

## Lancashire County Council

### Development Control Committee

Wednesday, 12th April, 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**  
None received.
2. **Minutes of the last meeting held on 1 March 2017** (Pages 1 - 10)  
The committee are asked to agree that the Minutes of the last meeting held on 1 March 2017 be confirmed and signed by the Chair.
3. **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.
4. **Wyre Borough: Application number LCC/2016/0091** (Pages 11 - 22)  
**Erection of building with lean-to-canopy and walking floor fuel feed for a biomass boiler with an 11.5m high exhaust stack and an associated drying unit and the siting of 10 metal drying containers. Blackpool Skip Hire, Beacon Road, Poulton Industrial Estate, Poulton-le-Fylde.**
5. **West Lancashire Borough: Application number LCC/2017/0007** (Pages 23 - 34)  
**Erection of building to house four 1MW biomass boilers each with a 7.2m high exhaust stack, and four associated fuel silos and a drying floor, and the provision of photovoltaic solar panels on the southern half of the roof of the building. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**

6. **Preston City: Application number LCC/2017/0019** (Pages 35 - 54)  
**Variation of condition 31 of planning permission 06/07/1197 to extend the hours of working to between 0630 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays. Bradley's Sand Pit, Lightfoot Green Lane, Fulwood, Preston**

7. **Fylde Borough: Application number. LCC/2017/0020** (Pages 55 - 62)  
**Retrospective application for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring on agricultural land.**

**Field to west of Roseacre Village, Roseacre, nr Kirkham.**

8. **Lancaster City: Application number. LCC/2017/0026** (Pages 63 - 70)  
**Retrospective application for the retention of a workshop building.**  
**Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.**

9. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 71 - 72)

**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 7 June 2017 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young  
Director of Governance,  
Finance and Public Services

County Hall  
Preston





# Agenda Item 2

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 1st March, 2017 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Munsif Dad (Chair)

#### **County Councillors**

|             |             |
|-------------|-------------|
| T Aldridge  | A Jones     |
| A Cheetham  | N Penney    |
| B Dawson    | A Schofield |
| K Ellard    | K Sedgewick |
| M Green     | K Snape     |
| D Howarth   | D Westley   |
| M Johnstone |             |

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

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

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

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

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

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

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

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

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

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

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

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

It was reported that no formal consultations were required with applications for non material amendments. However, the report included details of six representations received.

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

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

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

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

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

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

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

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

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

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

The report included details of fifteen letters of representation received.

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

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

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

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

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

John Hodson, a local resident addressed the Committee and objected to the proposals. He reiterated the concerns set out in the committee report and in the REAF presentation in relation to the increase in noise levels and the impact on residential amenity, wildlife and the environment. Mr Hodson asked the

Committee to defer consideration of the application until a full noise impact assessment had been undertaken. If however the Committee was minded to approve the application, he asked that they consider imposing a noise limit level of 42dB as measured from the nearest residential property.

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

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

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

Following further debate, it was Moved and Seconded that:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the

access commence you should contact LCC Highways, Cuerden Way, Bamber Bridge, Preston, PR5 6BS, Tel: 01772 658560 quoting the planning permission reference.'

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

Following further debate it was:

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

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

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

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

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

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

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

The Development Management Officer advised that the suggestion by LCC Highways for a waiting restriction over a length of Clarendon Road North Monday to Friday 8:00 am to 6:00pm, was noted. However, the suggested parking

restrictions would require a Traffic Regulation Order (TRO) that was a separate legal process that would have to be pursued outside the planning process and which therefore should not be the subject of a planning condition.

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

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

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

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

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

**Resolved:** That the report be noted.

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

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

The Committee visited the school on the 27 February 2017.

The report included the views of Chorley Borough Council, Euxton Parish Council, the Coal Authority, the County Council's Highways Development Control, Sport England and details of 2 letters of representation received.

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

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

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

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

#### **10. Urgent Business**

There were no items of urgent business.

#### **11. Date of Next Meeting**

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

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston



**Development Control Committee**  
Meeting to be held on 12<sup>th</sup> April 2017

|  |
|--|
| Electoral Division affected:<br>Poulton-le-Fylde |
|--|

**Wyre Borough: Application number LCC/2016/0091**  
**Erection of building with lean-to-canopy and walking floor fuel feed for a biomass boiler with an 11.5m high exhaust stack and an associated drying unit and the siting of 10 metal drying containers. Blackpool Skip Hire, Beacon Road, Poulton Industrial Estate, Poulton-le-Fylde.**

Contact for further information:  
Rob Jones, 01772 534128  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application – Erection of building with lean-to-canopy and walking floor fuel feed for a biomass boiler with an 11.5m high exhaust stack and an associated drying unit and the siting of 10 metal drying containers. Blackpool Skip Hire, Beacon Road, Poulton Industrial Estate, Poulton-le-Fylde.

## **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour and finish of building materials, lighting, gas protection measures, flood risk and noise.

## **Applicant's Proposal**

Planning permission is sought for a new building containing a biomass boiler with an exhaust stack with a lean-to-canopy and walking floor fuel feed for the boiler, and an associated drying unit and 10 metal containers for the drying of waste.

The building would measure 13m x 9m, with a pitched roof to be 8m high at the ridge. The building would be constructed from box profiled steel cladding to be coloured Juniper Green. The building would have a vehicle entrance/exit roller shutter door to measure 4m high x 3m wide, and a single personnel access door. The biomass boiler exhaust stack would be stainless steel and be 0.4m wide with an overall height of 11.5m extending 3.5m high above the plane of the roof of the biomass building.

The lean-to-canopy for the biomass building would measure 9m x 5.8m with a maximum height of 6m where it adjoins the biomass building. The canopy would be open at the two opposite ends. The elevations and roof would be constructed from box profiled steel cladding to be coloured Juniper Green.

The walking floor fuel feed would be at ground level and measure 5.8m x 4m and be constructed of black painted metal.

The drying unit would measure 4m x 2.8m x 3m high and be constructed from box profiled steel cladding to be coloured Juniper Green.

The metal containers would all measure 6m x 2.4m x 2.5m high to be coloured blue

The feedstock for the biomass boiler would be virgin and waste wood that has been collected by the applicant's skip hire business. The wood would then be chipped elsewhere on site and then delivered to the storage containers. The biomass would then be transferred from the containers to the boiler via a walking floor and corkscrew mechanism which is all under cover. The boiler heats water which would be pumped around the heat exchanger/drying unit where a fan draws warm air from this and transfers it to the drying containers via ducting where the heat would be used to dry wastes that have been processed at the site, and also wood to be used in the biomass boiler.

The biomass boiler would use approximately 2,000 tonnes of virgin and waste wood per year. The boiler would operate continually other than for essential maintenance, although the acceptance and chipping of the wood would only take place during normal operating hours. Ash produced from the boiler would be collected in an enclosed vessel and removed from site as and when required to a suitable, permitted waste facility.

### **Description and Location of Site**

The site is an unsurfaced area used for the storage of vehicles, plant and equipment which forms a part of an existing waste management site/ waste transfer station and skip company that imports construction and demolition wastes for recycling and processing.

The site is located at the southern end of Beacon Road on the south side of Poulton Industrial Estate located approximately 1.2km east of Poulton town centre. Access to the industrial estate is from the A586 Garstang Road East. The surrounding uses are industrial; immediately to the east is a public right of way with an open yard area used for the crushing and screening of waste materials is to the west. The watercourse known as Main Dyke and an open field drain are located approximately 25m to the south. Open countryside is beyond. The whole of the site is located within Flood Zone 2, with the southern half within Flood Zone 3.

### **Background**

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions none of which are directly relevant to the present proposals.

### **Planning Policy**

National Planning Policy Framework (NPPF)



Paragraphs 11 – 14, 17 - 19, 56 - 66, 103, 104, 123-125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, flood risk, noise, air quality and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications and waste hierarchy.

National Planning Practice Guidance

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

|            |  |
|------------|--|
| Policy CS7 | Managing Our Waste as a Resource       |
| Policy CS9 | Achieving Sustainable Waste Management |

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

|               |  |
|---------------|--|
| Policy NPPF 1 | Presumption in favour of sustainable development |
| Policy DM2    | Development Management                           |
| Policy WM4    | Energy from Waste                                |

Wyre Borough Local Plan

|               |                                 |
|---------------|---------------------------------|
| Policy SP14   | Standards of Design and Amenity |
| Policy ENV13  | Development and Flood Risk      |
| Policy ENV15  | Surface Water Run-Off           |
| Policy ENV17  | Surface Water Protection        |
| Policy EMP2   | Existing Commitments            |
| Policy EMP8   | Existing Industrial Areas       |
| Policy TREC12 | Public Rights of Way            |

## **Consultations**

Wyre Borough Council – The Borough Council originally objected to the application as they considered that insufficient information had been submitted to be able to assess the air emission impacts from the biomass boiler. On receipt of further information, the Borough Council's objections have been withdrawn. The Borough Council also draw attention to the previous use of the site and recommend that landfill gas protection measures be incorporated into the design of the building and request that a condition is imposed on any permission requiring such measures.

Environment Agency – No objection. The submitted Controlled Water Risk Assessment is acceptable. It is commented that the site is to continue to accept wastes in accordance with the waste permit for this facility, and all storage of materials for the biomass boiler will be kept as required by the new permit from the local authority. With these controls in place, the EA consider that any further intrusive investigation on the site would not be necessary and hence there is no requirement

to include a contaminated land condition relating to the potential impact on controlled waters.

LCC Highways Development Control - No objection.

LCC Lead Local Flood Authority – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. One representation has been received objecting due to the dust, flooding and obnoxious gasses that the application site creates on Poulton Industrial Estate.

### **Advice**

Planning permission is sought for a building with a lean-to-canopy and walking floor fuel feed for a biomass boiler to be housed within the building, and an associated drying unit and 10 metal containers for the drying of waste. The dried wastes would be transported to other sites for use as refuse derived fuel (RDF), while the wood to be dried would be used as fuel in the biomass boiler.

The main issues associated with the application are the need for the development, the acceptability of the site to be used for this purpose, the visual impact, flood risk and air quality.

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 Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the Wyre Borough Local Plan.

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage our waste as a resource. The development would allow the use of waste wood as a fuel resource to generate heat that would be used to dry other waste materials that are separated as part of the recycling operations at the site. These dried wastes can then be used as refuse derived fuel either in power generation or in other facilities that require large amounts of heat such as cement manufacturing plants. The proposal would therefore allow the recovery of energy from waste wood and from other general waste materials thereby securing a move up the waste hierarchy for

these waste types in compliance with National Waste Policy and Policy WM4 of the LMWLP.

The site is located within an existing industrial area and hence the proposal would accord with Policies EMP2 and EMP8 of the Wyre Borough Local Plan that seeks to retain industrial uses.

The building would not be overly large and is of a size appropriate for its intended purpose. The design of the building and the materials and colour are acceptable. As the site is on the south side of Poulton Industrial Estate, the only views of the development are from the fields to the south where the visual impact would be limited and acceptable. It is considered that the proposed design of the building and other external storage would have an acceptable visual impact. However, a condition should be imposed requiring that the building, lean-to-canopy, drying unit and metal drying containers be painted in their proposed colours and that they be maintained in those colours throughout their presence on the site. To ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval. The development would therefore comply with Policy CS9 of the Lancashire Minerals and Waste Core Strategy DPD, Policy DM2 of the LMWLP, and Policy SP14 of the Wyre Borough Local Plan.

In view of the possibility that the site may have been previously subject to landfill operations, Wyre Borough Council have requested that a condition should be imposed to require the incorporation of suitable gas protection measures into the biomass building, or the submission of the results of a gas monitoring programme and risk assessment of the results. The applicant considers that these requirements are not necessary as the nature of the landfill activities means that the risk is very low. However, no evidence has been produced by the applicant that the site is not affected from gas from previous landfill operations. As an alternative, it is considered that the building should include ventilation measures to prevent the build up of gas within the building should it be present.

The whole of the site is located within Flood Zone 2 (medium probability of flooding), with the southern half within Flood Zone 3 (high probability of flooding). The Environment Agency have raised no objection and commented that the submitted Flood Risk Assessment is in accordance with the NPPF, and that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that a condition requires that the development proceeds in accordance with the recommendations of the FRA. With such a condition, the development would accord with the requirements of Policy CS9 of the Lancashire Minerals and Waste Core Strategy DPD, Policy DM2 of the LMWLP, Policies ENV13, ENV15 and ENV17 of the Wyre Borough Local Plan.

There are no residential properties in the local area but there are other commercial and industrial businesses on adjacent parts of the industrial estate. The potential noise impacts are considered acceptable but to ensure that the amenities of the area are not affected, a condition should require all plant, equipment and machinery to be fitted with effective silencing equipment. It is considered that the development would not create issues related to dust.

In relation to highway matters, the proposal should reduce the number of vehicle trips on the public highway associated with the site as waste wood would not be exported from the site for re use as is current practice but would instead be chipped on site and then burnt in the combustion chamber..

The proposal would not affect the public right of way that is located immediately to the east of the site's palisade boundary, and hence accords with Policy TREC12 of the Wyre Borough Local Plan.

The objections raised by the adjacent landuser are noted but it is considered that this development would not lead to dust emissions, additional flooding or an increase in fumes from the site and the objection is therefore not supported.

Subject to the imposition of conditions as recommended above, it is considered that the development accords with the requirements of the NPPF, and the policies of the Development Plan.

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 validated by the County Planning Authority on 07 December 2016, and the emails from the applicant dated 25 January 2017 and 07 February 2017.

b) Submitted Plans and documents validated by the County Planning Authority on 07 December 2016:

Drawing No. 3193/2178/02 Rev. A - SITE LOCATION PLAN  
Drawing No. 3193/2178/03 - SITE LAYOUT PLAN  
Drawing No. 3193/2178/04 - PROPOSED ELEVATIONS

Submitted document validated by the County Planning Authority on 25 January 2017:

Environmental Report (Phase 1) and Controlled Water Risk Assessment

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 Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies SP14, ENV13, ENV15, ENV17, EMP2, EMP8 and TREC12 of the Wyre Borough Local Plan.*

### **Building Materials**

3. The external elevations and roof of the building housing the biomass boiler, the lean-to-canopy and the drying unit shall be coloured juniper green, and the metal drying containers shall be coloured blue. All structures shall be maintained in those colours throughout their presence on the site.

*Reason: To protect the visual amenities of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy SP14 of the Wyre Borough Local Plan.*

4. The building shall be constructed in accordance with the design shown on drawing nos 3193/2178/03 and 3193/2178/04 dated 01/12/2016. No structural changes shall be made to the elevations or roof of the biomass building that would have compromise the level of ventilation to the interior space of the building.

*Reason: The development is within 250 metres of a closed landfill site and gas protection measures are therefore required in the interests of public safety and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy SP14 of the Wyre Borough Local Plan.*

### **Floodlighting**

5. No external lighting and floodlighting shall be erected on the new building unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and power of lights
- b) Types of masking or baffle at the lighting head

- c) Number and size of lighting units
- d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties
- e) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy SP14 of the Wyre Borough Local Plan.*

### **Safeguarding of Watercourses and Drainage**

6. Only clean surface water from roofs and paved areas shall be discharged to any surface water soakaway or watercourse.

Suitable mitigation measures shall be put in place during construction and operation of the site to prevent silty run-off water from polluting the adjacent watercourses.

*Reason: To prevent pollution of surface water courses and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

7. The development shall be carried out in accordance with the recommendations of the Flood Risk Assessment submitted on the 07 December 2016.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of controlled waters, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies ENV13, ENV15 and ENV17 of the Wyre Borough Local Plan.*

### **Control of Noise**

8. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy*

*DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy SP14 of the Wyre Borough Local Plan.*

## **Notes**

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

The applicant should be aware that as of 6 April 2016 the Flood Defence Consent regime has moved into the Environmental Permitting Regulations.

If you already have Flood Defence Consent please refer to the following page on the GOV.UK website: <https://www.gov.uk/guidance/changes-to-your-flood-defence-consentafter-6-april-2016>

The wider site is adjacent to Oldfield Carr Lane watercourse and Main Dyke (Skipool Creek) which are designated Main Rivers and the developer may need an Environmental Permit. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

The developer should check at <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> and contact Flood Risk Officer, Pippa Hodgkins, on 020 30251397 to discuss our requirements if a permit or advice is required.

The Environment Agency has a right of entry to Oldfield Carr Lane watercourse and Main Dyke (Skipool Creek) by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

It should be noted that the grant of future planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

The site currently holds an Environmental Permit. Therefore the permit holder must check whether any waste imported and used in connection with the biomass boiler does not require any changes to be made to the Environmental Permit.

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

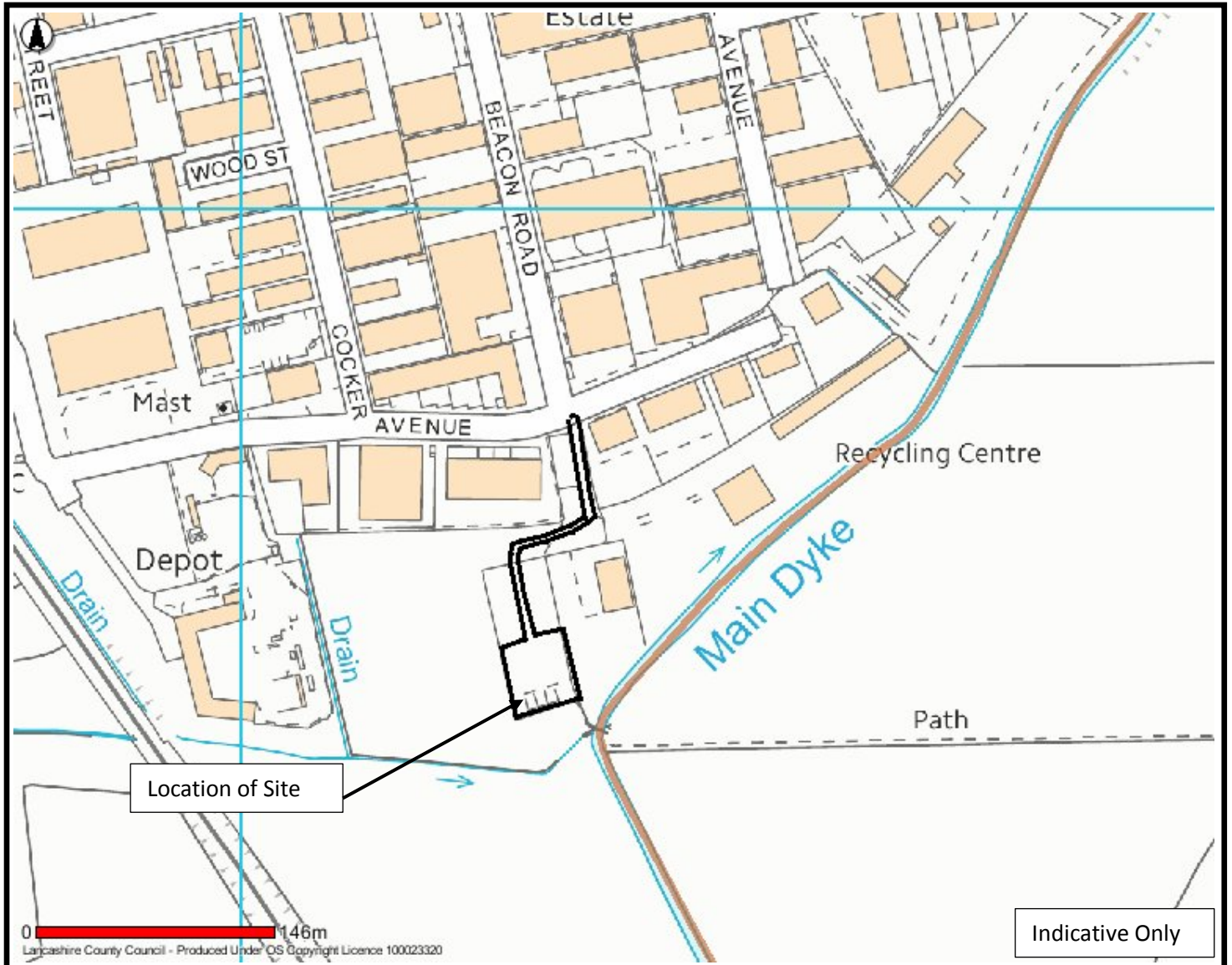
| Paper         | Date             | Contact/Directorate/Ext |
|---------------|------------------|-------------------------|
| LCC/2016/0091 | 07 December 2016 | Rob Jones/534128        |

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





**APPLICATION LCC/2016/0091 ERECTION OF BUILDING AND INSTALLATION OF BIOMASS BOILER TOGETHER WITH THE ERECTION OF AN 11M EXTERNAL EXHAUST STACK. BLACKPOOL SKIP HIRE, BEACON ROAD, POULTON-LE-FYLDE**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



**Development Control Committee**  
Meeting to be held on 12th April 2017

|   |
|---|
| Electoral Division affected:<br>West Lancashire South |
|---|

**West Lancashire Borough: Application number LCC/2017/0007**  
**Erection of building to house four 1MW biomass boilers each with a 7.2m high exhaust stack, and four associated fuel silos and a drying floor, and the provision of photovoltaic solar panels on the southern half of the roof of the building. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**

Contact for further information:  
Rob Jones, 01772 534128  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application – Erection of building to house four 1MW biomass boilers each with a 7.2m high exhaust stack, and four associated fuel silos and a drying floor, and the provision of photovoltaic solar panels on the southern half of the roof of the building. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

## **Recommendation – Summary**

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

## **Applicant's Proposal**

Planning permission is sought for an extension to an existing portal frame building to house 4 x 1MW biomass boilers, and 4 no. associated fuel silos and a drying floor. Each of the biomass boilers would have an exhaust stack. Photovoltaic solar panels would be installed on the south facing pitch of the roof.

The building would measure 54m x 22m, with a pitched roof measuring 7.2 metres at the ridge. The building would be constructed from corrugated steel cladding. The building would have 8 x vehicle entrance/exit roller shutter doors to each measure 4.8m high x 6m wide, and 3 x double personnel steel access doors. The biomass boiler exhaust stacks would be stainless steel and be 0.6m wide with an overall height of 7.2m. The whole of the building, except for the 0.6m wide gap between the roller shutter doors and up to 2m high, would be coloured a light blue/grey to match the existing building that it would adjoin. The majority of the south facing pitch of the roof would be covered in photovoltaic solar panels while the north facing pitch would be formed from translucent Glass Reinforced Plastic (GRP) corrugated sheeting.

The feedstock for the biomass boiler would be waste wood that has been separated from the waste materials imported to the site. The skip waste is sorted in a building on the west side of the applicant's waste transfer station. Sorted wood would be chipped and transported to the proposed building where it would be stored and dried on the drying floor, using the heat from the biomass boilers, until it is sufficiently dry that it can be transferred into the silos that feed each individual biomass boiler. From the silos, the fuel material (waste wood) would be automatically agitated into the boiler chambers. The heat to be generated by the biomass boilers would not just dry the chipped wood that is to be used in the biomass boilers on site, but also to produce a dried chipped wood that could then be exported from the site for use as a feedstock for biomass boilers generally. There would also be the ability to supply heat to the adjacent building, via internal ducting.

The boilers would use approximately 5,500 tonnes of waste wood per year. Ash produced from the boiler would be collected in an enclosed vessel and removed from site as and when required to a suitable, permitted waste facility. The boiler would operate continually other than for essential maintenance, although the acceptance and chipping of the wood would only take place during normal operating hours.

### **Description and Location of Site**

The application site is part of an existing waste management site/ waste transfer station located within Simonswood Industrial Estate to the south of Stopgate Lane approximately 800m from the northern edge of Kirkby.

Vehicular access to the site is via the internal road that runs through the industrial estate. The applicants waste transfer site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials. A waste transfer and an office building are located on the west and north sides of the site, respectively. The application site is on the south side of the site and is a hardstanding area that used to be occupied by a building. The site has planted screen mounds along the north and south boundaries of heights 6m and 7.25m, respectively.

Beyond the northern boundary are agricultural fields and then the nearest residential dwellings that are approximately 290m to the north-west of the application site itself. Beyond the eastern boundary is another inert waste processing company with the Kirkby to Wigan railway line to the south with agricultural fields beyond. Beyond the western boundary is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles, and land used for the storage of shipping containers.

### **Background**

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions.

The most relevant permission to this proposal relates to the building that would be extended. Planning permission for the erection of the waste transfer building was granted in February 1997 (ref: 8/96/1168).

## Planning Policy

### National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123, 124 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise, air quality and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications and the waste hierarchy.

### National Planning Practice Guidance

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

|            |  |
|------------|--|
| Policy CS7 | Managing Our Waste as a Resource       |
| Policy CS9 | Achieving Sustainable Waste Management |

### Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

|               |  |
|---------------|--|
| Policy NPPF 1 | Presumption in favour of sustainable development |
| Policy DM2    | Development Management                           |
| Policy DM4    | Energy from waste                                |

### West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

|            |  |
|------------|--|
| Policy GN3 | Criteria for Sustainable Development   |
| Policy EC1 | The Economy and Employment Land - Other Significant Employment Sites – Allocated Waste Sites |
| Policy EN1 | Low Carbon Development and Energy Infrastructure   |

## Consultations

West Lancashire Borough Council – The Borough Council originally objected to the application as they considered that insufficient information had been submitted to be able to assess the night time noise impacts from the biomass boilers and associated development on the amenities of the nearest residential properties on Stopgate Lane and Siding Lane. On receipt of further information, the Borough Council's objections have been withdrawn and request that conditions be imposed on any permission to require the implementation of the proposed mitigation in the form of additional sound insulating material to the building housing the biomass boilers, and that noise levels from the site's plant, equipment and machinery shall not exceed 35dB(A) $L_{Aeq, 15min}$  between 2300 and 0700 hours on any day as measured or calculated at the boundary of any nearby residential dwelling.

Simonswood Parish Council – Object for the following reasons:

- The applicants have failed in the past on several occasions to operate to the agreed license arrangements.
- The PC suspect the size of the biomass is far too large for the purpose that has been outlined in the application.
- There is very little detail regarding feedstock. Assurance is needed that no contaminated feedstock would be burnt.
- The site is in close proximity to a food processing facility (Freezeserve).
- There would be a large increase in H.G.V movements on roads already unsuitable for purpose.
- The development may pose a fire risk.
- The proposal is totally unsuitable for this site.
- A considerable amount of work has already been undertaken to construct the building.
- There appears to be no extra drainage associated with the new building.

Knowsley Metropolitan Borough Council - No observations received.

Environment Agency – No objection. It is commented that the proposed biomass boilers would not be covered by the environmental permit that is in place for the site. Biomass boilers can fall to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant. If the activity were to fall to the Environment Agency this would require the applicant to apply for an installation environmental permit.

LCC Highways Development Control - No observations received.

LCC Specialist Advisor (Ecology) – No objection.

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

## **Advice**

Planning permission is sought for a building to house four 1MW biomass boilers each, and associated fuel silos and a drying floor, so as to generate heat for transfer for use in other buildings on the City Centre Commercials site. The photovoltaic solar panels to be attached to the roof of the building would generate electricity to be used at the site.

The main issues associated with the application are the need for the development, the acceptability of the site to be used for this purpose, the visual impact, noise and air quality.

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 Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. The NPPF also states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable. The impacts of the photovoltaic solar panels on an existing industrial building are deemed to be acceptable and hence comply with Policy EN1 of the West Lancashire Local Plan DPD.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage waste as a resource. The development would allow the use of some of the waste wood separated at the site as a fuel resource to generate heat. This heat would be used to reduce the moisture content of other wood based materials that are collected at the site so that they could be processed and sold from the site as a biomass material to be used as a fuel. Any other surplus heat would be used for space heating elsewhere on the site. The proposal would therefore allow the recovery of energy from waste wood thereby securing a move up the waste hierarchy in compliance with National Waste Policy and policy WM4 of the LMWLP.

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed use would have an industrial character and hence conforms with Policy EC1.

The building would not be overly large and is of a size necessary for its intended purpose. The design, materials and colour of the building would match the existing building it would extend, and are acceptable. As the site is on the south side of Simonswood Industrial Estate, then the only views of the development are from the fields to the south and these would be largely obscured from view by the screen

mounds along the southern boundary. It is considered that the proposed design and use of materials would have minimal visual impact but that a condition should be imposed requiring that the colour of the building matches that of the adjacent building. While no lighting is currently proposed, it may be introduced in the future, and so to ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval.

West Lancashire Borough Council consider that the potential night time noise impacts from the biomass boilers and associated development on the amenities of the nearest residential properties on Stopgate Lane and Siding Lane would be acceptable provided that conditions are imposed on any permission to require the implementation of additional sound insulating material to the building housing the biomass boilers, and that noise levels from the site's plant, equipment and machinery should not exceed  $35\text{dB(A)}_{L_{\text{Aeq}, 15\text{min}}}$  between 2300 and 0700 hours on any day as measured at the boundary of any nearby residential dwelling. The potential noise impacts of the development are therefore considered acceptable. It is considered that the development would not create issues related to dust.

In relation to highway matters, the proposal should reduce the number of vehicle trips on the public highway associated with the applicants business as some of the waste wood would be used as fuel on site and would therefore not be exported. The ash that would be generated would need to be exported for disposal but would be a minor amount

Simonswood Parish Council have commented that the development has commenced and that there is no extra drainage associated with the new building. In response, the applicant has advised that the site of the proposed building already consists of a hardstanding. The rainwater from the building would discharge onto the existing site hardstanding which itself drains to the sluice on the west side of the site with the final discharge point at a nearby natural watercourse by the southern boundary of the industrial estate. The development would therefore not increase the surfaced areas at the site and would not increase rates or volumes of run off and the development is considered acceptable in terms of drainage. All of Simonswood Parish Council's other concerns are addressed elsewhere in this report.

Subject to the imposition of conditions as recommended above, it is considered that the development accords with the requirements of the NPPF, and Policy CS9 of the Lancashire Minerals and Waste Core Strategy DPD, Policy DM2 of the LMWLP, and Policy GN3 of the West Lancashire Local Plan DPD. Notes should also be attached to any permission to advise that the applicant is required to apply for the relevant permit for the biomass boilers to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

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 validated by the County Planning Authority on 13 January 2017, and the emails from the applicant dated 10 February 2017 and 21 March 2017.

b) Submitted Plans and documents validated by the County Planning Authority on 13 January 2017:

Design and Access Statement  
Phase 1 Preliminary Risk Assessment  
Environmental Statement  
Drawing No. P122\_200A - Site Location Plan  
Drawing No. P122\_201 - Existing Site Plan  
Drawing No. P122\_202 - Block Plan  
Drawing No. P122\_203 - Existing Plans and Elevations  
Drawing No. P122\_204 - Existing Site Sections  
Drawing No. P122\_205 - Proposed Site Plan  
Drawing No. P122\_206 - Proposed Plans and Elevations  
Drawing No. P122\_207 - Proposed Site Sections  
Drawing No. P122\_208 - Proposed Drainage Plan

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 Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies GN3, EC1 and EN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Building Materials**

3. The building materials used for the external elevations and roof of the extension shall match those used on the existing building that it would extend, and shall be maintained in that colour throughout its presence on the site.

*Reason: In the interests of the visual amenities of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Floodlighting**

4. No external lighting and floodlighting shall be erected on the new building unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and power of lights
- b) Types of masking or baffle at the lighting head
- c) Number and size of lighting units
- d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties
- e) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Control of Noise**

5. The building housing the biomass boilers shall incorporate the additional sound insulating materials described in the email from the applicant dated 10th February 2017

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

6. Noise emitted from the development shall not exceed 35dB(A)LAeq, 15min between 2300 and 0700 hours as measured or calculated at the boundary of any nearby residential dwelling.

The measurements shall be undertaken in accordance with the methodology described in BS4142:2014.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Notes**

The applicant is required to apply for the relevant permit for the biomass boilers to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

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

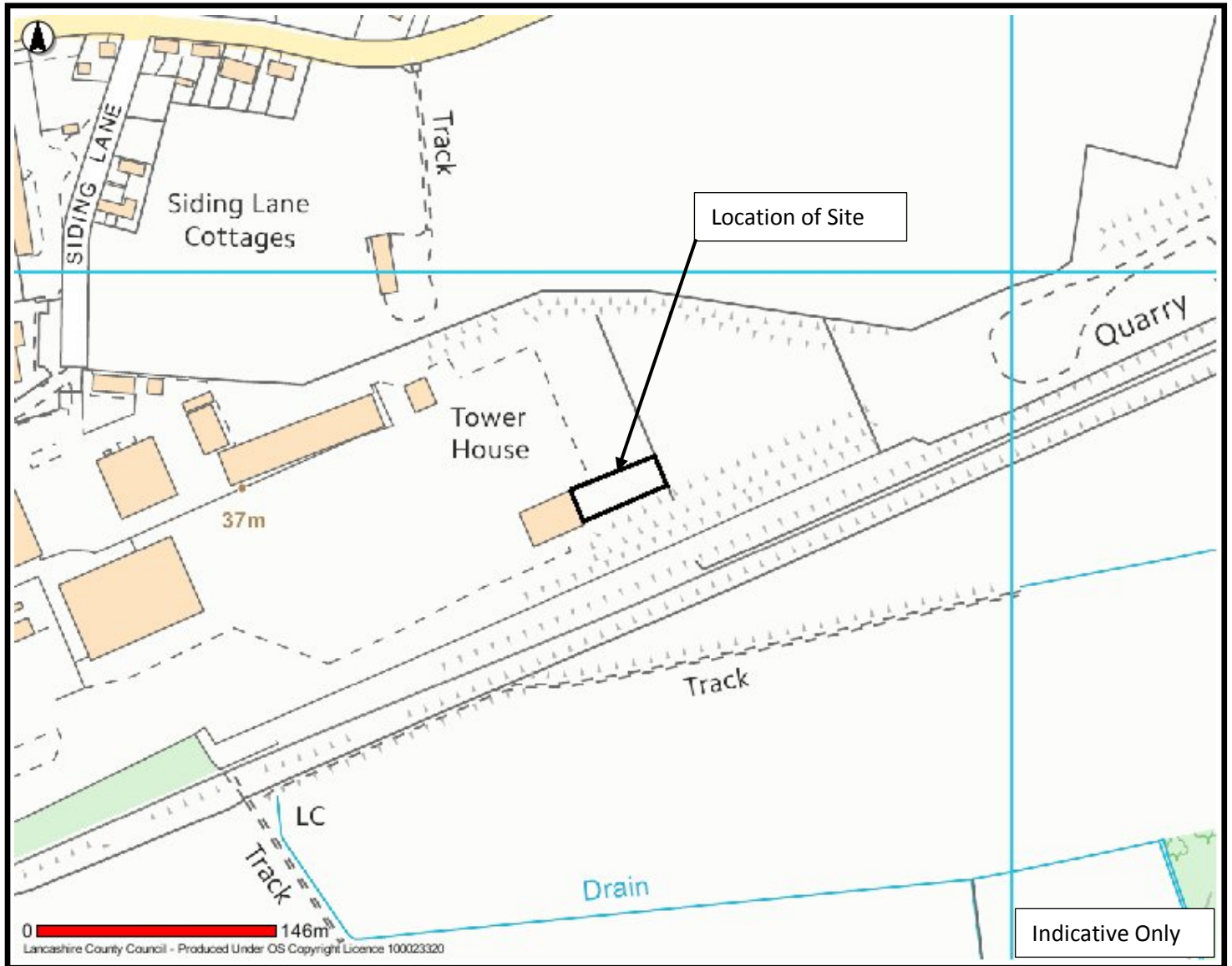
| Paper         | Date            | Contact/Directorate/Ext |
|---------------|-----------------|-------------------------|
| LCC/2017/0007 | 13 January 2017 | Rob Jones/534128        |

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2017/0007 EXTENSION TO EXISTING PORTAL FRAMED SHED TO HOUSE 4 NO BIOMASS BOILERS WITH ASSOCIATED FUEL SILOS AND DRYING FLOOR. TOWER HOUSE, STOPGATE LANE, SIMONSWOOD**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



# Agenda Item 6

**Development Control Committee**  
Meeting to be held on 12th April 2017

|   |
|---|
| Electoral Division affected:<br>Preston Rural |
|---|

**Preston City: Application number LCC/2017/0019**  
**Variation of condition 31 of planning permission 06/07/1197 to extend the hours of working to between 0630 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays. Bradley's Sand Pit, Lightfoot Green Lane, Fulwood, Preston.**

Contact for further information:  
Rob Jones, 01772 534128  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application - Variation of condition 31 of planning permission 06/07/1197 to extend the hours of working to between 0630 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays. Bradley's Sand Pit, Lightfoot Green Lane, Fulwood, Preston.

## **Recommendation – Summary**

That subject to the applicant first entering into a Section 106 Agreement for details of aftercare and a ten year aftercare period following completion of restoration, planning permission be **granted** to vary condition 31 of planning permission 06/07/1197 to extend the hours of working to between 0700 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays, subject to conditions controlling time limits, working programme, site operations, soils and overburden, safeguarding of watercourses and drainage, highway matters, hours of working, control of noise, dust, soil stripping in the proposed western extension area, ecological mitigation measures, restoration and monitoring.

## **Applicant's Proposal**

Planning permission 06/07/1197 was granted in July 2009 for an extension of the existing quarry to allow the extraction of sand and gravel over a period of 12 years, restoration of the extension area using imported inert materials, the continuation of waste transfer and recycling operations until completion of site restoration with progressive restoration of the entire site to a nine-hole golf course, three fishing lakes and ancillary woodland and grassland areas

Condition 31 to the permission relates to the hours of working and states that no development shall take place outside the hours of 0730 to 1800 hours, Mondays to Fridays (except Public Holidays), 0800 to 1300 hours on Saturdays, with no development taking place at any time on Sundays or Public Holidays.

Planning permission is now sought to vary condition 31 to extend the hours of working to between 0630 to 1800 hours, Mondays to Fridays (except Public Holidays). The existing hours of working between 0800 to 1300 hours on Saturdays, with no development at any time on Sundays or Public Holidays, would remain.

### **Description and Location of Site**

Bradley's Sand Pit is an existing sand quarry with landfilling and recycling operations located 5 km north of Preston City Centre. The site is accessed off Lightfoot Green Lane, a minor road which links with the B6241 Lightfoot Lane, a distributor road linking the northern and western edges of Preston with the M55 / M6. Directly to the south of the quarry is the M55 motorway.

The nearest residential properties are located between the quarry boundary and the M55 motorway immediately adjacent to the boundary of the site. Two properties are located to the south of the M55 on the quarry access road (Lightfoot Green Lane). A 125 dwelling residential development is currently under construction on land at the junction of Lightfoot Lane and Lightfoot Green Lane including adjacent to the site access road.

### **Background**

Bradley's Sand Pit is long standing sand and gravel quarry, landfill site and waste transfer station, the quarrying operations having commenced over 30 years ago. The operations at the site including mineral extraction, inert landfill and waste transfer are the subject of a single consolidating planning permission granted in July 2009 (ref: 06/07/1197). The permission is subject to a Section 106 Agreement regarding the funding of highway improvements at the junction of Lightfoot Green Lane and Lightfoot Lane and long-term aftercare of the nature conservation to include wildlife ponds, seasonal wetland and woodland and landscaping for a total period of ten years following completion of restoration. The highway improvements the subject of the Section 106 Agreement have been undertaken.

### **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 125 and 144 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, noise and facilitating the sustainable use of minerals.

National Planning Practice Guidance

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

Policy CS3  
Policy CS5

Meeting the demand for new Minerals  
Achieving Sustainable Minerals Production



## Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

|               |  |
|---------------|--|
| Policy NPPF 1 | Presumption in favour of sustainable development |
| Policy DM2    | Development Management                           |

### Preston Local Plan

|                |   |
|----------------|---|
| Policy V1      | Model Policy  |
| Policy AD1 (a) | Development within (or in close proximity to) the Existing Residential Area |
| Policy EN1     | Development in the Open Countryside   |
| Policy EN9     | Design of New Development   |

### Consultations

Preston City Council – No observations received.

Woodplumpton Parish Council – Object on the grounds that the earlier start time would result in noise and distraction both to residents on Lightfoot Green Lane and to residents living in close proximity to the road network serving the site.

LCC Highways Development Control - No objection as the increased one hour operation time would fall outside the peak traffic hours.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. One representation has been received from a housing developer objecting to the application due to the negative impact upon the amenity of the residents of the new housing development on Lightfoot Green Lane from an increase in traffic on the local road network at the earlier time, particularly from loaded HGV's, that have the potential to cause noise, vibration and disturbance. The objector considers that the standard practice for hours of working in the housebuilding industry is 8am and that the proposal would be contrary to Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy AD1 (a) of the Preston Local Plan.

### Advice

Condition 31 to the permission for operations at Bradley's Sand Pit relates to the hours of working and requires that no development shall take place outside the hours of 0730 to 1800 hours, Mondays to Fridays (except Public Holidays), 0800 to 1300 hours on Saturdays, with no development at any time on Sundays or Public Holidays. This condition also limits the hours when HGVs can access the site.

Planning permission is sought to vary condition 31 of the existing permission for the site to extend the hours of working to between 0630 to 1800 hours, Mondays to Fridays (except Public Holidays). There would be no change to permitted hours on Saturdays or Sundays or Public Holidays.

The applicant has advised that the change in the start time from 0730 to 0630 Mondays to Fridays is required to ensure timely deliveries of aggregates to the construction industry who tend to start work at an early hour. Allowing for the earlier delivery of materials to customers would help to secure the existing customer base of Bradley's Sand Pit, and also to secure contracts with new customers, helping to sustain the future of the operator.

The main issues associated with the application are the impact upon existing and future residents of Lightfoot Green Lane from noise, vibration and disturbance associated with the HGV's accessing Bradley's Sand Pit.

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 Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the Preston Local Plan.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity.

Policy CS5 of the LMWDF seeks to achieve sustainable minerals production by, amongst other things, protecting the amenity and health of the population by the introduction of sensitive working practices that minimise harm and nuisance to the environment and local communities throughout the life of the development. Policy DM2 of the LMWLP requires that development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral or waste planning authority that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policies AD1 (a) and EN9 of the Preston Local Plan have similar criteria in relation to the protection of local amenity.

As explained above, the main issues associated with the application are the impact upon the residents of Lightfoot Green Lane from noise, vibration and disturbance associated with the HGV's passing along the lane to and from Bradley's Sand Pit in the extra hour between 0630 to 0730 Mondays to Fridays.

A noise assessment has not been submitted with the application, largely because such assessments tend to be based on average noise levels over a given period and so the nature of HGV's passing down the access road would be a short term impact that would not readily lend itself to an accurate noise assessment. However, it is still necessary to make an assessment of the impacts of noise arising from HGV movements.

In relation to the earlier start time, the applicant has advised that the number of vehicle movements between the hours of 06.30 – 07.30 would be approximately 30 comprised of articulated tippers, 8 wheeler tippers and skip wagons. At least 50% of the HGVs are based at the site overnight with the remainder arriving from outside the site. Therefore this would generate 30 vehicle movements comprised of 10 site based HGVs leaving and 10 HGVs based off site arriving and leaving loaded. All HGVs use Lightfoot Green Lane to access to the quarry, this being the only access to the site. From the access onto the B6241 the majority of vehicles turn east along the B6241 and access the principal road network via the A6, M55 and the M6.

The applicant argues that the area is noisy from early in the morning with constant ambient traffic noise from the M55, the M6, the A6 and traffic flow along the B6241 (Lightfoot Lane). When the previous application for the extension of the quarry was considered, there were only two properties close to the quarry and a further two houses located adjacent to Lightfoot Green Lane. However, in August 2013 planning permission was granted for a new housing development on land to the east of Lightfoot Green Lane. This development has now commenced and therefore the character of the lane, particularly that part south of the M55, will experience considerable change as the housing development is built out.

An objection has been received from the housing developer as to the negative impact upon the amenity of the residents from noise, vibration and disturbance.

In terms of the number of residential properties that would be potentially affected by the HGV movements between 0630 to 0730, there are two long established properties along Lightfoot Green Lane (LGL) plus the 125 dwelling development currently under construction. With the new development, 12 of the houses are set back approximately 15 metres from LGL, 1 house is set back approximately 10 metres from LGL, and 5 of the houses are set back approximately 25 metres from LGL. It could therefore reasonably be argued that a significant number of properties could be affected by intermittent noise associated with HGV's passing along LGL between 0630 to 0730 particularly as vehicles brake or accelerate at the junction with the B6241.

Between 06.30 and 07.00 many residents would normally expect to still be asleep and HGVs travelling along LGL at this time would therefore result in amenity impacts. It should also be recognised that those vehicles based off site could legitimately travel along LGL prior to 06.30 and wait at the quarry gates for the approved start time. This could not be prevented by planning condition as LGL is a public highway. Given this situation, it is considered that the 0630 start would have unacceptable impacts on local amenity given the number of properties that are, or will be, located adjacent to LGL and hence could not be supported. A more acceptable start time is considered to be 07.00 as at this time most residents would normally be awake and therefore sleep disruption would not be an issue. It is considered that limiting the start time to 07.00 would protect residential amenity, particularly by reason of noise and general disturbance from vehicular movements and hence the proposal would accord with Policy CS5 of the Core Strategy, Policy DM2 of the LMWLP, and Policies AD1 (a) and EN9 of the Preston Local Plan.

The existing permission 06/07/1197 is subject to a Section 106 Agreement regarding the funding of highway improvements at the junction of Lightfoot Green Lane and Lightfoot Lane and long-term aftercare of the nature conservation to include wildlife ponds, seasonal wetland and woodland and landscaping for a total period of ten years following completion of restoration. The highway improvements the subject of the Section 106 Agreement have been undertaken. However, applications under s73 result in the granting of a new planning permission and therefore any such permission should be subject to the same planning obligations as attached to planning permission 6/07/1197 in order to ensure that the site is properly restored and managed.

In conclusion, subject to the re-imposition of all other conditions from the existing permission, the proposal to vary condition 31 is considered to be acceptable subject to the start time being limited to 07.00.

The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public, including the applicant, under the European Convention on Human Rights. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. It is considered that a start time of 07.00 is a proportionate response that balances the rights of the applicant with those of future neighbouring residents.

## **Recommendation**

That subject to the applicant first entering into a Section 106 Agreement for details of aftercare and a ten year aftercare period following completion of restoration, 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.*

2. The site edged red as shown on Figure 4 shall be progressively restored in accordance with the requirements of condition 36 below by 31st December 2021, and finally restored in accordance with the scheme and programme approved under the requirements of condition 37 below by 31st December 2023.

*Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation*

*and Development Management Policies – Part One, and Policy EN9 of the Preston Local Plan.*

### **Working Programme**

3. The development and restoration shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) Planning permission 06/07/1197 as amended by the planning application form accompanying application ref LCC/2017/0019 received by the County Planning Authority on 6th February 2017.

b) Submitted Plans and documents accompanying planning application 6/07/1197:

Figure 2 - Application Boundary

Figure 4 - Indicative Quarry Development - Existing site

Figure 5A - Indicative Quarry Development - Phase 5A

Figure 6A - Indicative Quarry Development - Phase 2

Figure 7A - Indicative Quarry Development - Phase 3

Figure 8A - Indicative Quarry Development - Phase 4

Figure 9A - Indicative Quarry Development - Final restoration

Figure 10E - Indicative Quarry Development - Site Masterplan

Figure 19A - Indicative Quarry Development: Section BB

Figure 20A - Indicative Quarry Development: Section DD

Drawing no. 0596/5/001 Extension Area Cut and Fill

Drawing no. 0596/5/002 Cross Section Post Infilling

- 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 adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies CS3 and CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies V1, AD1 (a), EN1 and EN9 of the Preston Local Plan.*

### **Site Operations**

4. The mining, landfill operations and restoration works shall be worked in the direction and order of phasing shown on drawing nos. Figure 5A to Figure 8A. The working and restoration shall be phased in accordance with the following:-

a) within one year of the commencement of soil stripping in the extension area as shown on figure 5A, the area of the existing quarry / landfill site shaded light green and labelled 'areas restored to improved

grassland during current phase' on figure 5A shall be restored in accordance with the requirements of condition 36 below.

b) within one year of the commencement of soil stripping in phase 2 as shown on figure 6A, the area of the existing quarry / landfill site shown coloured light green and labelled 'areas restored to improved grassland during current phase' on Figure 6A shall be restored in accordance with the requirements of condition 36 below.

c) Within 6 years of the commencement of soil stripping in phase 1 of the proposed western extension as shown on figure 5A, the area of phase 1 together with the topsoil and subsoil storage area shall be restored in accordance requirements of condition 36 below.

*Reason: To secure the progressive working and restoration of the site in the interests of the visual amenity of the area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy EN9 of the Preston Local Plan.*

5. The provisions of Part 17 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies AD1 (a), EN1 and EN9 of the Preston Local Plan.*

6. No mining operations shall take place below a depth of 19 metres AOD.

*Reason: To secure satisfactory restoration and to safeguard local watercourses and drainages and avoid the pollution or derogation of any watercourse of groundwater resource and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

7. Empty skips shall only be stored within the area labelled 'Proposed Skip Storage Area' on drawing BSPNB.03. Skips stored within that area shall not be stored to a height exceeding three metres.

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

8. Stockpiles of aggregates or recycled materials shall not exceed a height of five metres.

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

9. The measures to protect the existing pond and surrounding habitat areas as shown on drawing 6A shall be implemented and maintained throughout the duration of mineral extraction and restoration operations as described in the scheme and programme submitted on 12th August 2010 under the requirements of condition 11 of planning permission 6/07/1197.

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

10. This permission shall permit the mining of sand and gravel and associated overburden only.

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

### **Soils and Overburden**

11. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, or before plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site 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 Plan.*

12. No movement of topsoil or subsoil shall occur during the period from the 1st of October to the 30th April (inclusive) without the prior written consent of the County Planning Authority. At other times the stripping, movement and respreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

*Reason: To ensure the proper removal, storage and replacement of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

13. No topsoils or subsoils shall be stockpiled outside the area shown for this purpose on Figure 6A and such stockpiles shall not exceed 3 metres in height. All such stockpiles shall be graded within one month of their

construction and shall thereafter be seeded and kept in a weed free condition to produce a full grass sward over the full extent of the mounds throughout the duration of the development.

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

14. No topsoil or subsoil shall be sold or otherwise removed from the site.

*Reason: To ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

15. 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.*

16. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

17. 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.*

18. Within three months of the date of this permission a scheme and programme of ground and surface water monitoring shall be submitted to the County



Planning Authority for approval in writing. The scheme and programme shall include details of the following:

a) details for the monitoring of water levels in the Woodplumpton Brook including the position of the monitoring point, monitoring techniques, frequency of monitoring and proposed duration of monitoring prior to any mineral extraction operations commencing in the proposed extension area.

b) details for the construction of two additional groundwater monitoring boreholes to be installed mid-way between BH701 and BH702 on either side of the proposed clay cut off wall including a timescale for their construction.

c) details for the monitoring of the boreholes including frequency of monitoring and information to be collected.

The results of the surface and ground water monitoring shall be submitted to the County Planning Authority by not later than the 1st anniversary of the approval of the scheme and programme and at annual intervals thereafter. The results shall be submitted in a report which shall contain all the monitoring data, a plan showing the location of the boreholes relative to the site layout, details of the borehole geology and piezometer construction and the hydrographs of the level data collected in the preceding year.

If the groundwater levels in the boreholes to the north of the clay seal indicate likely derogation of the Brook by falling below the normal levels in the Brook or show a trend that indicates they will fall below the normal levels in the Brook as established by the monitoring required under a) above, the annual report shall include a proposed mitigation scheme. Dewatering and further deepening of quarry shall cease until the scheme of mitigation has been approved in writing by the County Planning Authority.

*Reason: In order to protect ground and surface water resources and in the interests of ecology and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

19. Prior to any excavations progressing below a level of 25 metres AOD, a clay cut off wall shall be installed between the Woodplumpton Brook and the edge of the excavation in accordance with a scheme and programme which shall first be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:

a) details of the construction of the cut off seal including depths and methods of construction

b) details for the restoration of the surface of the land occupied by the clay cut off seal.

*Reason: To protect ground and surface water resources and in the interests of ecology and the visual amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## **Highway Matters**

20. The wheel cleaning facilities described in the scheme and programme dated 12th August 2010 and submitted under the requirements of condition 23 of planning permission 6/07/1197 be maintained in full working order and be used by all HGVs leaving the site to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

21. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length at all times.

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

22. All vehicles transporting minerals or recycled aggregates of a size less than 100 mm in any dimension from the site shall be securely sheeted.

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

23. No more than 500 heavy goods vehicles, as defined in this permission, shall leave the site in any five day period from Mondays to Fridays, inclusive. Not more than 130 HGV's shall leave the site in any one day during Monday to Fridays inclusive.

No more than 50 heavy goods vehicles shall leave the site on Saturday mornings.

No such vehicles shall leave the site on Saturday afternoons, Sundays or Public Holidays.

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

24. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative on request.

*Reason: To enable the County Planning Authority to monitor the operations to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

25. No excavation of sand and gravel shall take place within the boundary fence to the M55 motorway and the side of any excavation adjacent to the motorway shall be maintained at a slope not steeper than 1:3.

*Reason: To protect the integrity of the M55 and its embankments and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

26. No drainage from the site shall result in run off to the motorway drainage system nor shall any new development adversely affect the motorway drainage system.

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

27. No development shall be carried on or adjacent to the motorway embankments that shall adversely affect the stability or structural integrity of the embankments.

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

### **Hours of Working**

28. No site operations shall take place outside the hours of:

0700 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1300 hours on Saturdays

No site operations shall take place at any time on Sundays or Public Holidays.

The provisions of this condition shall also apply to HGVs leaving the site.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

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

29. Notwithstanding the hours of operation contained in condition 31 above, no soils or overburden shall be stripped or re-spread from any part of the site nor shall construction or removal of storage, landscape or baffle mounds take place on any part of the site before 07.00 hours or after 18.30 hours Mondays to Fridays inclusive (except Public Holidays), or before 07.30 hours or after 14.00 hours on Saturdays or at any time on Sundays or Public Holidays.

*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 Plan.*

#### Control of Noise

30. 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 Plan.*

31. Noise emitted from the site shall not exceed 55dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:

- a) Tabley Farm      NGR 502 340
- b) Toplands Farm    NGR 507 345
- c) Lightfoot Green Farm NGR 515 339

*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 Plan.*

32. The reversing alarms described in the scheme and programme submitted on 12th August 2010 under the provisions of condition 35 of planning permission ref 6/07/1197 shall be fitted to all mobile plant used on the site.

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

#### Dust

33. Measures shall be taken at all times to ensure that no dust or wind-blown material is carried onto adjacent property and in particular shall include the watering of all haul and access roads, the spraying of storage heaps as necessary during dry weather conditions and the fitting of dust mitigation measures to crushing and screening plant used on the site.

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

### **Soil stripping in the proposed western extension area**

34. All trees and hedgerows forming the boundaries of the site shall be protected from damage and maintained throughout the development.

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

35. The ecological mitigation measures contained in the scheme and programme submitted on 12th August 2010 under the provisions of condition 38 of planning 6/07/1197 shall be implemented at all times during the working and restoration of the site.

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

### **Restoration**

36. The site shall be restored in accordance with the scheme and programme of interim restoration works submitted on 12th August 2010 under the requirements of condition 39 of planning permission 6/07/1197.

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

37. Within two years of the date of this permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be based upon the layout shown on figure 10 E and shall include details of the following:-

a) The design of the nine hole golf course including position of greens, and fairways.

b) Plans and elevations of the club house and of the building materials to be used for the external elevations and roof of the club house and details of external hard and soft landscaping.

c) Details for the layout and surfacing of the access roads and car parking areas and access road to the fishing car park and details for the provision of disabled parking including numbers of spaces, design and demarcation.

d) Details of any floodlighting and car park lighting including positions and powers of lights, measures to reduce glare and light pollution and means of control.

e) Elevations and plans of the proposed fishing huts and the building materials to be used.

f) Details for the surfacing or construction of footpath links around the site.

g) Details for the layout of the fishing lakes including provision of fishing pegs.

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

38. The golf course and fishing lakes shall not be used for any organised competitive events.

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

39. The golf course club house shall only be utilised for activities associated with the playing of golf and shall not be hired out for any other purpose.

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

40. The club house building shall not be used other than as a changing facility, a rest area and for the provision of snack facilities for golfers and fishermen using the golf or fishing facilities. Any café or refreshment area used to provide snack facilities shall not provide multi course meals.

*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.*

41. The club house including any café or refreshment facilities within the club house shall not be open other than between the hours of 09.00 – 23.00 hours Mondays to Sundays.

*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.*

42. There shall be no retail sales from the club house.

*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.*

## **Monitoring**

43. A monitoring report shall be submitted to the County Planning Authority within one month of each anniversary of this planning permission until the completion of restoration. The report shall contain the following information:-

- a) the operations carried out on the land during the previous 12 months in respect of mineral extraction and waste disposal, including the volume/tonnage of mineral extracted and the volume / tonnage of waste that has been
- b) the areas of land that have been subject to restoration works
- c) the measures taken to implement the landscaping, progressive restoration and habitat creation;
- d) the intended operations for the next 12 months.

*Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with this permission and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Definitions**

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

Free field : At least 3.5 metres away from the facade of a property or building.

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

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 37 have been completed satisfactorily.

## **Notes**

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

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath nos. 82, 86 and 87 in the Parish of Woodplumpton are contained within the site.

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

| Paper       | Date | Contact/Ext     |
|-------------|------|-----------------|
| Development |      | Rob Jones/34128 |

Information  
Folder

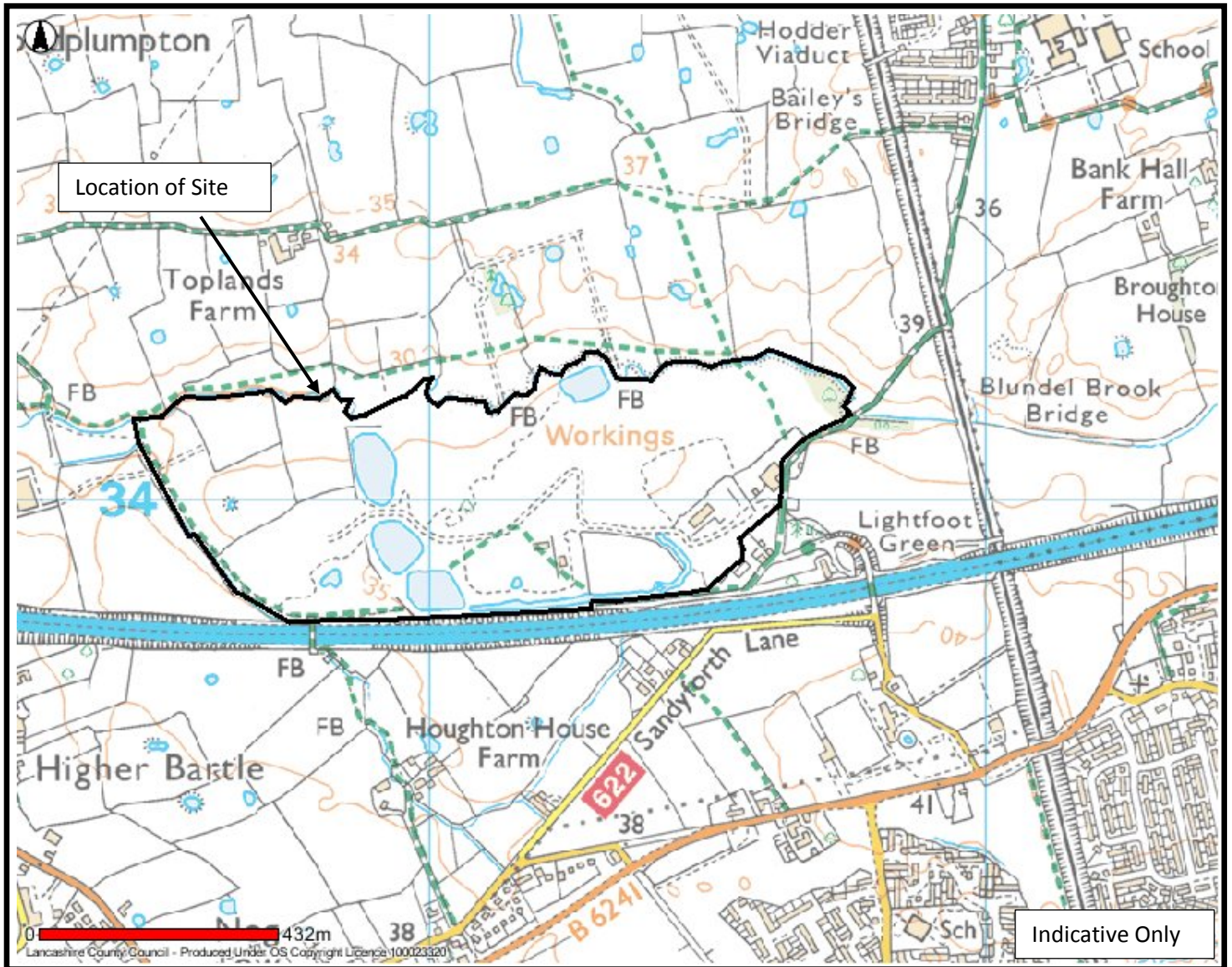
LCC/2017/0019 06 February 2017  
06/07/1197

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2017/0019 VARIATION OF CONDITION 31 OF PERMISSION 06/07/1197 TO EXTENDS THE HOURS OF WORKING TO 06.30 - 1800 MONDAY TO FRIDAY AND 08.00 - 13.00 SATURDAYS. JA JACKSON CONTRACTORS, BRADLEYS SAND PIT, LIGHTFOOT GREEN LANE, FULWOOD, PRESTON**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



## Development Control Committee

Meeting to be held on 12<sup>th</sup> April 2017

|  |
|--|
| Electoral Division affected:<br>Fylde East |
|--|

**Fylde Borough: Application number. LCC/2017/0020**

**Retrospective application for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring on agricultural land.**

**Field to west of Roseacre Village, Roseacre, nr Kirkham.**

Contact for further information:

Faiyaz Laly, 01772 538810

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Retrospective application for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring on agricultural land.

Field to west of Roseacre Village, Roseacre, nr Kirkham.

### **Recommendation - Summary**

That planning permission be **granted** subject to conditions controlling, working programme and restoration.

### **Applicant's Proposal**

The applicant (British Geological Survey) seeks retrospective planning permission for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring on agricultural land situated between Roseacre and Elswick, west of Roseacre Village. The borehole is 150mm in diameter and 500 metres in depth and is located within a 1m high, 2m x 3m wooden fence enclosure. This enclosure is located within a compound measuring approximately 15m x 30m formed from an impermeable geotextile membrane overlain by stone aggregate. The compound is accessed via a 350 metre access track leading from Roseacre Road.

The borehole was drilled in Autumn 2015. The applicant proposes to retain the borehole for a further five years dependent on results from the monitoring exercise.

### **Description and Location of Site**

The site is located on an agricultural land off Roseacre Road, a C class road situated between Elswick and Wharles 600 metres west of Roseacre Village. Access to the

site is from Roseacre Road. The nearest residential properties are located approximately 400m away on Rosecare Road.

The site is comprised of a stone compound with the borehole head contained within a small timber fence enclosure.

## **Background**

There is no relevant planning history.

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 6 -17, 56 - 64, 109 -112 are relevant with regards to the requirement for sustainable development, need for good design and conserving and enhancing the natural environment.

Fylde Borough Local Plan

Policy SP2 - Development in Countryside Areas

Policy EP11 - Building Design and Landscape Character

Policy EP24 - Pollution of Ground Water

## **Consultations**

Fylde Borough Council - No objection but recommend that part of the track nearest to Roseacre Road be planted with a traditional hedgerow. Fylde Borough Council have also raised a query whether water extracted from the borehole would be used for human consumption.

LCC Highways Development Control - No observations received.

Environment Agency - No comment.

Treales, Roseacre & Wharles Parish Council - Queried if application should be determined by Fylde Borough Council.

Representations - The application has been advertised by press and site notice. One representation has been received siting concerns about a lack of detail on site restoration, that no timescale for the retention of the borehole has been provided and that the borehole does not provide for independent monitoring.

County Councillor Elizabeth Oades has also requested that the application be reported to Development Control Committee for determination. She is concerned that the application does not appear to show 30m x 15m pad of aggregate built around the borehole and no timescales or restoration plan has been submitted with the application.

## **Advice**

Retrospective planning permission is sought for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring. The borehole is 500 metres deep and extends into Triassic sandstone which is a groundwater bearing strata that extends under much of the Fylde.

The applicants (British Geological Survey) who are a Government funded research body are carrying out this monitoring programme in the Fylde area of Lancashire as a response to shale gas exploration developments. The aim of the research programme is to establish the baseline chemical / environmental conditions in a currently unmonitored aquifer prior to any shale gas exploration commencing and therefore enabling the environmental effects on the water environment to be monitored. The monitoring programme has been established partly in response to concerns from the public as to the impacts of shale gas exploration and specifically those relating to fracking and groundwater impacts. The applicant has confirmed the monitoring programme would be independent from the shale gas industry, providing impartial evidence based readings for groundwater sampling, water level and water quality in the local area.

The groundwater within the borehole is being monitored for a range of key indicators including water temperature, pH, dissolved gas and electrical conductivity. These parameters can be used to indicate if shale gas exploration is having any impacts on groundwater quality. The information that is collected from the borehole is published on the BGS website and the borehole is therefore considered to be important in allowing independent monitoring of the effects of any shale gas exploration including fracking activities on groundwater.

The site is located on land designated as Countryside Area in the Fylde Borough Local Plan. Policy SP2 of the Local Plan states that development within Countryside Areas will not be permitted except where it is required for agriculture, horticulture or forestry or other uses appropriate to a rural area. The drilling of a borehole is not one of the uses listed as appropriate in such areas. However, the site has been selected due to its proximity to the areas of land that are likely to be of future interest for shale gas exploration and the requirement that the drilling works be undertaken at a reasonable distance from residential properties.

The drilling of the borehole was completed during a 4 week time period in November 2015. The monitoring programme began in May 2016 and is due to be undertaken over the next five years with the possibility of being extended should circumstances dictate. As the drilling of the site has been completed any noise or visual impacts arising from that phase of the operation have already occurred and in any event were relatively short term. The remaining development at the site consists of the well head close to ground level, a wooden fence enclosure which surrounds the well head and a stone compound measuring 30m x 15m. The site is therefore not of significant scale and has very limited visual impact. Vehicle movements to the site are small in number and are associated with sampling of the water within the borehole. Provided that the site is subject to a temporary permission and is restored after that period, it is considered that the development is acceptable in terms of policy SP2.

A representation has been received questioning the size of the compound surrounding the borehole and the timescale for restoration of the site. The pad surrounding the borehole is constructed from an impermeable geotextile membrane overlain with a layer of aggregate and was sized to serve the drilling operations. The size of the pad has not been reduced following completion of the drilling but it is still relatively small and given its low visual impact, is considered acceptable. In terms of timescale, the applicant has requested a period of five years which is considered acceptable following which the site can be returned to agriculture. This can be the subject of a planning condition.

Fylde Borough Council have raised two issues regarding landscaping and the use of water from the borehole. In terms of the landscaping, the access is longstanding and the development did not increase the scale of the track or require removal of any vegetation. The requirement for additional landscaping is therefore considered unnecessary. With regard to the use of water, water in the borehole is only sampled and is not abstracted for public water supply. In any event the applicant has confirmed that the aquifer is not used as a water supply locally as the water it contains is expected to be saline.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

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

### **Working Programme**

1. The development shall be carried out except where modified by the conditions to this permission in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the County Planning Authority on 7th February 2017.
  - b) Submitted Plans and documents:  
  
Drawing No - Location Plan  
Drawing No - Site Plan
  - c) All schemes and programmes approved in accordance with this permission.

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy SP2 of the Fylde Borough Local Plan.*

### **Restoration**

2. The use of the borehole and compound hereby permitted shall cease by 31st March 2022 and the land restored within a further period of 6 months. The restoration works shall be undertaken in accordance with a scheme and

programme of restoration works which shall first be submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall provide for the following:

- a) Details for the capping and restoration of the borehole.
- b) The removal of all compound surfacing materials including pollution prevention membranes
- c) The respreading of topsoils and measures to be undertaken to return the site to agricultural use.
- d) The management works to be undertaken on the site for a period of five years following the completion of the restoration works to secure the agricultural afteruse of the site.

*Reason: To secure the proper restoration of the site and to conform with Policy EP24 of the Fylde Borough Local Plan.*

## **Notes**

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

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

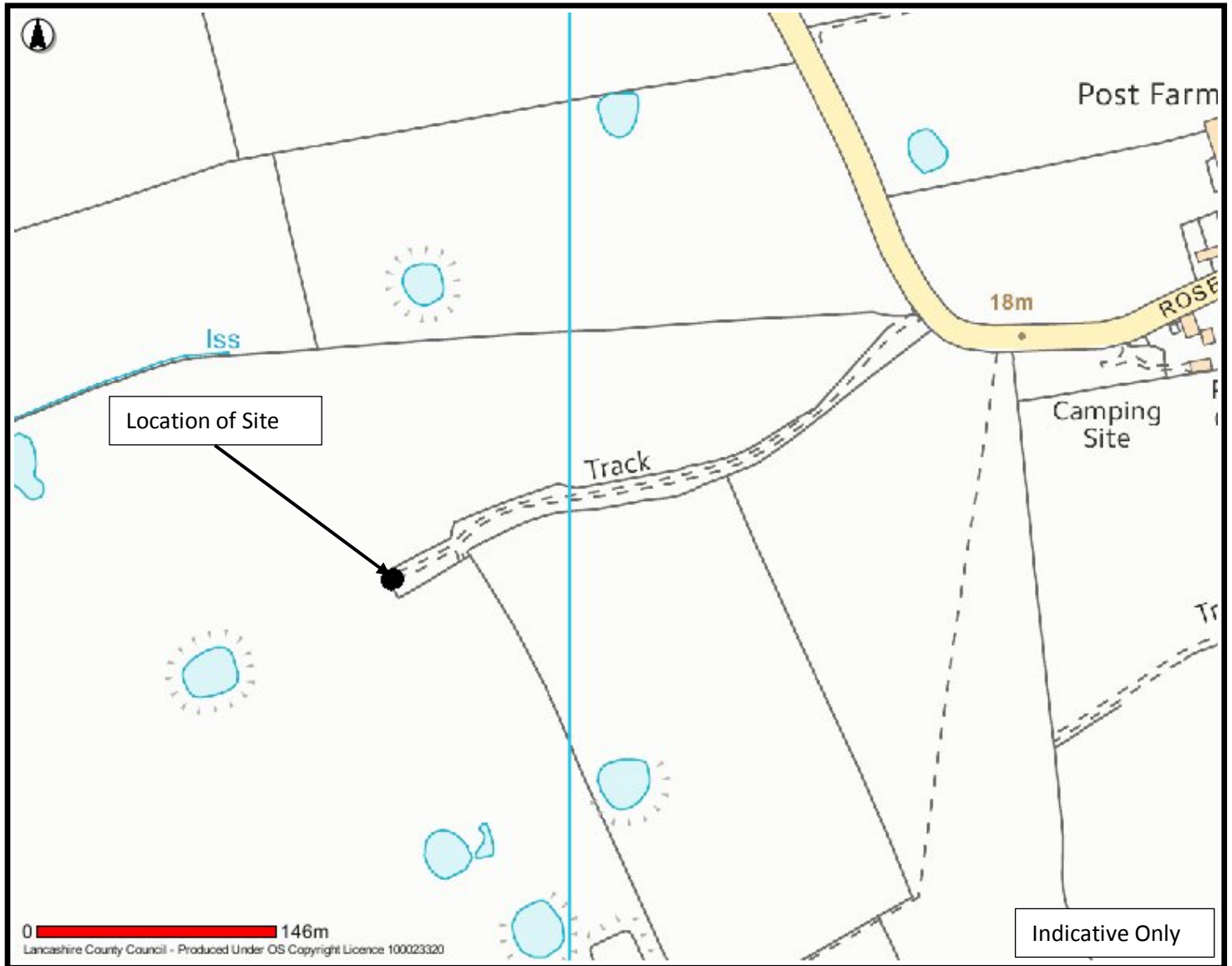
| Paper         | Date       | Contact/Ext  |
|---------------|------------|--|
| LCC/2017/0020 | March 2017 | Faiyaz Laly / Planning and Environment /<br>01772 538810 |

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





**APPLICATION LCC/2017/0020 RETROSPECTIVE APPLICATION FOR A 150MM DIAMETER BOREHOLE FOR GROUNDWATER SAMPLING, WATER LEVEL AND WATER QUALITY MONITORING ON AGRICULTURAL LAND. FIELD TO WEST OF ROSEACRE VILLAGE, ROSEACRE, NR KIRKHAM**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



**Development Control Committee**  
Meeting to be held on 12<sup>th</sup> April 2017

|   |
|---|
| Electoral Division affected:<br>Lancaster Central |
|---|

**Lancaster City: Application number. LCC/2017/0026**  
**Retrospective application for the retention of a workshop building.**  
**Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.**

Contact for further information:  
Faiyaz Laly, 01772 538810  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application - Retrospective application for the retention of a workshop building.  
Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.

## **Recommendation - Summary**

That planning permission be **granted** subject to conditions controlling duration of the permission, working programme and hours of use of building.

## **Applicant's Proposal**

The application seeks retrospective permission for the retention of a two storey workshop building. The ground floor of the building measures 12.1 metres by 9.7 metres with a height of 2.7 metres. The first floor of the building measures 12.1 metres by 4.87m with the remaining area covered by wooden decking for access. The total height of the building measures 5.5 metres.

The elevations of the building are metal wall cladding coloured green (RAL 6007) with a flat roof. The building has white UPVC double glazing windows and doors and 2 external steel staircases with handrails to the northern and southern elevations of the building. Lighting is located to the front and side elevations of the building.

## **Description and Location of Site**

The building is located at Lancaster Waste Water Treatment Works, located 3km south west of Lancaster City Centre and 700m north west of Stodday. The treatment works is accessed via a number of minor roads that link with the A588. The building is sited to the northern side of Lancaster Waste Water Treatment Works (WwTW). The building has operational areas of the WwTW to the southern and eastern boundaries with open agricultural land to the north and an area of solar panels to the west. There are two residential properties at Low Wood which are located approximately 70 metres from the building.

## **Background**

The application site is located immediately to the north of Lancaster WwTW where a number of permissions have been granted for waste water treatment infrastructure and ancillary development.

Planning permission was granted in January 2017 for the erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster WwTW. (LCC/2016/0065)

Planning permission was granted in June 2012 for the erection of a belt press building, four kiosks, 2.4m high fencing around transformers, temporary construction compound and highway improvements. (01/12/0316)

## **Planning Policy**

National Planning Policy Framework

Paragraphs 7, 11 - 14, and 56 of the NPPF are relevant with regard to the definition of sustainable development, core planning principles and the need for good design.

Lancaster District Core Strategy

Policy SC1 - Sustainable Development

Policy SC5 - Quality in Design

Lancaster District Local Plan (Development Management DPD)

Policy NPPF 1 - Presumption in favour of Sustainable Development

Policy DM29 - Protection of Trees, Hedgerows and Woodland

Policy DM35 - Key Design Principles

## **Consultations**

Lancaster City Council - No objection subject to conditions requiring additional planting being carried out between the building and the nearest properties to assist in screening and also to restrict the hours of use of the new building.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. One representation on behalf of two local residents has been received raising objection to the height and location of the workshop building and stating the building should be single storey and sited away from residential properties.

## **Advice**

The application seek retrospective planning permission for the retention of a two storey workshop located adjacent to Lancaster WwTW. The workshop building was constructed to provide a facility to contain pumps and parts for wastewater assets

throughout the south Cumbria and North Lancashire area along with a workshop area for welding and carrying out repairs to pumps.

Previously, these facilities were located at a number of smaller sites across the region. However, due to break ins and other security issues, a decision was made to establish a central storage and maintenance facility at Lancaster WWTW. The applicant has stated that they expect use the building for the transport of parts between the hours of 08:00 and 16:00. The workshop building also contains an office area for a part time administration team.

The waste water treatment works is a large industrial complex in a rural area and is surrounded by landscaped bunding. However, the building subject to this application is located to the north on land outside of the landscaped area and which has been previously used as a contractors compound to serve major improvement works that were being undertaken to the waste water treatment works at that time..

The applicant has stated that even though there were other areas of open land within the WWTW itself, the building could not be located in those areas due to the presence of underground cables, ducting and pipework to which access would be needed for ongoing maintenance.

Policy DM35 of the Lancaster Local Plan seeks to ensure that there is no significant impact in relation to overshadowing and visual amenity. An objection has been received from the occupiers of the two closest properties stating the building has been erected with no consideration for residential amenity. The building is located approximately 70m away from the nearest property. To reduce impacts to the nearest properties frosted glass has been installed on windows and bamboo screening has also been placed along the edge of the front elevation on hand railing. Also additional boundary planting is proposed in the area between building and the adjacent properties as part of a condition to a previous planning permission for solar panels at the WWTW. (LCC/2016/0065).

To ensure that there would be no impacts on the amenities of the properties, a condition is recommended to control the hours of use to 08:00 to 18:00 Monday to Saturday. External lighting has been added to the northern, western and southern elevations of the building, which has been angled downwards and therefore should not result in any impacts at the nearest properties. The hours of use of the lighting can be controlled so that it is only illuminated during the hours when the building is used.

With such conditions, the building would not impact upon the amenity of the nearest properties. However, it is located outside of the existing waste water treatment works and due to its size and design has an incongruous appearance in the area and would not be acceptable as a permanent form of development in this location. Under section 267 of the Town and Country Planning Act 1990, no conditions can be imposed on any operational land belonging to statutory undertakers which would require any buildings to be removed or use of land discontinued at the end of a specified period. However, In this case the application site is not considered to be operational land and therefore it would be both lawful and necessary in terms of planning considerations to impose a condition restricting the life of the building.

The development would not have any adverse ecological impacts and is located on a hardstanding area. Due to the small scale of the development and not being located in a flood risk area it is expected there would be no flooding impacts from the proposed development. The applicant has also confirmed there were no trees, hedgerows or vegetation affected by the development, complying with Policy DM29 of the Lancaster District Local Plan.

Overall, the building is considered to be acceptable in terms of visual amenities subject to a condition limiting its life. With this condition, the development conforms with Policies DM29 and DM35 of the Lancaster District Local Plan Development Management DPD (2014).

In view of the nature, location and purpose 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 building authorised by this permission including all foundations and services shall be removed from the site within 5 years from the date of this permission.

*Reason: To provide for the removal of the building within the approved timescale and in the interest of local and visual amenities and to conform with Policy SC5 of the Lancaster District Core Strategy and Policy DM35 of the Lancaster Local Plan.*

### **Working Programme**

2. The development shall be carried out except where modified by the conditions to this permission in accordance with the following documents:

a) The Planning Application and supporting statement received by the County Planning Authority on 23rd February 2017.

b) Submitted Plans and documents:

Drawing No - UU.ES.E.LancasterWwTW.501.01 / Location Plan

Drawing No - UU.ES.E.LancasterWwTW.501.03 / Elevation Key Plan

Drawing No - UU.ES.E.LancasterWwTW.501.04 / Photograph Key Plan

Drawing No - 0073/BR01-A / Proposed Ground Floor Plan

Drawing No - 0073/BR02 / Proposed First Floor Plan

Drawing No - 0073/BR03 / Proposed Elevations

Drawing No - 0073/BR04 / Proposed Elevations

Drawing No - 0073/BR05 / Proposed Section A-A

*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 DM35 of the Lancaster District Local Plan (Development Management DPD)*

### **Hours of Opening**

3. The building shall not be used for any administration or equipment maintenance activities outside the hours of:-

08:00 to 18:00 hours Monday to Fridays (except Public Holidays)  
08.00 to 13.00 hours on Saturdays

*Reason: To safeguard the amenity of local residents and to conform with Policy SC1 of the Lancaster District Core Strategy.*

4. The lighting attached to the external facades of the building shall not be illuminated outside the hours of use specified in condition 3 above.

*Reason: In the interests of local amenity and to conform with Policy DM35 of the Lancaster Local Plan.*

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

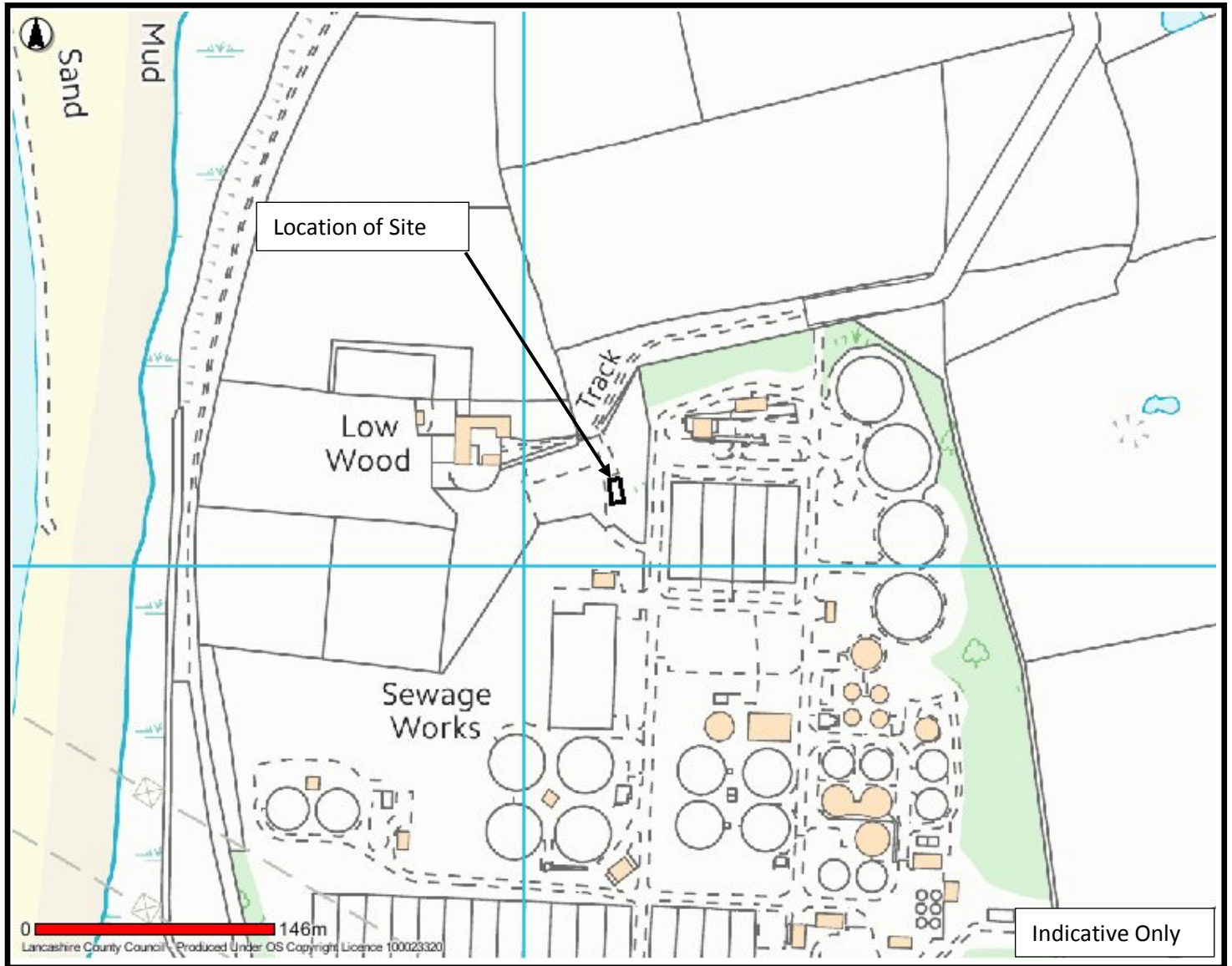
| Paper         | Date       | Contact/Ext  |
|---------------|------------|--|
| LCC/2017/0026 | March 2017 | Faiyaz Laly / Planning and Environment /<br>01772 538810 |

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





**APPLICATION LCC/2017/0026 RETROSPECTIVE APPLICATION FOR THE RETENTION OF A WORKSHOP. LANCASTER WASTE WATER TREATMENT WORKS, STODDAY LANE, LANCASTER.**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



## Development Control Committee

Meeting to be held on 12 April 2017

|                                     |
|-------------------------------------|
| Electoral Division Affected:<br>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 1 March 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/2016/0068  
St Lukes School, Slyne Road, Lancaster  
Provision of an outdoor classroom

Application: No. LCC/2017/0009  
Nether Kellet Primary School, Bridge Road, Nether Kellet  
Construction of an outdoor classroom.

#### Preston

Application: No. LCC/2017/0010  
Pitt Street, Preston  
Change of use of land to form a 28 space car park.

#### South Ribble

Application: No. LCC/2016/0094  
Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury.  
Biomethane process plant to purify the biogas resulting from the sludge treatment process including the erection of kiosks and stacks

Application: No. LCC/2017/0006  
Moor Hey School, Far Croft, Lostock Hall  
Extension of existing car park to form additional 12 no parking spaces and minor extension to existing ambulance bay

### **Chorley**

Application: No. LCC/2017/0022  
Adlington Primary School, Park Road, Adlington  
Single storey extension to provide wheelchair access WC and group room

### **Burnley**

Application: No. LCC/2017/0005  
Padiham Green C of E Primary School, St Annes Street, Padiham  
Construction of a single storey group room and head teachers office.

### **Rosendale**

Application: No. LCC/2017/0015  
Irwell Vale Road, Irwell Vale Rosendale  
Retention of the temporary bridge.

### **Recommendation**

That the report be noted.

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

| Paper         | Contact/ /Ext |
|---------------|---------------|
| LCC/2016/0068 | LCC/2017/0009 |
| LCC/2017/0010 | LCC/2016/0094 |
| LCC/2017/0006 | LCC/2017/0022 |
| LCC/2017/0005 | LCC/2017/0015 |

Susan Hurst, Ext: 34181