

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 18th January, 2017 at 10.00 am  
in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Munsif Dad (Chair)

#### **County Councillors**

T Aldridge	P Rigby
B Dawson	A Schofield
K Ellard	K Sedgewick
P Hayhurst	K Snape
C Henig	D Westley
D Howarth	B Yates
M Johnstone	

County Councillor C Henig replaced County Councillor N Penney at the meeting.

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

None received.

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

County Councillor P Hayhurst declared a non pecuniary interest in agenda item 4 as the electoral division member for the area.

County Councillor C Henig declared a non pecuniary interest in agenda item 11 as a member of the RSPB.

County Councillor D Howarth declared a non-pecuniary interest in agenda item 8 as the electoral division member for the area and as a member of South Ribble Borough Council and Penwortham Town Council.

County Councillors K Ellard and A Schofield declared that they were both Members of the Council's Pension Fund Committee. The Pension Fund now owns the former Park Hotel Complex, the subject of the application at agenda item 5.

County Councillor P Rigby declared that he was related to a potential tenant of the new development, the subject of the application at agenda item 5.

County Councillor K Snape declared a non pecuniary interest in agenda item 6 as the electoral division member for the area.

County Councillor Sedgewick declared that he was a former employee of BAE Systems in the context of agenda item 11.

### **3. Minutes of the last meeting held on 19 October 2016**

**Resolved:** That the Minutes of the meeting held on the 19 October 2016 be confirmed and signed by the Chair

### **4. Lancaster City: Application number LCC/2016/0065 The erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Treatment Works. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster. (Retrospective application)**

A report was presented on a retrospective application for the erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Treatment Works. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.

The report included the views of Lancaster City Council, Natural England, the LCC Ecology Service, the LCC Highways Development Control and three letters of objection received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The committee was also shown an illustration of the site layout plan and photographs of the site from various viewpoints.

The officer reported orally that mitigation measures were proposed to address the concerns of the residents at the two properties at Low Wood, located adjacent to the north east corner of the site.

The officer also reported that County Councillor Gina Dowding had advised that the installation of the panels had caused much disruption in Stodday resulting from the additional HGV's. She therefore requested that the applicant set up a fund as a local community contribution.

Officers advised that Councillor Dowding's comments were noted. However, as the traffic impacts of the development had already taken place, there was no planning justification to request a financial contribution from the applicant. Such a contribution was something that would have to be investigated outside of the planning process.

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

- 5. Preston City: Application Number. LCC/2016/0085**  
**Change of use / conversion / extension of the former Park Hotel building from offices (Class B1) back to a hotel (Class C1) to include a new build single storey pavilion building and demolition of the existing JDO office building and its replacement with a 6-storey office building / extension to the hotel. Change of use / conversion / part demolition and rebuild of No.8 East Cliff from offices (Class B1) to health spa (Class D1) together with remodelling of existing car parking and landscaping works.**  
**Former Park Hotel Complex, East Cliff, Preston.**

A report was presented on an application for the change of use / conversion / extension of the former Park Hotel building from offices (Class B1) back to a hotel (Class C1) to include a new build single storey pavilion building and the demolition of the existing JDO office building and its replacement with a 6-storey office building / extension to the hotel. Change of use / conversion / part demolition and rebuild of No.8 East Cliff from offices (Class B1) to health spa (Class D1) together with remodelling of existing car parking and landscaping works.

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 illustrations of the proposed development.

The Development Management Officer advised that due to the location of the site in a Conservation Area and adjacent to a listed park and garden, it would be helpful for the Development Control Committee to visit the site prior to considering the application in order to appreciate the design issues and likely impacts of the development.

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

- 6. Chorley Borough: application number. LCC/2016/0090**  
**Single storey extension to allow expansion of admission numbers, additional playground/car parking areas, fenced MUGA and temporary single storey double classroom at Balshaw Lane Community Primary School, Bredon Avenue, Euxton**

A report was presented on an application for a single storey extension to allow expansion of admission numbers, additional playground/car parking areas, fenced MUGA and temporary single storey double classroom at Balshaw Lane Community Primary School, Bredon Avenue, Euxton.

The Committee was informed that the proposed expansion of the existing primary school had generated concern in relation to potential traffic impacts on the local highway network and the amenity of local residents. Consequently, the Development Management Officer advised that a site visit would provide the Committee with a clearer understanding of the development proposal, and the relationship of the site to the surrounding area before the application was determined.

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

**7. Lancaster City: Application number LCC/2016/0092  
Erection of 2.4 metre high security fencing and pedestrian access gate to Gaisgill Avenue boundary of the school. Westgate Primary School, Langridge Way, Morecambe.**

A report was presented on an application for the erection of 2.4 metre high security fencing and pedestrian access gate to Gaisgill Avenue boundary of the school at Westgate Primary School, Langridge Way, Morecambe.

The report included the views of the County Council's Highways Development Control and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site across which the fencing would be erected.

Officers responded to questions raised by the Members with regard to the need for the proposed fencing.

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

**8. South Ribble Borough: application number LCC/2017/0001  
Construction of a new highway consisting of Penwortham Bypass (1.3 km long dual carriageway) together with temporary soil storage and contractor areas, acoustic fencing, the relocation of school playing fields, combined cycle track connecting to Howick Moor Lane, water attenuation pond, diversion/stopping up of public right of way, landscape and ecological mitigation areas on land from the A582 Broad Oak roundabout to the A59 between Howick C of E Primary School and Blackhurst Cottages**

A report was presented on an application for the construction of a new highway consisting of the Penwortham Bypass (1.3 km long dual carriageway) together with temporary soil storage and contractor areas, acoustic fencing, the relocation of school playing fields, combined cycle track connecting to Howick Moor Lane, water attenuation pond, diversion/stopping up of public right of way, landscape

and ecological mitigation areas on land from the A582 Broad Oak roundabout to the A59 between Howick C of E Primary School and Blackhurst Cottages.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties together with an illustration showing the route of the proposed highway.

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

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

**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, 13 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. North West Coast Connections Project: Proposed Route Alignment Stage**

A report was presented on the County Council's interim response to the consultation by National Grid on its North West Coast Connections project.

The Committee was informed that this was a nationally significant infrastructure project, linking the proposed new nuclear power station at Moorside in Cumbria to the national distribution network in Carlisle and in Heysham.

The report included details of a number of concerns raised by the Cabinet Member for Environment, Planning and Cultural Services and officers in relation to the project.

**Resolved:** That the County Council's interim response to the consultation and the concerns raised by the Cabinet Member for Environment, Planning and Cultural Services, be noted.

**11. Fylde Borough: Application LCC/2016/0007 - The erection of photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to the existing waste water treatment work substation. Clifton Marsh Waste Water**

## **Treatment Works, Preston New Road, Freckleton**

A report was presented on an application for the erection of a solar photo voltaic array (solar farm), 2 switchgear housings, a ring-main unit, 2.4m high security mesh fencing and integral connection to Preston Waste Water Treatment Works (WWTW) on a field adjacent to west side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The report included the views of Fylde Borough Council, Freckleton Parish Council, Newton-with-Clifton Parish Council, LCC Highways Development Control, the Environment Agency, LCC Specialist Advisor (Ecology), LCC Specialist Advisor (Landscape), Natural England, the RSPB, Shell UK Ltd, the Health and Safety Executive, the Canal and River Trust, BAE Systems, Ministry of Defence Lands – Safeguardings, National Air Traffic Services, the Lancashire and Cheshire Fauna Society, and the Lancashire Wildlife Trust.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The committee was also shown an illustration of the site layout plan and photographs of the site from various viewpoints.

Mr Fearn, Director of Avian Ecology, addressed the committee on behalf of the applicant and raised the following summarised points in support of the application:

- The development would generate electricity and allow Preston WWTW to reduce its reliance on electricity produced from fossil fuels.
- The proposal would not have a detrimental impact on the natal feeding habitat of the Black-tailed Godwit. Once hatched, Black tailed Godwit chicks only visit the site sporadically.
- The applicant had surveyed the site and undertaken extensive research.
- The applicant is proposing a mitigation and enhancement area of 19.44 hectares and a retained natal feeding area of 3.7 hectares for the Black-tailed Godwit.
- BAE Systems has withdrawn its objection to the proposals on the understanding that the current mitigation measures will remain in place.
- None of the applicant's other land holdings in and around the waste water treatment works are suitable and/ or available for a development of this size.

Officer's responded to questions raised by the Members in relation to impact of the proposed development on the Black-tailed Godwit habitat and the concerns raised by BAE Systems.

Following further debate, it was Moved and Seconded that:

"That the application be deferred to allow a further report to be presented to the next meeting of the Committee, setting out the conditions to the planning application".

On being put to the vote the Motion was Lost.

The Substantive Motion was then put the vote and it was:

**Resolved:** That after first taking into consideration the environmental information and further information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, planning permission be **refused** for the following reasons:

1. The proposed development would involve the loss of a substantial part of a Black-tailed Godwit natal feeding area that is functionally linked to the Newton Marsh SSSI, and in the absence of mitigation the development would therefore have a significant and unacceptable impact on the nature conservation interests of the SSSI. The applicant's proposed mitigation measures for these impacts are not considered to be sufficiently robust and would carry a significant risk that they would not be successful. These impacts are sufficient to outweigh the benefits of the proposal in terms of the generation of electricity from renewable sources, and hence the proposal is contrary to Paragraphs 109 and 118 of the NPPF, and Policies EP16 and EP19 of the Fylde Borough Local Plan.
2. Insufficient information in the form of a Bird Management Plan and an updated Habitat Management Plan, has been submitted to enable Lancashire County Council, as the competent authority, to carry out the necessary assessment for the purposes of the Habitats Regulations and to conclude that the proposed development would not result in likely significant effects on qualifying interest bird species of the adjacent Ribble & Alt Estuaries SPA. In the absence of such information, the County Council cannot properly assess the ecological impacts of the development sufficient to discharge its duties under the Habitats Regulations and cannot conclude that the development would not harm the ecological interests of the adjacent Ribble & Alt Estuaries SPA contrary to Paragraphs 109 and 119 of the NPPF, and Policy EP15 of the Fylde Borough Local Plan.

## **12. Urgent Business**

There were no items of urgent business.

## **13. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 1<sup>st</sup> March 2016.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston