

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 25th October, 2017 at 10.00 am
in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

P Rigby	P Hayhurst
M Barron	S Holgate
S Clarke	J Marsh
M Dad	M Pattison
K Ellard	A Schofield
D Foxcroft	

1. Apologies for absence

None declared.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor M Barron declared a non pecuniary interest in agenda item 5 as a member of West Lancashire Borough Council.

County Councillor P Rigby declared a pecuniary interest in agenda item 5 as the applicant had been allowed to access his land for testing purposes.

County Councillor Pattison declared a non-pecuniary interest in agenda item 4 as a member of Lancaster City Council.

3. Minutes of the last meeting held on 4 October 2017

Resolved: That the Minutes of the meeting held on 4 October 2017, be confirmed and signed by the Chair of the Committee.

- #### 4. Lancaster City: Application No. LCC/2017/0024
- Excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890. The application includes the submission of a new section 106 ecological management plan for the site.**
- Clearwater Fisheries, Kellet Lane, Warton, Carnforth**

A report was presented on an application for the excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890 at Clearwater Fisheries, Kellet Lane, Warton, Carnforth. The application included the submission of a new section 106 ecological management plan for the site.

The report included the views of the Environment Agency, the Highways Agency, Natural England, the County Council's Specialist Advisor (Ecology) and details of one letter of representation received.

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

Resolved: That subject to the applicant first entering into a Section 106 agreement providing for the ecological and angling management of the site for 15 years, that planning permission be granted subject to the conditions set out in the report to the Committee.

**5. West Lancashire Borough: application number. LCC/2017/0064
Variation of condition 1 of planning permission LCC/2017/0016 to allow works to plug and abandon the borehole and to restore the site in accordance with condition 17 of permission LCC/2017/0016 to be undertaken between 1st April 2018 and 31st October 2018.
Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks**

This item was considered after item 6 of the agenda.

County Councillor P Rigby left the room during consideration of this application as he had declared a pecuniary interest in the item.

A report was presented on an application for the variation of condition 1 of planning permission LCC/2017/0016 to allow works to plug and abandon the borehole and to restore the site in accordance with condition 17 of permission LCC/2017/0016 to be undertaken between 1st April 2018 and 31st October 2018 at Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks.

The report included the views of West Lancashire Borough Council, Sefton Metropolitan Borough Council, the Environment Agency, the County Council's Specialist Advisor (Ecology) and details of 3 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.

Five members of the public including representatives of Ribble Estuary Against Fracking and Friends of the Earth addressed the Committee. They reiterated the objections set out in the committee report in relation to the extension of the time periods, the impact on residential amenity and the detriment to the green belt, Biological Heritage Site and the Ribble Estuary SPA / Ramsar site. It was maintained that restoration of the site had been delayed for too long; there was no need to further extend the restoration dates; and that enforcement action should be taken against the operator for failure to restore the site. It was also maintained that consultation should take place with Natural England relating to impacts on the Ribble Estuary SSSI, SPA and Ramsar site.

Following concerns raised by the Members, it was agreed that Officers would write to the applicant to advise that enforcement action would be taken if there was any further delay in restoring the site. In response to questions raised by the Members, Officers advised that it would be inappropriate to request a Bond from the applicant to secure the restoration of the site or to ask the applicant to enter into a section 106 agreement. The Committee was reminded that Condition 1 of the proposed planning permission set out the timescales within which the applicant had to comply and that the Council could enforce any breach of that condition.

Following further debate and concerns raised with regard to the delay in restoring the site and the subsequent impact on residential amenity, landscape, agriculture and the Green Belt, it was Moved and Seconded that:

"The application be refused and the Council proceed to take enforcement action against the applicant".

On being put to the vote the amendment was Carried.

Following further debate, Members offered up the following reasons for refusal but agreed that the final wording should be delegated to the Officers:

"The existing conditions were imposed to provide for the completion and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and the amenities of local residents. This council consider 18 months a reasonable timescale. The reasonable timescale is imposed to conform with policy DM2 of the Joint Lancashire Minerals and Waste Plan and West Lancashire Local Plan policies. This reflects the importance and sensitivity of the site."

The reasons for refusal were subsequently drawn up by the Officers to reflect the reasons put forward by Members of the Committee and are included in the Minutes for completeness as follows:

- i) 'The postponement of the completion of site restoration until 31st October 2018 would result in the unnecessary retention of an industrial site in the countryside thereby having unacceptable impacts on landscape and the openness of the Green Belt contrary

to Policy GN3 of the West Lancashire Borough Local Plan and paragraphs 79 – 90 of the National Planning Policy Framework.

- ii) The delay in completing the restoration of the site would prevent best and most versatile land being restored to agricultural use at the earliest opportunity contrary to Policy EC2 of the West Lancashire Borough Local Plan'

Resolved: That the application be **refused** for following reasons:-

- i) The postponement of the completion of site restoration until 31st October 2018 would result in the unnecessary retention of an industrial site in the countryside thereby having unacceptable impacts on landscape and the openness of the Green Belt contrary to Policy GN3 of the West Lancashire Borough Local Plan and paragraphs 79 – 90 of the National Planning Policy Framework.
- ii) The delay in completing the restoration of the site would prevent best and most versatile land being restored to agricultural use at the earliest opportunity contrary to Policy EC2 of the West Lancashire Borough Local Plan.

**6. Ribble Valley Borough: Application Number. LCC/2017/0068
Development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay.
Hillside Special School, Ribchester Road, Hothersall.**

This item was considered before item 5 of the agenda.

A report was presented on an application for the development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay at Hillside Special School, Ribchester Road, Hothersall.

The report included the views of Ribble Valley Borough Council, Hothersall Parish Council, the County Council's Highways Development Control and Specialist Advisor (Ecology) and details of one letter of representation received.

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

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

7. Planning Applications determined by the Head of Planning and

Environment in accordance with the County Council's Scheme of Delegation.

It was reported that during the period 13 September to 17 October 2017, five 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.

8. Urgent Business

There were no items of urgent business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 13 December 2017.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston