

Lancashire County Council

Development Control Committee

Wednesday, 1st March, 2017 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 18 January 2017** (Pages 1 - 8)

The committee are asked to agree that the Minutes of the last meeting held on 18 January 2017 be confirmed and signed by the Chair.
4. **West Lancashire Borough: application number. LCC/2014/0047NM1** (Pages 9 - 16)

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.
5. **West Lancashire Borough: application number. LCC/2017/0016** (Pages 17 - 32)

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. Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks

6. **Wyre Borough: application number. LCC/2016/0084** (Pages 33 - 46)
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
7. **Fylde Borough: application number LCC/2017/0004** (Pages 47 - 54)
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
8. **Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 55 - 56)
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
10. **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.
11. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday 12 April 2017 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.
12. **Update Sheet**

County Hall
Preston

Director of Governance,
Finance and Public Services

Agenda Item 3

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

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 1st March 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee
Meeting to be held on 1st March 2017

Electoral Division affected: West
Lancashire North

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.

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

Executive Summary

Application - 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.

Recommendation – Summary

That the application for a non material amendment of condition 3b be **granted** and that condition 3b of planning permission be amended to include reference to the revised rig design.

Applicant's Proposal

The application is a non material amendment application made under section 96A of the Town and Country Planning Act 1990 to vary condition 3b of planning permission ref LCC/2014/0047 to allow an increase in the height of the rig to be used for the plugging and abandonment of a hydrocarbon exploration well.

Condition 3 of planning permission LCC/2014/0047 requires the development to be undertaken in accordance with the submitted drawings. The approved drawings are listed in part b) of the condition, one of which shows the design of the rig to be used for the plugging and abandonment of the exploration well.

The non material amendment now sought proposes that a different design of rig be used for these operations. The rig would be 32 metres high compared to 22 metres high as shown on the drawing forming part of permission LCC/2014/0047.

Description and Location of Site

The application relates to a hydrocarbon exploration well site located within an area of flat agricultural land approximately 1.5 km northwest of Banks and 3km west of Becconsall. The site is located approximately 700 metres north of Marsh Road from which access to the site is gained via an agricultural track known as Bonny Barn Road.

The site covers an area of 1ha and consists of a hardcore drilling platform surrounded by fencing with soil storage mounds on two sides and the well head in the centre of the platform.

The nearest residential properties are located at Marsh Nurseries 200 metres to the west and at Marshfield Farm 400 metres to the north. Other properties are located off Marsh Road. A public right of way is located approximately 290 metres to the east of the drilling platform.

The site is located within the Marsh Farm Fields /North Meols Biological Heritage Site. The Ribble Estuary SSSI and Morecambe Bay SPA are located approximately 650 metres to the north beyond the embankment / flood defence that forms the edge of the agricultural land.

The site is located within the Green Belt.

Background

History: Planning permission was originally granted on this site for an exploration well for hydrocarbons in 2010 (permission 8/10/973). In 2015 a further permission ref LCC/2014/0047 was granted for the retention of the well site for a further period of three years to allow for the pressure monitoring of the Bowland shale reservoir followed by plugging and abandonment and restoration of the site.

Planning Policy

National Planning Policy Framework

Paragraphs 6 -14, 17, 90 and 144 - 147 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, Green Belt and the control of mineral workings

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy SP1 A sustainable development framework for West Lancashire.

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural environment.

Consultations

No formal consultations are required with applications for non material amendments.

Representations – No statutory advertisement or publicity is required for non material amendment applications. However, a number of representations have been received as follows:-

Friends of the Earth: Maintain that there is no evidence to justify the increase in the height of the rig and that the application should be accompanied by a revised Landscape and Visual Impact Assessment to allow the additional visual impacts to be determined.

A further five representations have been received including from Preston New Road Action Group and Residents Action on Fylde Fracking who raise the following issues:-

- The increase in rig height is substantial and should therefore only be considered through a full planning application and not a non material amendment
- The application should be considered by Committee
- The increase in rig height would impact upon visual amenity
- There is no justification for an increase in the rig height for restoration purposes.

Advice

Planning permission was originally granted on this site in 2010 for the drilling of an exploration well to assess hydrocarbon potential in the Bowland Shale and other Carboniferous formations. The borehole was drilled in 2011.

A further planning permission ref LCC/2014/0047 was granted in 2015 to allow the well site to be retained for a further period of three years to allow pressure monitoring of the well followed by plugging and abandonment of the borehole and restoration to return the land to agricultural use.

The applicant does not now propose to undertake the pressure monitoring. However, it is still necessary to plug and abandon the well and to restore the site to its former agricultural use as is required by the conditions of the existing permission.

The plugging and abandonment works require the use of a rig for a temporary period in order to allow the placement of cement and other materials so that the well can be safely sealed prior to the site being restored. Condition 3b of planning permission ref LCC/2014/0047 included a list of approved drawings, one of which showed the design of the rig to be used for the plugging and abandoning works. The rig to be used was to be 22 metres high.

The applicant has advised that the rig that was to have been used for these works is no longer available. The only rig that is now available to carry out these works has a height of 32 metres and is therefore different from the rig design permitted by virtue of condition 3b of permission LCC/2014/0047. As the applicant is unable to comply with the existing permission, an application for a non material amendment of the condition has been submitted.

Section 96A of the Town and Country Planning Act allows applicants to seek non material amendments to existing permissions or conditions. The ability to apply for non material amendments was introduced in 2009 as a streamlined procedure for seeking minor changes to existing permissions where the planning authority is satisfied that the change is not material. There is no statutory definition of what constitutes a non material amendment and it is a matter of judgement in each case having regard to the effect of the change, together with any previous changes made under s96A, on the planning permission as originally granted.

The amendment that is sought would result in the height of the rig increasing from 22 metres to 32 metres. However, as the applicant does not now propose to undertake any pressure monitoring, the rig would now only be required for a period of around five weeks compared to around 4 months as originally proposed. Although the rig would be higher, it would be present on the site for considerably less time than currently permitted.

The site is in the Green Belt and given the flat and open nature of the landscape, the exploration site is visible from a wide area including from the residential properties on Marsh Lane. However, the increased height of the rig would have only a minor additional visual impact especially given the distance to the main view points on Marsh Road. Friends of the Earth consider that the amendment should be the subject of an updated Landscape and Visual Impact Assessment. However, such an assessment is not considered to be necessary given the nature of the amendment that is proposed.

Due to the proximity of this site to the Ribble Estuary, there have been issues on this site in relation to impacts on ecology, in particular over wintering birds. However, the applicant proposes to undertake the restoration of this site in summer 2017 and therefore the additional rig height would not have any implications for ecology.

Given its temporary short term duration of the rig, it is considered that the change proposed would be non material in nature. No other amendments to permission LCC/2014/0047 have been previously approved which would result in incremental changes having a material impact. The use of s96A is considered to be an acceptable way to determine the amendment that is proposed. Moreover the proposed change is considered to be acceptable in terms of visual amenity and ecology and complies with the policies of the Development 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 condition 3b of planning permission LCC/2014/0047 be amended to read as follows

3b)

Submitted Plans received by the County Planning Authority on 27th March 2014:

Drawing No. Figure 1 – Planning Application Boundary

Drawing No. Figure 2 – Planning Application Boundary

Plan submitted with application LCC/2014/0047/NM showing design of workover rig

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

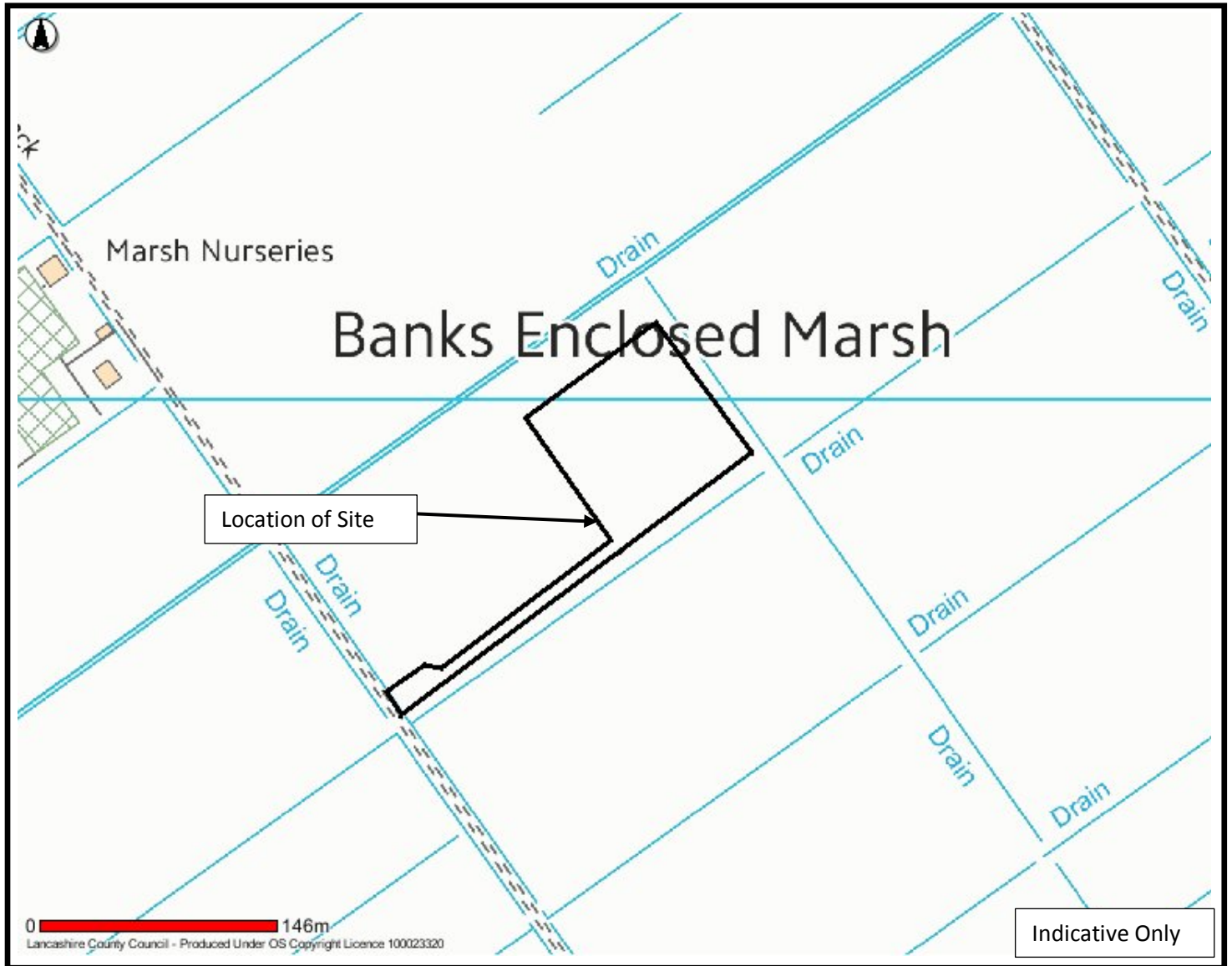
Paper	Date	Contact/Ext
LCC/2014/0047/NM		

30th January 2017

Jonathan Haine
Planning and Environment
534130

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

**APPLICATION LCC/2014/0047NM1NON MATERIAL AMENDMENT OF
PERMISSION LCC/2014/0047 FOR AN INCREASE IN THE HEIGHT OF THE RIG.
BECCONSALL EXPLORATION SITE, OFF BONNY BARN ROAD, HUNDRED
END, BANKS**



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Agenda Item 5

Development Control Committee

Meeting to be held on 1st March 2017

Electoral Division affected: West Lancashire North

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.

Becconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks

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

Executive Summary

Application - 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.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, highway matters, ecology, control of pollution, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to vary condition 14 of planning permission LCC/2014/0047 which relates to an existing hydrocarbon exploration well site located at Becconsall, West Lancashire.

Condition 14 of the existing permission restricts the noise levels that can be generated during the approved pressure monitoring, plugging and abandoning and restoration works. The condition is currently worded as follows:-

Noise emitted from the site shall not exceed 42dB(A) Laeq (1 hour) (free field) as defined in this permission when measured at any point on the site boundary.

The applicant proposes that this condition be varied as follows:-

Noise emitted from the site shall not exceed 50dB(A) Laeq (1 hour) (free field) as defined in this permission between the hours of 07.00 to 19.00 hours when measured at the boundary of the nearest residential receptor.

Description and Location of Site

The application relates to an existing hydrocarbon exploration well site located within an area of flat agricultural land approximately 1.5 km northwest of the Banks and 3km west of Beconsall. The site is located approximately 700 metres north of Marsh Road from which access to the site is gained via an agricultural track known as Bonny Barn Road.

The site covers an area of 1ha and consists of a hardcore drilling platform surrounded by fencing with soil storage mounds on two sides and the well head in the centre of the platform.

The nearest residential properties are located at Marsh Nurseries 200 metres to the west and at Marshfield Farm 400 metres to the north. Other properties are located off Marsh Road. A public right of way is located approximately 290 metres to the east of the drilling platform.

The site is located within the Marsh Farm Fields /North Meols Biological Heritage Site. The Ribble Estuary SSSI and Morecambe Bay SPA are located approximately 650 metres to the north beyond the embankment / flood defence that forms the edge of the agricultural land.

The site is also located within the Green Belt.

Background

History: Planning permission was originally granted on this site for an exploration well for hydrocarbons in 2010 (permission 8/10/973). In 2015 a further permission ref LCC/2014/0047 was granted for the retention of the well site for a further period of three years to allow for the pressure monitoring of the Bowland shale reservoir followed by plugging and abandonment and restoration of the site.

There is also a current application elsewhere on this agenda for a non material amendment to permission LCC/2014/0047 to increase the proposed rig height. Ref LCC/2014/0047/NM

Planning Policy

National Planning Policy Framework

Paragraphs 6 -14, 17,144 - 147 and 206 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, the control of mineral workings and the use of planning conditions.

National Planning Practice Guidance: The guidance relating to noise from mineral working activities is relevant to this proposal.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy SP1 A sustainable development framework for West Lancashire.

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural environment.

Consultations

West Lancashire Borough Council: No observations received.

North Meols Parish Council: No observations received.

Hesketh-with-Becconsall Parish Council

Sefton Metropolitan Borough Council; No observations received

Environment Agency: No observations received.

Health & Safety Executive : No observations received.

LCC Highways Development Control; No observations received.

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

Friends of the Earth have objected to the application as they consider that insufficient information has been submitted to justify the change in noise levels, there has been inadequate consultation with Natural England and that it would result in additional noise impacts during the bird over wintering season if the restoration were not to be completed in summer 2017. FoE also question the statutory timescales for consultation compared to the decision date and point to a discrepancy between the application title and site notice detail.

A further fourteen objections including from Residents Action on Fylde Fracking, Preston New Road Action Group and Frack Free Burscough have been received raising the following issues:-

- The proposed increase in noise from 42 – 55 db(A) represents a doubling of noise levels which is unacceptable
- The existing condition should remain as there have been no change in circumstances

- The additional noise levels produced would impact on local residents and be a deterrent to bird life.
- The applicant should have addressed the noise issues at the time when application LCC/2014/0047 was determined if it was apparent that the condition could not be complied with
- There will be an impact on house prices
- The proposed variation would set a precedent which could be followed in any future proposal for fracking
- The application to vary the noise condition would also require longer hours of working

Advice

Planning permission was originally granted on this site in 2010 for the drilling of an exploration well to assess hydrocarbon potential in the Bowland Shale and other Carboniferous formations. The borehole was drilled in 2011.

A further planning permission ref LCC/2014/0047 was granted in 2015 to allow the well site to be retained for a further period of three years to allow pressure monitoring of the well followed by plugging and abandonment of the borehole and restoration to return the land to agricultural use.

The applicant does not now propose to undertake the pressure monitoring. However, it is still necessary to plug and abandon the well and to restore the site to its former agricultural use as is required by the conditions of the existing permission. The applicant's intention is to undertake these works and to restore the site in summer 2017. There is no intention to undertake any further testing, drilling or hydraulic fracturing at the site.

Condition 14 of the existing permission sought to control noise arising from the pressure monitoring, plugging and abandonment works and restoration operations authorised by planning permission LCC/2014/0047. The condition is worded as follows:-

Noise emitted from the site shall not exceed 42dB(A) Laeq (1 hour) (free field) as defined in this permission when measured at any point on the site boundary.

Reason : To safeguard the amenity of local residents and adjacent properties / landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policies GN3 and EN2 of the West Lancashire Local Plan.

The applicant is of the view that the wording of condition 14 places an unreasonable restriction on the development that is not consistent with minerals planning policy. Because the condition requires the noise level to be measured at the site boundary, it will be impossible to undertake any works to seal the borehole or restore the site without breaching the condition. The applicant has therefore proposed an alternative condition to limit noise which will allow them to undertake the required operations in compliance with a permission.

The National Planning Practice Guidance contains government policy on noise from mineral workings. The guidance states that MPA's should aim to establish a noise limit through planning condition, at the noise sensitive property, that does not exceed the background level (LA90 1 hour) by more than 10dB(A) during normal working hours (07.00 – 19.00 hours). Where it will be difficult to not to exceed the background level by more than 10dB(A) without placing unreasonable burdens on the operator, the level should be set as near that level as practicable. In any event the total noise from operations should not exceed 55 dB(A). The guidance also states that it may be permissible to allow higher noise limits (up to 70 dB(A)) for activities such as restoration or removal of soil screening mounds where such activities are limited to not more than 8 weeks in any one year.

Paragraph 206 of the NPPF sets out various tests for planning conditions and states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

It is considered that condition 14 as currently drafted effectively prevents the applicant from restoring the site as any noise generating works such as respreading of soils or cementing of the borehole carried out as part of the restoration would be likely to breach the condition. The condition also does not meet current guidance as it sets a noise limit at the site boundary rather than at a noise sensitive property. The condition therefore fails the reasonableness test in paragraph 206 of the NPPF and does not comply with current guidance regarding the setting of noise conditions. For this reason, it is considered that there is merit in varying the condition so that appropriate noise limits are set at the nearest sensitive property thereby allowing the operator to restore the site.

The applicant originally proposed that the condition should be worded such that noise would not exceed 55 dB(A) LAeq 1 hour (free field) between the hours of 08.00 and 21.00 hours and 42 dB(A) LAeq 1 hour (free field) between the hours of 21.00 and 08.00 when measured at the nearest residential property.

The previous application on this site included a noise survey which included background noise levels. The background noise levels in the area are very low (LA90's down to 25 dB(A) during the night time period and 36 – 40 dB(A) during the daytime). The applicant's proposed condition would therefore not comply with Government guidance as the noise level in their proposed condition would be more than 10 dB(A) above the background level. This would apply particularly during the night when the applicant would be using the rig to plug and abandon the well.

To address this issue, the applicant now proposes to only undertake works during the daytime period and to limit noise during this time to 50 dB(A) when measured at the nearest property. Noise at this levels may still be more than 10dB(A) above the background level but Government guidance indicates that this may be acceptable where a restriction to background level +10 would place an unreasonable burden on the operator. Whilst the limitation to daytime operations only would extend the timescale for the plugging and abandoning works from two weeks to around five weeks, these operations would still be of a short term nature. The remainder of the

works involving the removal of pollution prevention membranes and the stone surfacing materials and respreading of the soils would be classified as restoration works which would take approximately 12 – 14 weeks allowing for poor weather. The applicant's proposal for a 50 dB(A) limit is therefore considered to be appropriate particularly given that Government guidance indicates that a higher noise level of 70 dB(A) may be appropriate for such short term restoration operations. The two nearest properties to the site are in the landowners control and the next nearest properties are local on Marsh Road at considerable distance (600 metres) from the site. It is therefore very unlikely that any properties outside of the landowners control would experience day time noise impacts from the proposed operations. The applicant's proposal is therefore considered acceptable and would provide sufficient protection of local amenity and would comply with government guidance in relation to noise from mineral workings.

Friends of the Earth, comment that applications to vary conditions should be subject to the same 8 or 13 week determination timescales for new development and that this application is being allowed insufficient time for consideration. They are also concerned that the statutory 21 consultation period is not being complied with.

The 8 / 13 week timescales are the benchmarks against which planning authorities are assessed by central government for performance in speed of determination for planning applications. They are not statutory timescales after which a decision may be taken. Under the Development Management Procedure Order 2010, planning authorities are prohibited from determining an application before the end of 21 days beginning with the date a site notice was first displayed or 14 days from the date the notice was published in the newspaper. The site notice for this application was posted on the 6th February and the application was advertised in the newspaper on 8th February. Therefore, sufficient time has elapsed since the site notice and advertisement to allow the application to be determined at the 1st March Committee. In relation to their comments about the description of the development

Friends of the Earth have also commented about lack of consultation with Natural England. This site is located close to the Ribble Estuary SPA and is located within a Biological Heritage Site that is designated for its value as supporting habitat to the SPA for overwintering birds. These issues were considered as part of the previous application on this site and the permission included a section 106 agreement providing for ecological mitigation measures to offset any impacts on over wintering birds. However, the applicant proposes to restore the site in summer 2017 and therefore there should be no impacts on over wintering bird interests arising from the proposed development. Consultation with Natural England is therefore considered unnecessary given the nature of these proposals.

Friends of the Earth have also commented that the site notice did not include the correct information as to the noise limits that were being applied for. They comment that the noise level quoted in the statutory notice was 55 dB(a) and not 55 dB LAeq (1 hour) (free field) as applied for. Whilst FoE are correct in their observation, it is not considered that the application was misadvertised. The advert was clear that a variation to condition 14 was being proposed and directed local residents to the County Council's website where full details of the proposal could be viewed.

One representation has commented that the application to vary condition 14 on noise would also require variation of the hours of working condition which is not included in the title of the application or been advertised as such. In planning permission LCC/2014/0047, the hours of working condition contains provisions for the testing and plugging and abandonment works to take place on a 24 hr per day basis. It is now proposed to undertake the plugging and abandonment works between 07.00 to 19.00 hrs and therefore the hours of working for these works would be considerably shorter than previously permitted. The hours of working condition covering restoration is proposed to be limited so that the permitted hours for these works are the same as those currently contained in permission LCC/2014/0047.

An application to vary conditions to an existing permission will, if approved, result in a new permission being granted. All the conditions that were attached to permission LCC/2014/0047 are therefore recommended to be attached to any new permission save any rewording that is necessary to account for any changes in circumstances since the original permission was issued.

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 planning conditions:-

Time Limits

1. The works to plug and abandon the borehole and to restore the site in accordance with the requirements of condition 17 below 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

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 ref LCC/2014/0047 received by the County Planning Authority on 27 March 2014 as amended by the planning application forms received on the 17 April 2014, planning application ref LCC/2017/0016 received on 26th January 2017 and non material amendment application ref LCC/2014/0047/NM received on 30th January 2017.
 - b) Submitted Plans received by the County Planning Authority on 27 March 2014:

Drawing No. Figure 1 - Planning Application Boundary
Drawing No. Figure 2 - Planning Application Boundary
Workover rig drawing received with non material amendment
application ref LCC/2014/0047/NM

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies SP1, GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Ecology

3. No site restoration works shall commence or be carried out during the bird-breeding season between 1 March and 31 July inclusive unless the site has been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around the site to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To provide mitigation to nesting birds and to conform with Policy EN2 of the West Lancashire Local Plan.

Soils and Overburden

4. No topsoils or subsoils shall be exported from the site. All such soils shall be retained for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

5. All topsoil and subsoil mounds shall be retained in a grassed, weed free condition prior to their use in the restoration of the site.

Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Hours of Working

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

07.00 to 19.00 hours Mondays to Fridays (except public holidays)
07.00 to 13.00 hours on 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.

Highway Matters

7. Heavy traffic to and from the site shall follow the route provided in accordance with the Transport Assessment submitted with application LCC/2014/0047 throughout the lifespan of the development.

Works and routing signage shall be provided in accordance with the submitted Transport Assessment throughout the lifespan of the development.

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

8. Measures shall be taken at all times during the site construction, operational and restoration phases of the development to ensure that no mud, dust or other deleterious material is tracked onto the public highway by vehicles leaving the site.

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

9. All vehicles shall enter or leave the site in a forward direction.

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

10. All vehicles associated with the development, operational or restoration phase of the development shall park in the site. No vehicles associated with the development shall park on Bonny Barn Lane or Marsh Road.

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

Control of Noise

11. 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 Joint Lancashire Minerals and Waste Local and Policies GN3 and EN2 of the West Lancashire Local Plan.

12. Noise emitted from the site shall not exceed 50 dB LAeq (1 hour) (free field), as defined in this permission, when measured at any noise sensitive property.

Reason: To safeguard the amenity of local residents and to prevent disturbance to birds 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.

Safeguarding of Watercourses and Drainage

13. 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 throughout the lifespan of the development.

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 Joint Lancashire Minerals and Waste Local Plan and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

14. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

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 Joint Lancashire Minerals and Waste Local Plan and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

15. 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 Joint Lancashire Minerals and Waste Local Plan and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

16. Buffer zones with a width of not less than 5 metres shall be maintained between the perimeter mounds or edge of the drilling compound and the ditches on the boundaries of the site within which there shall be no vehicle movements, storage of materials, excavation, or other construction activity.

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 Joint Lancashire Minerals and Waste Local Plan and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

Restoration

17. Site restoration shall take place in accordance with the following:-

- a) All plant, buildings, hardstandings, aggregates/ hardcore and lining systems shall be removed from the land.
- b) All perimeter fencing and gates shall be removed.
- c) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
- d) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
- e) Measures to relieve compaction or improve drainage.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Aftercare

18. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site for a period of five years to promote

the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) Maintenance and management of the restored site to promote its agricultural use.
- b) Weed control where necessary.
- c) Measures to relieve compaction or improve drainage.
- d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

Reason: To secure the proper restoration and aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 17 have been completed satisfactorily.

Notes

If the abandonment process could lead to a discharge occurring then a groundwater activity permit may be required in line with Schedule 22 to the Environmental Permitting Regulations 2010.

The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a groundwater activity (discharge of a pollutant that might lead to its direct or indirect input into groundwater) except under and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations.

Recommendation

That planning permission be **Granted** subject to the following conditions

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2017/0016		
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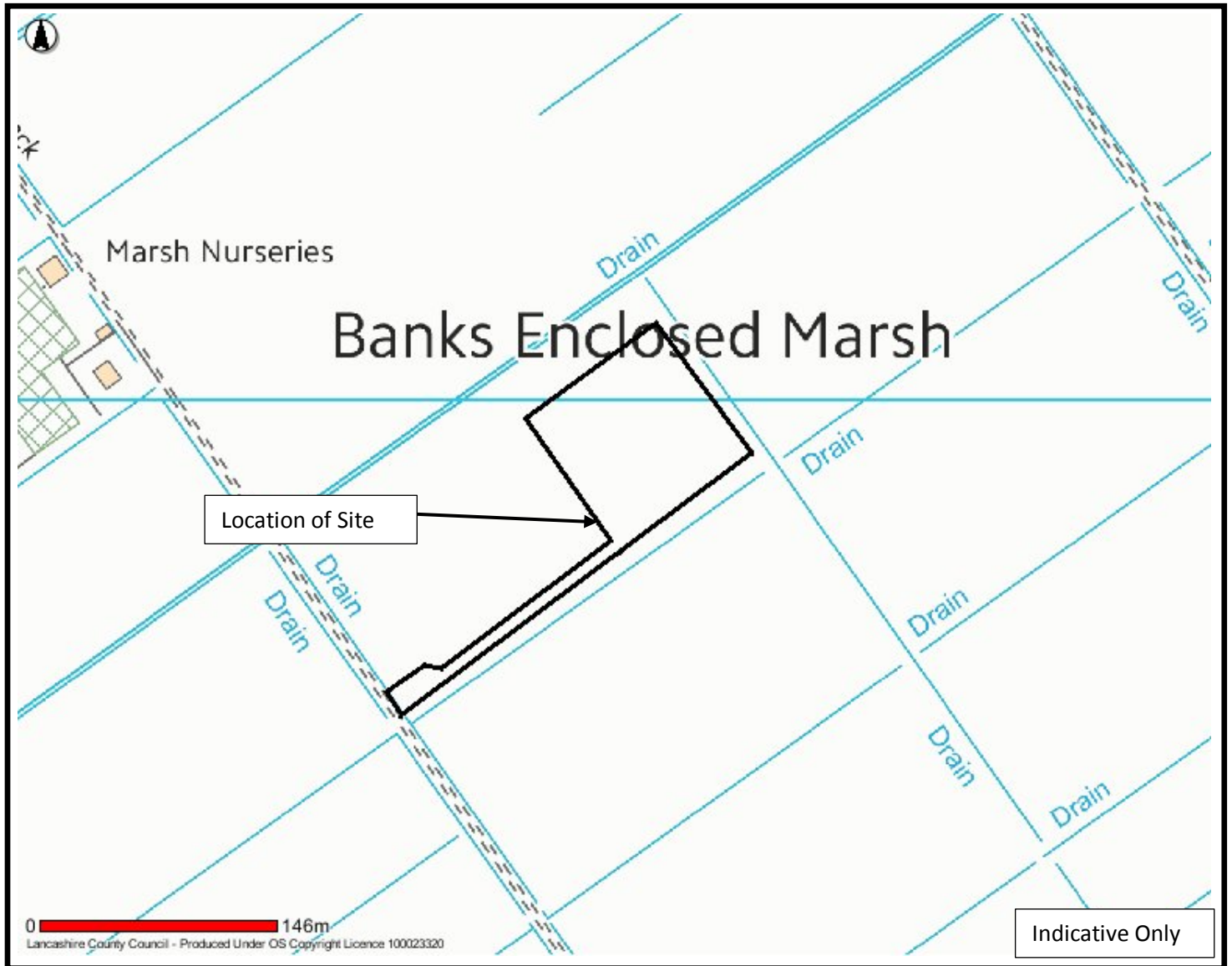
26th January 2017		
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Jonathan Haine		
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Planning and Environment
534130

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

APPLICATION 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 55dB(A) BETWEEN 08.00 AND 21.00 AND 42dB(A) BETWEEN 21.00 AND 08.00 WHEN MEASURED AT THE BOUNDARY OF THE NEAREST RESIDENTIAL RECEPTOR. BECCONSALL EXPLORATION SITE, OFF BONNY BARN ROAD, HUNDRED END, BANKS



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Development Control Committee
Meeting to be held on 1st March 2017

Electoral Division affected: Garstang
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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.

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

Executive Summary

Application - 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.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, storage activities, highways and traffic, landscaping and ecology.

Applicant's Proposal

The application seeks permission to change the use of an agricultural farm complex to a use for the production of farm bedding materials to be produced from imported waste paper pulp products.

Waste paper pulp would be imported to the site and stored under cover within an existing agricultural barn which would be refurbished as part of the development. The pulp would then be transferred into an external drying facility that would be sited on the northern side of the farm buildings.

The drying facility would be fitted within two shipping containers with total dimensions of 20 metres by 2.4 metres by 2.8 metres in height and which would include various flues and heat exchangers fitted to the outside of the containers . Dry product would be discharged from the end of the drying facility and transferred by conveyor back into bays within the building pending export from the site. The applicant estimates that the site would dry a maximum of 12,500 tonnes of paper crumble per year

Heat for the drying facility would be provided by a 999kW biomass boiler. This would be located within one of the existing buildings at the site and would be fuelled by a mixture of virgin and recycled wood chip. The boiler would require an exhaust stack which would protrude through the roof of the existing building by approximately 3.5 metres. The fuel for the boiler would be stored within the building.

The proposal also includes proposals to improve the vehicle circulation routes around the farm complex to allow access by HGVs. This would require the demolition of an existing farm building to create room for an HGV delivering waste paper pulp or fuel to reverse into the building. The existing track around the perimeter of the farm complex would also be improved by surfacing including provision of a weighbridge. The farm building to be demolished would be replaced through the erection of a new portal frame shed on the western boundary of the site which would be used for the storage of machinery to be used in the business.

The waste treatment operations would take place on a 24 hr / 7 day a week basis. Delivery of waste material and fuel and export of dried product would take place between 07.00 and 18.00 hours Monday to Friday.

Two portable buildings would also be required for office and toilet / showering uses.

The access to the site from Foggs Lane would be widened to provide a 10 metre width from the public highway and would be surfaced in concrete or tarmac. For a distance of 20 metres. A further passing place would be provided on the access road.

The proposal would create 3 - 4 jobs.

Description and Location of Site

Foggs Farm is a former agricultural complex located off Hobbs Lane which is a C class road located in a rural area approximately 5km south east of Garstang and 3 km west of Beacon Fell Country Park.

The site is located within the Forest of Bowland AONB and the surrounding land is comprised of agricultural grazing land. The farm complex is comprised of a range of portal frame and stone farm buildings. There is one residential dwelling immediately adjacent to the farm complex which is occupied by the landowner's gamekeeper. Other properties are located at other farm complexes, the nearest of which are around 350 metres from Foggs Farm.

A public right of way crosses the access track and farm land immediately to the east of the site.

Background

History; There is no relevant planning history.

Planning Policy

National Planning Policy Framework: Paragraphs 7 – 14, 17, 18 -22, 28, 115, 116 and 118 are relevant with regards to the presumption in favour of sustainable development, core planning principles, securing economic growth, supporting the rural economy, development within AONB's and ecology.

National Planning Policy for Waste: Section 7 is relevant with regards to the determination of planning applications.

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

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 DM2 Development Management
Policy WM3 Local Built Waste Management Facilities

Wyre Borough Local Plan

Policy SP13 Development in the Countryside
Policy SP14 Standards of design and amenity
Policy ENV1 Forest of Bowland AONB
Policy ENV6 Species Protection Policy
Policy EMP12 Diversification of the Rural Economy
Policy EMP13 Conversion of rural buildings in countryside areas

Consultations

Wyre Borough Council: Object to the application as further information is required to adequately assess the application in terms of the elevations of new building, the proposed B1 use, the access alterations and impacts on ecology. Wyre BC also require further details about the biomass boiler and associated emissions.

Cloughton on Brock Parish Council: No objection. However, the Parish Council observe that increased HGV movements may be needed to service the proposal and that the condition of the rural roads in the vicinity of the site is poor.

LCC Development Control (Highways): No observations received.

Environment Agency; No objection in principle. The drying activity will require a bespoke permit from the EA. If the fuel source for the biomass boiler is classed as waste, this could require a further permit from the EA or Borough Council.

LCC Specialist Advisor (Ecology): The buildings that would be used appear to be unsuitable for use by bats and therefore the mitigation measures included in the ecology report should be sufficient and can be secured by condition. Swallow nests were noted within the buildings to be used and therefore replacement nest sites should be provided for any existing nests that are removed. Barn owls were noted to nest in a stone barn adjacent to the application site and therefore there is potential for adverse impacts on this species through disturbance. If impacts cannot be mitigated, replacement barn owl nest boxes at greater distance from the application site would need to be required through condition.

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

Advice

The application is for the change of use of part of a former agricultural complex to a use for the production of agricultural animal bedding material from waste paper pulp.

During winter periods, dairy farmers keep cattle under cover within buildings and lay bedding materials on the floor for the animals. These materials are normally products such as sand, sawdust or straw. However, these materials can quickly become contaminated which can lead to problems such as mastitis and the need to clean teats before cows are milked. The applicant produces an alternative cattle bedding material produced from waste paper pulp which is very absorbent and which reduces such problems, thereby of benefit to dairy farmers. Following use, dirty material can be pumped into a slurry tank and applied to land as a conventional fertilizer.

The paper pulp produced from the recycling of paper is a fibrous material, grey / blue in colour due to the ink content. It has a high water content and is normally disposed to landfill or can be applied direct to land as a soil improver.

The applicant proposes to import paper pulp direct from paper recycling factories and to dry and granulate the material to produce a highly absorbent bedding material that would be sold to dairy farmers in the local area. Drying capacity would be provided by means of a wood powered biomass boiler that would heat water, the hot water generated being used to dry the material within a separate drying plant being housed within converted shipping containers.

The development is at a former dairy farm complex which is comprised of a series of portal frame shed buildings and a stone barn. The proposal would utilise two of the existing portal frame buildings for the purposes of housing the fuel storage / biomass boiler and for the storage of waste material and dried product. The stone barn and attached lean- to building would remain in their current agricultural storage use by the landowner.

National Planning Policy for Waste requires that waste is managed at the highest level possible within the waste hierarchy. The proposal would allow waste paper pulp to be recycled into a new product capable of beneficial reuse and would therefore secure a move up the waste hierarchy for this material compared to landfilling or land spreading which is the most common waste management method for these materials at present. It is therefore considered that the proposal would generally accord with the aims of National Planning Policy for Waste.

The site is located within a rural area that is designated as AONB and which is served by a network of minor roads. It is therefore necessary to consider the appropriateness of the site location for this type of development having regard to the policies of the development plan relating to the location of industrial development, the protection of important landscapes and highway impacts.

Paragraph 116 of the NPPF states that planning permission should be refused for major developments in AONB's except in exceptional circumstances and where it can be demonstrated that they are in the public interest. All waste developments would be categorised as major developments within planning guidance. However, this particular development is small scale, would take place within an existing agricultural complex and would have limited visual impacts. For these reasons it is considered that the requirements of paragraph 116 of the NPPF should be considered against the other material considerations raised by this proposal.

The Wyre Borough Local Plan also contains a number of policies relating to the rural economy and development in the countryside. Whilst these policies predate the NPPF, they are considered to be in general accordance with current central government policy and therefore still carry weight.

Policy SP13 of the Wyre Local Plan requires that unless otherwise justified by the policies of the plan, development within the countryside will not be permitted except for the essential requirements of agriculture, forestry, suitable forms of tourism and related activities. All proposals in the countryside will be considered with regard to issues of amenity, scale, design and materials.

Whilst the development is associated with the agricultural industry, it is not considered to be of a type that is essentially required for agriculture and therefore potentially conflicts with Policy SP13. However, Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by supporting expansion of all types of businesses in rural areas including through conversion of existing buildings and by promoting the development and diversification of agricultural and other land based businesses. The proposal would return a redundant farm complex to economic use and would give rise to new employment positions thereby providing a form of agricultural diversification. It should be noted that the Borough Council have not raised objection in terms of policy SP13 and the proposal is considered to accord with the general aims of paragraph 28 of the NPPF.

Policy EMP12 requires that proposals for diversification of the rural economy will be approved where the scale and nature of the activity is not detrimental to the

character of the area, that any new buildings are necessary and appropriate to a rural location and that the use does not conflict with adjacent land uses.

Policy EMP13 states that the change of use of rural buildings in the countryside for employment generating uses will be approved provided that the building is capable of reuse without substantial rebuilding, that the new use does not conflict with adjacent land uses or require extensive alterations to its external appearance and that the parking and traffic impacts are acceptable.

The development would predominately utilise existing farm buildings. Two existing portal framed buildings would be used for the location of the biomass boiler and wood store and for the storage of imported waste material and dry material. The building to be used for the storage of waste and dry materials would require extensive works to create storage bays but these would not affect its external appearance and the only other works to the existing structures would be recladding works which would not alter the appearance of the buildings. The elements of the development that would be external to the existing structures would be the stack through the roof of the biomass boiler building, two small portable buildings for office/welfare facilities, a weighbridge and the drying units.

The main visual impact would arise from the external drying plant. The farm complex is in a relatively remote location which is at least 450 metres from the nearest road. The external structures are not of a significant scale and with these separation distances it is considered that the visual impacts from the nearest highways would not be significant. The main visual impact would be from the adjacent footpath which crosses the fields and access road immediately to the east of the site. The applicant has sought to address the visual impact of the external structures by moving the drying unit closer to the existing building and replacing a large loading hopper that was to be used to load waste material into the drying process with a screw conveyor that would have less visual impact. The other external elements of the development are small scale and would not be readily noticeable as part of an existing farm complex. The existing buildings are capable of reuse without significant works, the main building operations required being confined to some recladding works to the walls which would preserve their agricultural appearance. The applicant is also agreeable to undertaking some landscaping by reinstating a field hedge around the northern boundary of the farm complex which in time would assist in providing some additional landscaping and wildlife habitat.

The proposals also involve demolition of an existing agricultural barn in order to create a vehicle manoeuvring area. The barn would be replaced by erecting a new building on the western boundary of the farm complex. The new building would be of a similar scale and appearance to the existing structure and would therefore maintain the agricultural appearance of the site.

The visual impacts of the development are therefore acceptable and would not detract from the landscape qualities of the AONB or amenities of the countryside more generally. However, conditions should be imposed regarding the colour of external structures, the containment of waste, finished product and fuel within the buildings and the implementation of a landscaping scheme around the boundary of the site.

The development would require approximately 2 HGVs per day to import waste material and export finished product. Fuel would be imported by HGV once every four days. Whilst the site is accessed by a network of C class rural roads which are not of a standard that can support high levels of HGV movements, the levels of traffic generated by the development would be similar to those from most dairy farming operations and are therefore acceptable on this basis. The access to the farm from Hobbs Lane would require some slight widening which would require removal of small amount of hedgerow together with creation of a passing place on the existing access track between Hobbs Lane and the farm itself. However, the access has generally good visibility and the improvement works would not have an unacceptable visual appearance. Subject to conditions relating to vehicle movements and sheeting of vehicles associated with the export of finished product, the development is considered acceptable in terms of highway safety.

The storage and processing operations would be contained within buildings. The use of a telehandler would be required to load waste product into the building and to load HGVs associated with dry material. However, the noise impacts associated with these operations would be similar to those generated by agricultural machinery at many farm sites. The biomass boiler would run continuously and would generate some noise emissions from the stack.

The nearest dwelling houses other than those on the application site are located over 500 metres from Foggs Farm. There is a residential dwelling located immediately adjacent to the farm complex but this dwelling house is owned by the owner of the farm and is the residence for his game keeper. The applicant has undertaken a noise assessment of the development which concludes that whilst the noise from the stack would not give rise to unacceptable impacts inside the property, there would be noise impacts from this source in the external areas surrounding the house. This is mainly as a result of the low background noise in the area. The applicant therefore proposes that the stack will incorporate a silencer which will reduce noise levels to below the background level. The fitting of a silencer can be the subject of a planning condition. It is not expected that the development would generate any dust or other amenity impacts that would have an unacceptable impact on residential properties and no representations have been received from any local residents.

The applicant has carried out an ecological survey of the site as part of the planning application. The existing agricultural barns to be used for the development have little ecological value with the exception of swallow nests and no bat roosting potential was found. However, an adjacent stone barn that will be retained in its existing agricultural storage use has an active barn owl roost. LCC Specialist Advisor Ecology states that the proposal should include provision for replacement swallow nesting sites either in the new agricultural barn building or other buildings on the site. The barn owl roost would not be directly affected but there is a risk that the increased activity in the adjacent buildings would give rise to disturbance that would result in the owls abandoning their existing nest site. To mitigate for such impacts the applicant is proposing to erect a new owl nest box on an existing tree to the south of the farm complex. Subject to these matters being covered by planning conditions, it is considered that the ecological impacts are acceptable.

In conclusion, this proposal would involve the re-use of a former agricultural complex for a new use that would have some benefits in terms of agricultural diversification and production of a useful product from waste materials. The site is located within the AONB and is also served by a minor road network. However, the development is small in scale and can be carried out without large scale conversion of the existing buildings or the need for new plant or buildings that would impact on the visual amenity of the countryside. The development is therefore considered acceptable in terms of Policies EMP12 and EMP 13 of the Borough Local Plan.

In view of the nature, scale and location 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 3 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, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 18th November 2016 as amended by the email from ML Planning Consultancy dated 15th February 2017.
 - b) Submitted Plans and documents:
 - Drawing 0032/FF/GA00 Proposed Site Layout
 - Drawing 0032/FF/ES00 Proposed Sections
 - Drawing 3143-WMTR 1.5 - LINKS - Dryer Dimensions
 - Drawing ML/HR/55256 - Landscaping proposals
 - Drawing ML/HR/55257 - Elevations of New Barn Building
 - 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 and policies EMP12 and EMP13 of the Wyre Borough Local Plan.

3. No waste material or finished product shall be stored except within the bays within the building as shown on drawing 0032/FF/GA00 Proposed Site Layout. No storage of waste material or finished product shall take place outside of the building within the open yard area.

No storage of biomass for the purposes of fuelling the boiler shall be stored except within the building shown as shed 3 on drawing 0032/FF/GA00 - Proposed Site Layout Plan.

Reasons : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP12 of the Wyre Borough Local Plan.

4. The new dutch barn building shall not be constructed other than in the location shown on drawing No. ML/HR/55243 dated 11th November 2016. The dimensions and external cladding materials shall conform to the details shown on drawing ML/HR/55257 dated 15th February 2017.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP 12 of the Wyre Borough Local Plan.

5. No development shall commence until details of the silencer to be fitted to the exhaust stack have been submitted to and approved in writing by the County Planning Authority. The submitted details shall include information on the design of the silencer and the noise levels that would result from the operation of the biomass boiler with the silencer in place.

The approved silencer shall be fitted to the exhaust stack before the biomass boiler is used and shall thereafter retained thereafter.

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

6. Prior to any waste materials being imported to the site, the site access from Hobbs Lane shall be improved in accordance with the following:
 - a) The junction of the farm access road with Hobbs Lane shall be widened in accordance with the drawing in Appendix 2 of the Transport Statement labelled 'Proposed Improvements to Highway Access at Foggs Farm, Hobbs Lane, Cloughton on Brock'
 - b) The first 20 metres of the access measured from the carriageway edge of Hobbs Lane shall be surfaced in tarmac, concrete or other similar hard surfacing materials.

Reason: In the interests of highway safety and to conform with Policy EMP14 of the Wyre Borough Local Plan.

7. The hedgerow on either side of the access with Hobbs Lane shall be maintained at a height not exceeding 1 metre above ground level at all times to provide a visibility splay free of obstruction measuring 2.4 metres by 120 metres in each direction.

Reason: In the interests of highway safety and to conform with Policy EMP13 of the Wyre Borough Plan.

8. All vehicles associated with the export of finished products from the site shall be securely sheeted.

Reason : In the interests of highway safety and to protect the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP12 of the Wyre Borough Local Plan.

9. Not more than two HGVs shall leave the site in any one day.

The numbers of HGVs leaving the site shall be recorded and such a record shall be made available for inspection to the County Planning Authority. Such a record shall contain details of the date and time of the movement and vehicle registration number.

The requirements of this condition shall not apply to HGVs associated with the importation of biomass to the site for the purposes of fuelling the boiler.

Reason: In the interests of highway safety and local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP 13 of the Wyre Borough Local Plan.

10. No HGVs shall leave the site except between the hours of 07.00 - 18.00 hours Mondays to Fridays. No such vehicle movements shall take place on Saturdays, Sundays or public holidays.

Reason : In the interests of local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy EMP 13 of the Wyre Borough Local Plan.

11. In the first planting season following the commencement of the development, the area on the northern boundary of the site shown in green shading on drawing ML/HR/55257 shall be subject to landscaping works undertaken in accordance with the specification accompanying the email from ML Planning Services dated 15th February 2017.

Thereafter, the landscaping works shall be managed for a period of five years including replacement of failed plants, maintenance of protection measures and weed control.

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

12. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

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.

13. Prior to the commencement of development, the barn owl mitigation described in the letter from Envirotech Ltd dated 13th February 2017 shall be undertaken. The mitigation measures shall thereafter be maintained throughout the duration of the development.

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

14. No development works shall take place within the buildings at the site until a survey has been undertaken by an appropriately qualified ecologist to establish whether the barn owl roost identified in the ecological survey is in use. The survey shall be undertaken prior to the intended commencement of any works within the buildings and the results of the survey submitted to the County Planning Authority within 5 days of the date of the survey.

If the survey confirms that the existing barn owl roost is being used for nesting, no development works shall take place within the existing buildings until it has been confirmed by subsequent survey that all eggs have hatched and attendant young have left the nest site.

Reason: In order to protect barn owls and to secure compliance with section 25(1) of the Wildlife and Countryside Act 1981 and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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.

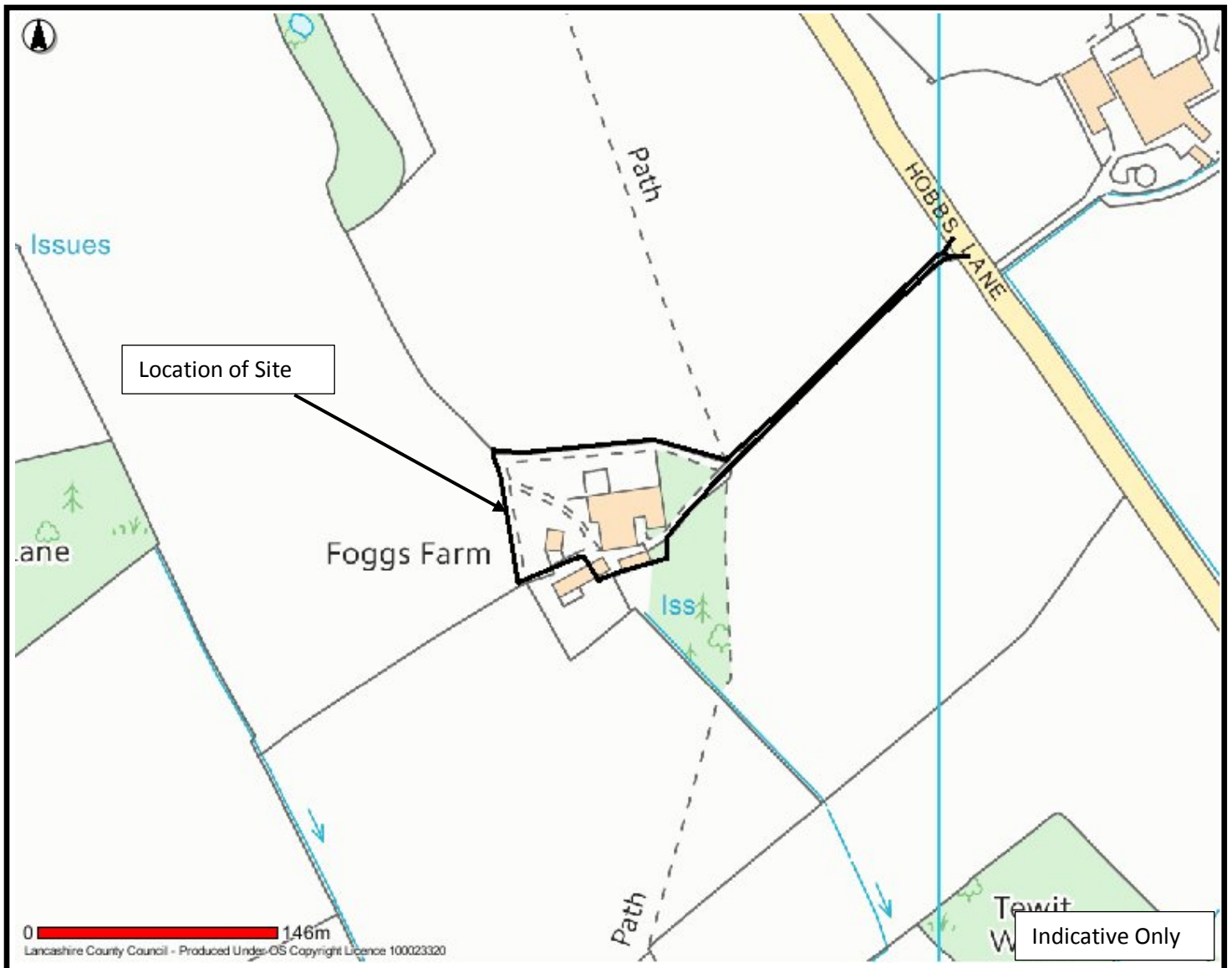
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
LCC/2016/0084		

Jonathan Haine
Planning and Environment
534130

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

APPLICATION 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, RELOCATION OF EXISTING CLASS B1 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.



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Development Control Committee
Meeting to be held on 1st March 2017

Electoral Division affected:
St. Annes South

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.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application - 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.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, finish of building materials, and lighting.

Applicant's Proposal

Planning permission is sought for the erection of a detached timber classroom pod and associated access path at Heyhouses Endowed C of E Junior Primary School, St. Annes.

The building would measure 11m x 9.6m x 3.5m high. The building would be clad in Siberian Larch, with a trim to be coloured blue (RAL 5010) and a rubber membrane roof. The pod would have bi-folding access doors and two windows in the front (west) elevation, three windows in the north elevation and one window in the south elevation. All doors and windows would be aluminium framed and coloured anthracite grey (RAL 7016).

The associated access path would be 1.8m wide x 26m long.

Description and Location of Site

Heyhouses Endowed C of E Junior Primary School fronts the west side of Clarendon Road North, from where the school is accessed, in a residential area approximately 600m north-east of St. Annes Town Centre. The school is bound to the north by the rear of houses on Clarendon Road North, and to the south and west by single width roads to service the rear of houses on St. Annes Road East and Headroom Gate, respectively. The rear service road to the south separates the school from the St. Annes Road East Conservation Area. The building would be approximately 30 metres from the rear elevation of the nearest house on St Annes Road East and 25 metres from the side elevation of the nearest property on Ramsgate Road.

The existing single storey school buildings, the detached Heyhouses Nursery School and the associated playgrounds for these are set back from Clarendon Road North and are located on the south side of the site. The school car park is located directly in front of the school. The school playing field is on the north side of the site, and a grassed area is between the school pedestrian access gates and the nursery.

The proposed building would be sited within the grassed area between the school pedestrian access gates and the nursery.

Background

The proposal is at an existing primary school.

Planning permission for the construction of a new primary school and associated facilities was granted in June 2013 (ref. 05/13/0122).

A non material amendment for the relocation of the bin store and amendments to the hard play areas was approved in August 2013 (ref. 05/13/0122NM1).

Planning permission for the construction of a single storey nursery school building, canopy and associated external play area was granted in November 2013 (ref. 05/13/0637).

Planning permission for the erection of 2.4 metre boundary fencing was granted in August 2014 (ref. LCC/2014/0115).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 - 66, 69 – 70 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design, promoting healthy communities, and light pollution.

National Planning Practice Guidance

Fylde Borough Local Plan As Altered

Policy SP1 Development within Settlements
Policy EP3 Conservation Areas

Policy EP28 Light Pollution
Policy CF1 Provision of Community Facilities
Policy CF6 Community Use of School Facilities

Submission Version of the Fylde Local Plan to 2032

Policy GD1 Settlement Boundaries
Policy GD7 Achieving Good Design in Development
Policy HW2 Community Facilities
Policy ENV5 Historic Environment

Consultations

Fylde Borough Council – Object as the isolated location of the classroom pod away from the main school would result in a detached visually prominent structure within the wider street scene of Clarendon Road to the detriment of the street scene character and appearance, and contrary to criterion 3 of policy CF1 of the Fylde Borough Local Plan and GD7 of the Submission Version of the Fylde Local Plan 2032.

St Annes on the Sea Parish Council – No objection.

LCC Highways Development Control - No observations received.

Representations – The application has been advertised by site notice and neighbouring residents have been notified by letter. Three representations have been received objecting for the following reasons:

- There are concerns that the construction of the classroom may involve pile driving that would create vibration and may damage property.
- The use of the classroom may increase traffic and parking on roads around the school to the detriment of local residents. It is requested if it would be possible to have more double yellow lines marked all along roads near to the school.

Advice

The proposal is to erect a detached timber classroom pod and associated access path to be used as an outdoor classroom for use during normal school hours by pupils and to accommodate the after-school club. The building would also provide toilet facilities for any school sports club operating from the school playing field up to 6pm on weekdays and weekends and during school holidays.

The main issues associated with the application are the need for the development, the visual impact and the impact upon residential amenity.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making

process. The Development Plan for the site is made up of the Fylde Borough Local Plan As Altered, and emerging planning policy in the form of the Submission Version of the Fylde Local Plan to 2032.

The proposed pod would be sited within the grassed area between the school pedestrian access gates and the nursery that is used by the school for outdoor teaching. Pedestrian access would be from the existing internal footpath that runs between the school pedestrian access gates and the nursery and main school building. The location is not the subject of any site specific policy.

Fylde Borough Council have objected as the isolated location of the classroom pod away from the main school would result in a detached visually prominent structure within the wider street scene of Clarendon Road to the detriment of the street scene character and appearance. The location within the grassed area has been chosen as there no other spaces available without detrimentally affecting the existing layout of the primary school, the nursery, the playgrounds and playing fields, and so that the building would not be too close to the nursery. The orientation of the classroom would ensure that it faces directly into the school grounds and not at any neighbouring properties.

While the building would be located forward of and separated from the various buildings on the school site, it considered that the pod would not be overly large in size and in an acceptable position given its location very close to the southern boundary of the school. When viewed from Clarendon Road, the building would be seen against much larger buildings at Heyhouses Nursery School and the rear of 2 and 3 storey houses on St. Annes Road East. The curved design of the pod and the use of external wooden cladding would also help to soften its appearance. It would also not affect the setting of St. Annes Road East Conservation Area to the south. The visual appearance of the building is therefore considered to be acceptable.

The classroom would primarily be used in association with the school but it is also proposed that there would be occasional evening use for non-profitable charitable events such as that run by church groups or parent groups which will not go beyond 22:00 hours. Any users of the classroom outside of normal school hours will be able to park their vehicle on the existing school staff car park, and as such, it should not increase traffic and parking on roads around the school. The development therefore accords with the requirements of the NPPF, Policies SP1, EP3, EP28, CF1 and CF6 of the Fylde Borough Local Plan As Altered, and Policies GD1, GD7, HW2 and ENV5 of the Submission Version of the Fylde Local Plan to 2032.

In response to the objections that have been received, no pile driving would be involved in the construction of the classroom and hence vibration and damage to property would not be an issue. In relation to parking restrictions, the development would not increase pupil numbers and therefore would not increase parking demands on local roads during normal school hours. Any useage during weekends and evenings would be infrequent and would not attract particularly large levels of traffic and therefore there is no justification for seeking additional parking controls as part of this development.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 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, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application form validated by the County Planning Authority on 10 January 2017, and the emails received by the County Planning Authority on 23 January 2017, 07 February 2017 and 10 February 2017.

b) Submitted Plans and documents validated by the County Planning Authority on 23 January 2017:

Design and Access Statement
Drawing No. AL-20-001 Rev. P5 - Location Plan
Drawing No. AL-20-002 Rev. P5 - Proposed Plan, Site Plan, Existing Site Plan and Elevations
EPDM roof material information
Rock panel cladding information
Timber cladding information
Window and door frame colour information

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 Policies SP1, EP3, EP28, CF1 and CF6 of the Fylde Borough Local Plan As Altered, and Policies GD1, GD7, HW2 and ENV5 of the Submission Version of the Fylde Local Plan to 2032.

Building Materials

3. The building materials to be used for the external elevations and roof of the building shall conform to the details shown on drawing AL-20-002 Rev P5.

Reason: To protect the visual amenities of the area and to conform with Policies CF1 and CF6 of the Fylde Borough Local Plan As Altered, and Policies GD7 and HW2 of the Submission Version of the Fylde Local Plan to 2032.

Floodlighting

4. No external lighting shall be erected on the new building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policies EP28, CF1 and CF6 of the Fylde Borough Local Plan As Altered, and Policies GD7 and HW2 of the Submission Version of the Fylde Local Plan to 2032.

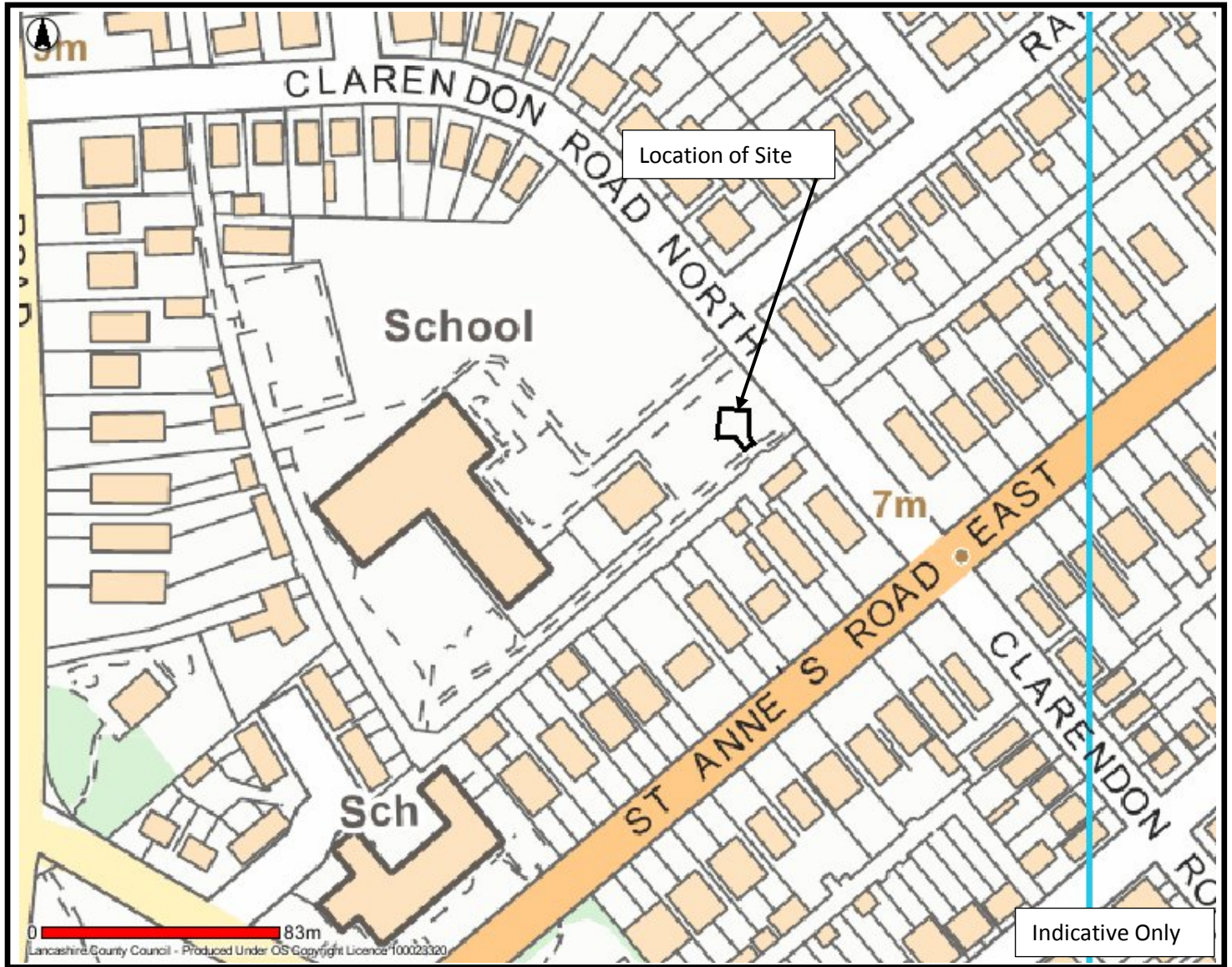
Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact /Ext
LCC/2017/0004	10/01/201	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0004 SINGLE STOREY DETACHED CLASSROOM POD. HEYHOUSES ENDOWED C OF E PRIMARY SCHOOL, CLARENDON ROAD NORTH, LYTHAM ST ANNES.



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Development Control Committee
Meeting to be held on 01 March 2017

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 18 January 2017, 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/2016/0082
Hillam Lane Farm, Hillam Lane, Cockerham, Lancaster
Retrospective planning application for a shipping container housing a second combined heat and power (chp) unit, an associated exhaust stack, and provision of a gas blower as part of an approved existing anaerobic digestion plant

Wyre

Application: No. LCC/2016/0083
Lancashire Waste Recycling, Burn Hall Industrial Estate, Venture Road, Fleetwood
Erection of new office and workshop / maintenance building with associated car parking areas and relocation of weigh bridge and associated portakabin.

Fylde

Application: No. LCC/2016/0073
Mayfield Primary School, St Leonards Road East, Lytham St Annes

Single storey extension to form new office and canopy to main entrance.

Preston

Application: No. LCC/2016/0079

D6B, Red Scar Industrial Estate, Longridge Road, Preston

Change of use to recycling facility including crushing and screening of aggregate waste materials, construction of storage bays and container units for use as site office and lock up facilities

South Ribble

Application: No. LCC/2016/0088

The Coppice School, Ash Grove, Bamber Bridge.

Demolition of Maplewood House and change of use of the land to create school playing field

Application: No. LCC/2016/0086

Lever House Primary School, Bristol Avenue, Farington, Leyland.

Erection of a canopy within the playground

West Lancashire

Application: No. LCC/2016/0077

Unit 11 Simonswood Industrial Park, Stopgate Lane Simonswood

Erection of double height site cabins and associated access stairs

Burnley

Application: No. LCC/2016/0087

Hapton C of E Methodist Primary School, Manchester Road, Hapton

Erection of 2.4m high fencing to part of the school boundary

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/2016/0088 LCC/2016/0087

LCC/2016/0086 LCC/2016/0083

LCC/2016/0082 LCC/2016/0079

LCC/2016/0077 LCC/2016/0073