

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 23rd May, 2018 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	D Foxcroft
M Barron	S Holgate
S Clarke	J Marsh
M Dad	M Pattison
K Ellard	A Schofield

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

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

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

County Councillor M Pattison declared a non pecuniary interest in agenda Item 8 as a member of Morecambe Town Council and Lancaster City Council.

County Councillor S Holgate declared a non pecuniary interest in agenda Item 5 as a member of Chorley Borough Council.

#### **3. Minutes of the last meeting held on the 7 March 2018**

**Resolved:** That the Minutes of the meeting held on 7 March 2018, be confirmed and signed by the Chair of the Committee.

#### **4. Wyre Borough: Application number LCC/2017/0040 Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals. Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre**

A report was presented on an application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water

management proposals at Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.

The report included the views of Wyre Borough Council, Kirkland Parish Council, the Environment Agency, Cadent Gas, Natural England, United Utilities, the county council's Specialist Advisor (Ecology); Lead Local Flood Authority and Highways Development Control and details of six representations received. The report also included details of representations received from the St Michaels Flood Action Group and from the occupier of Brook House Farm, located adjacent to the quarry.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the working scheme and photographs of the site entrance, plant site and stockpile area and phases 1 to 4 of the site.

The officer also reported that on Monday 21 May, 2018 the committee had received a presentation from Mr Flintoff, the occupier of Brook House Farm objecting to the proposal. A summary of the points raised at the presentation together with the advice from the officer was set out in the 'Update Sheet' circulated at the meeting (Copy set out at Annex A to the Minutes).

Mr Stephenson addressed the committee on behalf of the applicant and raised the following points in support of the application:

- The quarry contributed towards the supply of high grade sand and gravel products in Lancashire.
- The Environmental Impact Assessment had concluded that noise and dust levels were within the limits set out in the guidelines.
- The site was located in flood risk zone 3 – therefore the void space caused by the workings had a slight benefit in that it created extra storage capacity for the flood water.
- All concerns and objections raised with regard to this proposal had been addressed.
- Statutory consultees had raised no objection to the proposal.

In response to questions raised by a Member, the Officer advised that the Environment Agency were now satisfied with the revised Flood Risk Assessment and had raised no objection to the proposal.

Following further questions raised in respect of the levels of the stockpiles, the duration of the proposed time extension and the monitoring of dust levels, it was Moved and Seconded that:

"Members of the Development Control Committee visit the site prior to determining the application"

On being put to the vote the Motion was Carried. It was therefore:

**Resolved:** That Members of the Development Control Committee visit the site prior to determining the application.

**5. Chorley Borough: application number. LCC/2017/0095  
Importation of soils to meet stability requirements for approved  
residential development and cutting back of rock outcrop to provide  
a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-  
Woods**

A report was presented on an application for the importation of soils to meet stability requirements for approved residential development and the cutting back of a rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods.

The report included the views of Chorley Borough Council, Whittle-le-Woods Parish Council, Clayton-le-Woods Parish Council, the Coal Authority, the County Ecology Service, the Environment Agency, Historic England, Lancashire County Council's Highways Development Control, Natural England, the Ramblers' Association, the Canal and River Trust and details of 88 representations received. The views of County Councillor Mark Perks and Chorley Borough Councillor Eric Bell were also reported.

Members of the committee visited the application site on 21 May 2018. This included a walk along Hill Top Lane to the junction of Chorley Old Road.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed finished contours, the main areas of infill and slope cut and photographs of the site, the site entrance and approach roads.

The officer reported that the Environment Agency had submitted further views. These views together with advice from the officer was set out in the Update Sheet circulated at the meeting and attached at Annex A to the Minutes.

The Officer also advised that a number of minor changes had been made to the submitted plans to clarify proposed re-profiling of the eastern rock outcrop. It was therefore recommended that conditions 4, 22 and 24 be amended as set out in the Update Sheet at Annex A to the Minutes.

Councillor P Higham, Councillor E Bell and County Councillor M Perks, the Parish, District and County Councillor for the area respectively, addressed the Committee and raised the following concerns:

- The HGVs would have an adverse impact on local residents in terms of dust, noise and air pollution - an air quality assessment should be undertaken.

- The proposed water management plan was inadequate – water from the quarry spills out of a gully onto Chorley Old Road and into properties.
- This application would not stabilise the site – it was unsuitable for housing. The quarry should be left undisturbed, to allow for natural stabilisation.
- The applicant does not adhere to conditions and allows mud to be tracked out of the site.
- The application should be refused to allow local residents some quality of life – the area was blighted by quarries.
- The local roads cannot accommodate 20 tonne HGVs.
- The proposed development would exacerbate the current flooding problems.
- Details of the water management plan should be agreed prior to the determination of the planning application.

Mr Sedgwick spoke on behalf of the applicant. He informed the committee that the site was the subject of a housing site allocation in the Chorley Local Plan. It was explained that additional material would be deposited on the site in order to stabilise it prior to any housing development. The collapsed sandstone block in the northern part of the site would be cut back from the top downwards to stabilise it and prevent water run through. This would produce a gradient that would drain effectively into settlement lagoons and a sustainability pond and then under control, into the highway drain.

The Officers responded to questions raised by the Members in relation to signage, the number of vehicle movements and water drainage.

Following further debate, it was agreed that officers be asked to impose an additional condition which would allow for the stability of the site to be independently monitored following the completion of works.

**Resolved:** That planning permission be **Granted** subject to the conditions set out in the report to the committee, the inclusion of the amended conditions as set out in the Update Sheet and the inclusion of an additional condition requiring the stability of the site to be independently monitored following the completion of works.

**6. West Lancashire Borough: Application Number. LCC/2018/0001 Replacement 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store. Burscough Village Primary School, Colburne Close, Burscough.**

A report was presented on an application for the replacement of 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store at Burscough Village Primary School, Colburne Close, Burscough.

The report included the views of West Lancashire Borough Council and Lancashire County Council's Highways Development Control. 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 view of the site and the nearest residential properties. The committee was also shown an illustration of the fencing and a location plan and photographs of the site.

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

**7. Ribble Valley Borough: Application Number. LCC/2018/0003  
Detached new build classroom with toilets and ancillary rooms and  
single storey extension to existing school building to provide a new  
library and construction of a multi-use games area. Whalley C of E  
Primary School, Church Lane, Whalley, Clitheroe**

A report was presented on an application for a detached new build classroom with toilets and ancillary rooms and single storey extension to existing school building to provide a new library and construction of a multi - use games area at Whalley C of E Primary School, Church Lane, Whalley, Clitheroe.

The report included the views of Ribble Valley Borough Council, Whalley Parish Council, Sport England, Lancashire County Council's Archaeological Advisory Service, Highways Development Control and County Ecology Service and 7 letters of representation received.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the site layout plan, the proposed buildings and photographs of the site and access roads.

Following lengthy debate on the application and questions to the officers with regard to the materials for the proposed extension and the multi - use games area, it was agreed that conditions 4 and 5 of the proposed planning permission be amended as follows:

- '4. No development shall commence until details of the materials to be used for the external elevations of the detached new build classroom and single storey extension have been submitted to and approved in writing by the County Planning Authority. The materials used for the new build classroom shall consist of natural stone to match the stone materials used on the existing school building. Thereafter only those materials approved shall be used in the development.
5. No development of the MUGA shall commence until a scheme and programme for the perimeter fencing has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) the type of fencing to be used which shall be of a construction to minimise noise impacts.
- b) the heights and colours of the fencing.

Thereafter the fencing shall be constructed in accordance with the approved details'.

**Resolved:-** That planning permission be **Granted** subject to the conditions set out in the report to the committee and the inclusion of the amended conditions as set out above.

**8. Lancaster City: Application Number. LCC/2018/0006  
Provision of two timber garden classrooms.  
Morecambe Road Primary School, Morecambe Road, Morecambe.**

A report was presented on an application for the provision of two timber garden classrooms at Morecambe Road Primary School, Morecambe Road, Morecambe.

The report included the views of Lancaster City Council, Lancashire County Council's Highways Development Control and County Ecology Service. The committee noted that no letters of representation had been received in respect of the application.

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

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

It was reported that since the last meeting of the committee on 7 March 2018, eight planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

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

**10. 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 11 July 2018.

L Sales  
Director of Corporate Services

County Hall  
Preston



## Development Control Committee Update – 23 May 2018

### Item 4 - Application LCC/2017/0040 - Tarnacre Quarry

Presentation by Mr Paul Flintoff

Mr Paul Flintoff, a local resident, gave a half hour presentation on 21<sup>st</sup> May 2018 under the County Council's public speaking protocol for Development Control Committee.

Mr Flintoff lives at Brook House Farm off the A586. His property includes a horticultural plant nursery which he considers to be a sensitive landuse from the point of view of the adjacent mineral working. The issues that Mr Flintoff raised are summarised as follows:-

- The 2005 planning permission for this site included conditions to mitigate the impacts of the quarry including for noise. The county council has taken two separate noise readings to check the noise levels from the quarry and have said that there is no breach of permitted levels – however officers have no evidence to back up this claim.
- The noise assessment provided with the current application shows that the noise levels at his property are exceeded. The assessment shows that the highest noise level at Brook House Farm would be within phase 4 but that the assessment incorporates the beneficial impacts of a screening mound which would provide additional attenuation – however, the bund has to include a gap for flood relief reasons which would reduce the beneficial effects of the bund.
- The location chosen for the County Council's July 2017 noise monitoring exercise was next to a bund and was therefore not representative of his property where he has a clear view of the processing plant.
- Dust – dust from the quarry sticks to his polythene tunnels which allows algae and slime to develop and reduces light levels. No background monitoring of dust was carried out before development commenced. Officers say that mitigation is effective but that is not correct – a number of photographs were shown of dust being blown from various parts of the quarry
- Stockpiles are too high and are not shaped to reduce dust impacts. The silt which is washed out of the sand and gravel is stored within 10 metres of his boundary. There is also a lack of watering of the haul road.
- Flooding - Mr Flintoff drew attention to the two serious flood events that affected this area in 2015 and 2016 and showed a photograph of the quarry underwater. Mr Flintoff considered that the flood risk assessment forming part of the planning application contained a number of inaccuracies and should not be relied upon. He drew attention to a number of flood defences that had been constructed around other properties and also several bunds on the quarry site which he considered increased the impacts of flooding. He considered that the quarry development had resulted in an increase in the area of land above 8 metres in height which had profound consequences for flooding in the area.

## Advice

Mr Flintoff has made lengthy representations as part of the planning application and which cover similar issues to those raised in the presentation. The section of the report titled 'other issues' addresses the comments he makes.

It is important to note the proximity of the quarry to his property and there is clearly potential for impacts to occur – notably noise and dust. However, conditions can be imposed to control such impacts and which should be effective if properly applied. It is considered that both noise monitoring exercises that have been carried out have been undertaken properly and have demonstrated that noise is below the permitted level. It should also be noted that both monitoring exercises were undertaken close to the boundary with the quarry rather than at the residential property itself where noise would have been even lower.

In relation to the flooding issues, this site is in a flood risk area and therefore it is to be expected that this general area will flood in response to particular rainfall events. What is important is to ensure that the design of the quarry does not increase flood risk to particular properties by preventing flood waters from taking their normal path. The application incorporates a flood risk assessment which has informed a revised site design. The layout of soil mounds is now such that they should not impede the passage of flood waters from the watercourses which run through and are adjacent to the site and therefore flood risk to adjacent properties should not be increased. It is also the case that the effect the quarry development should be to increase flood storage capacity by providing voids into which flood water can flow.

## **Item 5 - Application LCC/2017/0095 – Little Quarry**

### **Site Visit**

Members of the Committee visited the application site and surrounding area on 21 May 2018. This included a walk along Hill Top Lane to the junction of Chorley Old Road.

### **Consultee update**

Environment Agency - The surface water run-off from the proposed development should be discharged in accordance with the EA's regulatory position statement for temporary dewatering from excavations to surface water.

Based on the conclusion of the flood risk assessment (FRA), it is understood that a detailed drainage strategy will be developed for the site at a later date. Given the nature of the proposed development, the applicant should have regard to the potential quality of surface water run-off from the site. The discharge of contaminated run-off to controlled waters will require an Environmental Permit where it does not comply with the conditions of the regulatory position statement

## Advice

The planning officer was aware of the Environment Agency's likely position and conditions are already recommended to account for this. See conditions 17 and 18. A note is also attached to the report with reference to the need to obtain the relevant statutory consents where necessary.

## Recommended conditions update

A number of minor changes have been made to the submitted plans to clarify proposed re-profiling of the eastern rock outcrop. It is recommended that the proposed conditions be amended as follows:

Condition 4:

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

- a) The Planning Application form dated 6th December 2017
- b) Submitted Plans and documents:

Location Plan - Land at Little Quarry (dated 17/05/2016)  
Drawing no. 001 - Indicative Volumetrics Plan, P1 – 21.5.18  
Drawing no. 003 - Proposed and Existing Section Location Plan, P1 – 21.5.18  
Drawing no. 004 - Proposed and Existing Cross Sections, P1 – 21.5.18  
Drawing no. 005 - Proposed and Existing Section Location Plan (Eastern Boundary), P1 – 21.5.18  
Drawing no. 006 - Proposed and Existing Cross Sections (Eastern Boundary), P1 – 21.5.18

- c) All details approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 29 of the Central Lancashire Core Strategy, and Policies BNE1, BNE9 and HS1 of the Chorley Local Plan.*

Condition 22 shall read as follows:

No restoration materials shall be deposited temporarily on any part of the site at a level more than 3 metres above the proposed levels shown on drawing no. 003 - *Proposed and Existing section Location Plan*, P1 – 21.5.18.

*Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

It is recommended that condition 24 be amended to include an additional sub paragraph requiring details of final restoration contours of the site in general accordance with drawing no. 003 – *Proposed and Existing Section Location Plan*, P1 – 21.5.18 to provide more localised detail at an appropriate scale.

Condition 24 shall read as follows:

Notwithstanding the information shown on the submitted Landscape Masterplan, no development shall commence until details of the working, restoration, landscaping, and aftercare of the site, have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- a) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- b) The final configuration of the mineral excavated areas;
- c) Details of the nature of the proposed soil types to be imported to the site and proposed treatment and depths within surface horizons to demonstrate that the soils will be suitable to stabilise the site and capable of supporting the desired habitats and plant communities.
- d) Final restoration contours of the site shown at 1m intervals on a drawing at a scale not less than 1:1250 in general accordance with the details shown on drawing no. 003 – *Proposed and Existing Section Location Plan*, P1 – 21.5.18.
- e) The provision and management of silt traps, lagoons and water areas;
- f) Types of native trees, shrubs and plants, seed specification and planting densities;
- g) The methods to be employed to promote normal plant growth;
- h) Full detail of habitat establishment (including details for bat boxes), and management methods.
- i) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- j) A schedule of management prescriptions during the aftercare period.

Thereafter the restoration and aftercare of the site shall be carried out in accordance with the approved details.

*Reason: The development is a restoration scheme to be completed in a short timeframe and therefore details are required prior to the commencement of development to secure the proper restoration of the site and to ensure and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.*