and authorities are now expected to produce single local plan rather than a number of separate development plan documents. The County Council has commenced preparation of a single replacement minerals and waste local plan in order that policies are kept up to date. Progress on preparing and adopting this local plan will be important given the provisions contained in the Bill.

9. Permission in Principle

The Bill includes measures to introduce a new 'permission in principle' route for obtaining planning permission. These provisions are designed to separate decision making on 'in principle' issues (such as broad land use categories, location and amount of development) from technical detail such as design. The provisions are designed to address concerns that the existing system requires too much detail to be submitted upfront before a permission can be granted. The Government envisage that the permission in principle can be established by means of either a locally produced document which would specify the types of developed approved in

principle for a given area or, for smaller sites, by means of an application to the local authority. In either case, full permission will only be secured once an application for approval of technical details has been approved. However, at technical details stage, there will be no opportunity to revisit the 'in principle' matters.

Comment: The Government envisage that these provisions are mainly intended to simplify and the speed up the process of securing planning permission for housing developments. However, the proposals could also be used for retail, community and commercial uses that are compatible with a residential use. It is therefore likely that these provisions will have limited impact on the County Council in its role as a LPA. The main issue is considered to be the need to ensure adequate and full consultation with local communities at the initial stage given that a permission in principle cannot be revisited once granted. There are also issues raised regarding development that would normally be subject to Environmental Impact Assessment where the full environmental information would have to be supplied up front in order to allow the likely impacts of the 'permission in principle' to be assessed. Similar issues are also raised in relation to developments that would affect European protected habitats or species.

10. Brownfield Register

The Government wishes to increase the number of homes built on brownfield sites and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. This would be achieved by creating a brownfield register which would be a qualifying document for granting 'permission in principle' as set out above.

Comment: These provisions are aimed at increasing housing land supply and therefore have limited implications for the County Council in its role as LPA. However, there may be some implications for the County Council generally in terms of its own land that is surplus to future requirements and can be marketed for reuse.

11. Small Sites Register

Again, these provisions are aimed at raising housing supply by increasing the opportunities for smaller companies or individuals to bring forward sites for self-build on land that can accommodate up to 10 units

Comment: These provisions have limited implications for the County Council as LPA.

12. Neighbourhood Planning

Neighbourhood Planning was introduced in the Localism Act 2011 and since that time a number of communities have taken up their new neighbourhood planning powers. The Government is proposing to reduce the timescale by which local planning authorities should determine an application to designate a neighbourhood forum with plan making functions in order to make it easier and quicker to establish such groups

Comment: These provisions relate to the planning at the most local level and have limited implications for the County Council in its role as LPA.

Conclusions

The package of measures contained in the Bill are the most recent of a number of changes to primary and secondary legislation aimed at improving efficiency and effectiveness of the planning system. However, some of the proposals in this Bill are of particular importance in that they affect the fundamentals of the planning system and have a number of implications for Local Planning Authorities both in terms of the processing of applications and determination by the Development Control Committee.

Consultations

N/A

Implications:

Risk management: This report relates to a consultation by DCLG regarding proposed changes to the planning system. Ultimately, the Government will decide whether, and in what form, these changes will be introduced. However, given the possible implications of these proposals, it is considered that the County Council should respond to the consultation along the lines set out in this report to ensure that its views are considered by DCLG in the preparation of the secondary legislation.

Financial: There are no financial implications arising from this report.

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

Paper	Date	Contact/Ext
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Department for Communities and Local Government – Technical Consultation on implementation of planning changes – February 2016		
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Jonathan Haine Planning and Environment 01772 534130		
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Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee

Meeting to be held on 13 April 2016

Electoral Division Affected: All

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 March 2016, 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/2015/0083
Midland Terrace, Carnforth
Construction of a control kiosk, balancing stack and regrading of land.

Application: No. LCC/2016/0006
Land off Warton Road, Carnforth
Temporary construction compound for use in conjunction with sewer improvement works at Midland Terrace, off Warton Road, Carnforth.

Wyre Borough

Application: No. LCC/2015/0082
Iron House Farm, Lancaster Road, Out Rawcliffe
Variation of condition 2 to planning permission 2/13/0788 to allow the wastes imported to the site to include green wastes, waste timber and sanitised compost from other waste management facilities

West Lancashire Borough

Application: No. LCC/2016/0015
Whitemoss Horticulture, North Perimeter Road, Knowsley Industrial Park, Kirkby
Retrospective application for erection of an electricity substation to supply
refurbished factory following fire damage

Chorley Borough

Application: No. LCC/2016/0012
Sacred Heart RC Primary School, Brooke Street, Chorley
Single storey rear extension

Burnley Borough

Application: No. LCC/2016/0008
Burnley Youth Zone, Whittam Street, Burnley
Erection of 1.3m high railings to perimeter wall

Pendle Borough

Application: No. LCC/2016/0016
Newchurch in Pendle St Marys C of E School, Spenbrook Road, Barley
Erection of a free standing canopy

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/2016/0016	LCC/2016/0008
LCC/2016/0015	LCC/2016/0006
LCC/2016/0012	LCC/2015/0083
LCC/2015/0082	