

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 1st March, 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	A Jones
A Cheetham	N Penney
B Dawson	A Schofield
K Ellard	K Sedgewick
M Green	K Snape
D Howarth	D Westley
M Johnstone	

County Councillors A Cheetham and T Jones replaced County Councillors B Yates and P Rigby on the Committee respectively.

1. Apologies for absence

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

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor T Aldridge declared a non pecuniary interest in agenda items 4 & 5 as a member of West Lancashire Borough Council.

County Councillor A Cheetham declared a non pecuniary interest in agenda item 6 as a member of the Barn Owl Society.

County Councillor K Snape declared a non pecuniary interest in agenda item 9 as the electoral division member for the area.

3. Minutes of the last meeting held on 18 January 2017

It was reported that County Councillor D Westley had attended the last meeting of the Committee but this was not recorded in the Minutes.

Resolved: That the Minutes of the meeting held on the 18 January 2017 with the amendment now reported, be confirmed and signed by the Chair of the Committee.

**4. West Lancashire Borough: application number. LCC/2014/0047NM1
Non material amendment of permission LCC/2014/0047 to allow for
an increase in the height of the rig to be used for the plugging and
abandonment of the well. Beconsall Exploration Site, Off Bonny
Barn Road, Hundred End, Banks.**

A report was presented on a non material amendment of permission LCC/2014/0047 to allow for an increase in the height of the rig to be used for the plugging and abandonment of the well at Beconsall Exploration Site, Off Bonny Barn Road, Hundred End, Banks.

It was reported that no formal consultations were required with applications for non material amendments. However, the report included details of six representations 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 proposed rig and photographs of the site from various viewpoints.

The officer reported orally that the Environment Agency had raised no objection to the proposal and that the Health and Safety Executive had advised that the operator would be required to provide notification to the HSE prior to decommissioning and abandoning the well. The notification would allow HSE inspectors to scrutinise the activity to ensure the well was abandoned in accordance with the OFFSHORE Installations and Wells (Design and Construction) Regulations.

Maureen Mills, a local resident, addressed the Committee and objected to the proposal for the following summarised reasons:

- The increase in rig height should be subject to a full planning application and not a non material amendment;
- There was no justification for an increase in the rig height from 22 metres to 32 metres.
- The increase in height would have a detrimental impact on the landscape and on residential amenity.

Ms Mills asked for the designation of the proposal as 'non material' to be reconsidered and be brought back to the Committee for further consideration with a full impact assessment.

Helen Rimmer addressed the Committee on behalf of Friends of the Earth (FoE). She maintained that a 30% increase in rig height should be considered as a material change and accompanied by a revised Landscape and Visual Impact Assessment.

Following debate and questions to officers with regard to the availability of a 22 metre rig it was:

Resolved: That the application for a non-material amendment of Condition 3b to permission LCC/2014/0047 be **granted** as set out in the report to the committee.

- 5. West Lancashire Borough: application number. LCC/2017/0016
Variation of condition 14 of planning permission LCC/2014/0047 so
that permitted noise limits during plugging and abandonment of the
well and restoration are limited to 50dB(A) between 07.00 and 19.00
hrs when measured at the boundary of the nearest residential
receptor.
Beaconsall Exploration Site, off Bonny Barn Road, Hundred End,
Banks**

A report was presented on the variation of condition 14 of planning permission LCC/2014/0047 so that permitted noise limits during plugging and abandonment of the well and restoration are limited to 50dB(A) between 07.00 and 19.00 hrs when measured at the boundary of the nearest residential receptor at Beaconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks.

The report included details of fifteen letters 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 an illustration of the site layout plan and photographs of the site from various viewpoints.

The Officer reported orally that on Monday 27th February 2017, Members had received a presentation from Ribble Estuary Against Fracking (REAF). A summary of the presentation was set out in the Update Sheet circulated at the meeting (copy attached at Annex A to the Minute Book).

The Update Sheet also contained details of further representations submitted by REAF, the consultation responses received from the Environment Agency and the Health and Safety Executive and the advice from officers in response to the issues raised.

In relation to the conditions attached to the planning permission, the officer reported that the applicant had reviewed the proposed conditions and requested that the time limits for restoration in Condition 1 be 31st October 2017 rather than 31st August.

The Committee was advised that this change was considered acceptable – it would ensure that the site was restored prior to the bird over-wintering season and would still ensure that the site was restored earlier than required under the existing permission.

John Hodson, a local resident addressed the Committee and objected to the proposals. He reiterated the concerns set out in the committee report and in the

REAF presentation in relation to the increase in noise levels and the impact on residential amenity, wildlife and the environment. Mr Hodson asked the Committee to defer consideration of the application until a full noise impact assessment had been undertaken. If however, the Committee was minded to approve the application, he asked that they consider imposing a noise limit level of 42dB as measured from the nearest residential property.

Helen Rimmer addressed the Committee on behalf of Friends of the Earth (FoE) and objected to the application for the following summarised reasons:

- The site was unsuitable for shale gas exploration given its location in the Green Belt, its status as a Biological Heritage Site and relationship to the SPA.
- The applicant has previously breached conditions related to time limits and this should be taken into consideration.
- Insufficient consideration has been given to the proposed new working hours.
- The application had been incorrectly advertised
- The application should be deferred to allow for a further period of consultation with Natural England given the applicant's previous breach of conditions as this could have an impact on over-wintering birds and other wildlife.

Officers responded to questions raised by the Committee in relation to the proposed duration of the works, the working hours and the noise levels. Officers also explained the implications should planning permission be refused.

Following further debate, it was Moved and Seconded that:

"Planning permission be granted, subject to amendments to conditions 1 and 6 as follows:-

1. The works to plug and abandon the borehole and to restore the site in accordance with the requirements of condition 17 below shall not commence before 1st April 2017 and shall be completed by 31st August 2017.

Reason: To ensure the plugging and abandonment of the borehole and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027

6. No works associated with the plugging and abandonment of the borehole shall take place except between the hours of:

07.30 to 18.30 Mondays to Fridays (except public holidays)
07.30 to 13.00 Saturdays (except Public Holidays)

Restoration works shall not take place except between the hours of:

07.30 to 18.30 Mondays to Fridays (except public holidays)
07.30 to 13.00 Saturdays

No delivery or removal of materials, plant or equipment, site development or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan."

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

Resolved: That planning permission be **granted** as set out in the report to the Committee, subject to amendments to conditions 1 and 6 as follows:-

1. The works to plug and abandon the borehole and to restore the site in accordance with the requirements of condition 17 below shall not commence before 1st April 2017 and shall be completed by 31st August 2017.

Reason: To ensure the plugging and abandonment of the borehole and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027

6. No works associated with the plugging and abandonment of the borehole shall take place except between the hours of:

07.30 to 18.30 Mondays to Fridays (except public holidays)
07.30 to 13.00 Saturdays (except Public Holidays)

Restoration works shall not take place except between the hours of:

07.30 to 18.30 Mondays to Fridays (except public holidays)
07.30 to 13.00 Saturdays

No delivery or removal of materials, plant or equipment, site development or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

**6. Wyre Borough: application number. LCC/2016/0084
Change of use of existing buildings and land to use for the production of agricultural bedding materials from imported waste paper products including installation of drying equipment and biomass boiler, installation of flue and weighbridge, erection of new storage building, formation of hard standing, access alterations and siting of two portacabin buildings for offices / rest rooms and toilet / shower block. Foggs Farm, Hobbs Lane, Claughton on Brock**

A report was presented on a change of use of existing buildings and land to use for the production of agricultural bedding materials from imported waste paper products including installation of drying equipment and biomass boiler, installation of flue and weighbridge, erection of new storage building, formation of hard standing, access alterations and siting of two portacabin buildings for offices / rest rooms and toilet / shower block at Foggs Farm, Hobbs Lane, Claughton-on-Brock.

The report included the views of Wyre Borough Council, Claughton on Brock Parish Council, the Environment Agency and the County Council's Specialist Adviser (Ecology). The Committee noted that no letters of representation had been received in respect of this application.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site, the site layout plan and photographs of the site from various viewpoints.

The officer reported orally that the County Council's Highways Development Control had raised no objection to the proposals. They felt that the development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site and that the proposed route for HGVs was acceptable. They advised that if planning permission were granted, a condition should be attached requiring that no development should commence until the access has been approved in accordance with a scheme to be approved by the Highways Authority under section 278 of the Highways Act.

The officer advised that Condition 6 requires the access improvements contained in the applicant's transport statement to be undertaken prior to any waste material being imported. This was considered to be an appropriate way to address the highway impacts. The officer also advised that the following note should be added to the permission advising the applicant that the access improvement works would need to be the subject of a section 278 agreement as they involve works within the public highway:

'Note: 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 LCC Highways, Cuerden Way, Bamber Bridge, Preston, PR5 6BS, Tel: 01772 658560 quoting the planning permission reference.'

Officers responded to concerns raised by the members in relation to the impacts of the development on the local road network; from the potential odours arising from the operations on the site; and the potential impacts on barn owls.

Following further debate it was:

Resolved: That planning permission be **granted** subject to conditions set out in the report to the Committee with the addition of the Note as set out above.

**7. Fylde Borough: application number LCC/2017/0004
Erection of single storey detached timber classroom pod and
associated access path. Heyhouses Endowed C of E Junior Primary
School, Clarendon Road North, St. Annes**

A report was presented on the erection of a single storey detached timber classroom pod and associated access path at Heyhouses Endowed C of E Junior Primary School, Clarendon Road North, St. Annes

The report included the views of Fylde Borough Council, St Annes on Sea Parish Council and details of three letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing a site location plan, an illustration of the proposed development and photographs of the site from various viewpoints.

The officer reported orally that the County Council's Highways Development Control had raised no objection to the proposals as the provision of the pod classroom was not expected to result in any significant increase in peak period traffic movements. It was however, acknowledged that the current school operations would result in a few parking and movement issues. Therefore, in order to support highway safety, it was recommended that the applicant pursue a day time waiting restriction over a length of Clarendon Road North from the existing 'no waiting at any time' (double yellow lines) at Ramsgate Road/Clarendon Road North to a point some 25 metres east. This would provide a safer environment to allow pedestrian movements across Clarendon Road North in this location, with improved visibility which would also prevent children and parents having to cross between parked vehicles.

It was also suggested that no part of the development hereby approved should be occupied or opened for use until an updated School Travel Plan that reflected both this proposal and the full permitted land uses on the site, has been submitted to and approved by the County Planning Authority.

The Development Management Officer advised that the suggestion by LCC Highways for a waiting restriction over a length of Clarendon Road North Monday to Friday 8:00 am to 6:00pm, was noted. However, the suggested parking restrictions would require a Traffic Regulation Order (TRO) that was a separate legal process that would have to be pursued outside the planning process and which therefore should not be the subject of a planning condition.

With regard to the request for a school travel plan, the Officer advised that such a requirement was included on the planning permission ref 5/13/0122 for a new school on this site which was granted in June 2013. Therefore, it was not considered necessary to repeat the requirement on the permission for the classroom pod.

The Officer responded to questions raised by the Members with regard to the proximity of the proposed development to the nearest residential houses following which it was:

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

8. Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

It was reported that since the last meeting of the committee, 8 planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

9. Chorley Borough: application number: LCC/2016/0090 Expansion for admission numbers including single storey extension, additional playground/car parking areas, fenced MUGA and temporary single storey double classroom. Balshaw Lane Community Primary School, Bredon Avenue, Euxton

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

The Committee visited the school on the 27 February 2017.

The report included the views of Chorley Borough Council, Euxton Parish Council, the Coal Authority, the County Council's Highways Development Control, Sport England and details of 2 letters 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 the site layout plan and photographs of the site from various viewpoints.

The officer reported orally that further comments had been received from Euxton Parish Council following the submission of the applicant's Transport Statement. The Parish Council maintained its objection. The transport statement identifies the issues but concludes that there would be no unacceptable impacts. The Parish Council consider that the proposed car parking would be insufficient and that no effort has been made to manage on-street parking and reduce the inconvenience to local residents. No effort has been made to provide off-street parking. Opportunities for off-street parking may be limited but it was felt that options could be considered near Euxton Skatepark or Euxton Cricket Club. The Parish Council consider that the proposed expansion should be withdrawn.

In response to the above, the Officer advised that most of the issues had already been addressed in the report. In terms of off-site car parking options, the land suggested was outside the control of the applicant and therefore could not be considered as part of the application. The school and nursery were looking at options to provide alternative access but this would be investigated separately.

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

10. Urgent Business

There were no items of urgent business.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 12 April 2017.

I Young
Director of Governance, Finance

and Public Services

County Hall
Preston