

Lancashire County Council

Development Control Committee

Wednesday, 28th June, 2017 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. **Apologies for absence**
2. **Appointment of Chair and Deputy Chair**
To note the appointment by the County Council on the 25 May 2017, of County Councillors B Yates and P Rigby as Chair and Deputy Chair of the Committee respectively, for 2017/18.
3. **Constitution, Membership and Terms of Reference of the Committee** (Pages 1 - 4)
4. **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.
5. **Minutes of the last meeting held on 12 April 2017** (Pages 5 - 10)
The committee are asked to agree that the Minutes of the last meeting held on 12 April 2017 be confirmed and signed by the Chair.
6. **Preston City: Application number LCC/2017/0017 Variation of conditions 1 and 2 of planning permission LCC/2015/0070 to remove reference to obsolete drawings, and to extend the hours of working of the pre-shredder to between 0700 to 2130 hours, Mondays to Fridays, 0800 to 1830 hours on Saturdays, and 0900 to 1700 hours on Sundays and Bank Holidays. Recycling Lives, Longridge Road, Preston** (Pages 11 - 24)

7. Burnley Borough: application number LCC/2017/0031 (Pages 25 - 32)
Change of use from B2 industrial unit to a Recycling Facility, together with a new roller shutter door from the front access road/car park. Unit 1a, Summit Works, Manchester Road, Burnley

8. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation. (Pages 33 - 36)

9. Amendments to the Protocol of Good Practice on Development Control Matters (Pages 37 - 48)

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 19 July 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

Development Control Committee
Meeting to be held on 28 June 2017

Electoral Division affected: N/A

Constitution, Membership and Terms of Reference of the Committee
(Appendix A refers)

Contact for further information:
Cath Rawcliffe, 01772 533380, Legal and Democratic Services
Cath.rawcliffe@lancashire.gov.uk

Executive Summary

The Constitution, Membership and Terms of Reference of the Development Control Committee.

Recommendation – Summary

That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

Background

The County Council at its meeting on the 25 May 2017 approved the constitution of the Development Control Committee as being 12 members on the basis of 7 from the Conservative Group 4 from the Labour Group, and 1 from the Independent Group. The following members were appointed by their respective groups:

County Councillors

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

The Committee's Terms of Reference are set out at Appendix 'A'. The Committee is asked to note that the Terms of Reference will need to be updated to reflect legislative changes and that a review of the Committee's Scheme of Delegation arrangements is currently being undertaken. A report will be presented to Full Council recommending any changes to the Terms of Reference and Scheme of Delegation on 20 July 2017.

Consultations

N/A

Advice

N/A

Alternative Options to be considered

N/A

Implications: e.g. Financial, Legal, Personnel, Human Rights, Crime and Disorder or Other

This item has the following implications: Nil

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
County Council Agenda	25 May 2017	Cath Rawcliffe, Legal and Democratic Services, Tel. 01772 533380

Appendix A

Development Control Committee

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, consent or approval and other similar applications under Sections 70, 72, 73A and 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development), 171C (Planning Contravention Notices), 172 (Enforcement Notices), 183 (Stop Notices), 187A (Breach of Condition Notices), and 187B (Application for Injunctions).
3. To determine applications for certificates of lawful use or development and certificates of lawfulness of proposed use or development and issue certificates, as appropriate, under Sections 191 and 192 of the Town and Country Planning Act 1990.
4. To exercise the functions relating to the making of determinations of planning applications under Section 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (Development Management Procedure) Order 2010.
5. To exercise powers to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
7. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.
8. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
9. To exercise powers under Sections 198 and 199 of the Town and County Planning Act 1990 (Tree Preservation Orders).

10. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
11. To authorise entry onto land under Section 196(A) of the Town and Country Planning Act 1990.
12. To exercise powers under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. To exercise powers to make determinations, grant approvals and approve other matters relating to permitted development rights under Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
14. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
15. To determine whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee in the exercise of its responsibilities.
16. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
17. To authorise by Order the stopping up or diversion of footpaths or bridleways under Section 257 of the Town and Country Planning Act 1990.
18. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
19. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
20. To authorise the issue of temporary stop notices under Section 171E of the Town and Country Planning Act 1990.
21. To consider and approve for adoption the Supplementary Planning Guidance on Landscape and Heritage.

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 12th April, 2017 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Munsif Dad (Chair)

County Councillors

B Dawson	A Schofield
K Ellard	K Sedgewick
M Green	K Snape
D Howarth	B Yates
M Johnstone	D Westley
N Penney	

1. Apologies for absence

Apologies for absence were received from County Councillors T Aldridge and P Hayhurst.

3. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

2. Minutes of the last meeting held on 1 March 2017

In respect of item 2 of the Minutes, Councillor Snape advised that she had declared a non-pecuniary interest in agenda Item 9 as a member of Chorley Borough Council and not as the electoral division member as reported in the Minutes.

Resolved: That the Minutes of the meeting held on the 1 March 2017 with the amendment now reported, be confirmed and signed by the Chair of the Committee.

4. 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.

A report was presented on an application for the erection of a 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 at Blackpool Skip Hire, Beacon Road, Poulton Industrial Estate, Poulton-le-Fylde.

The report included the views of Wyre Borough Council, the Environment Agency, the County Council's Highways Development Control and details of one letter of representation received.

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

Mr John Williams, the agent for the applicant, addressed the Committee and spoke in support of the application. He advised that the application was compliant with national and local planning policies and that adequate mitigation measures were proposed to address any impacts that may arise from the proposed development. In addition, the proposed development would create 3 full time jobs.

Following questions to officers by the Members with regard to the proposed ventilation system it was:

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

**5. West Lancashire Borough: Application number LCC/2017/0007
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.**

A report was presented on an application for the erection of a 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 at City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

The report included the views of West Lancashire Borough Council, Simonswood Parish Council, the Environment Agency and the County Council's LCC Specialist Advisor (Ecology). The Committee noted that no letters of representation had been received in respect of the application.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site, an illustration of the proposed building elevations and photographs of the site from various viewpoints.

It was reported that since the dispatch of the agenda papers, the applicant had advised that in addition to the dried chipped wood that would be produced and exported from the site for use as a feedstock for biomass boilers generally, the heat to be generated by the biomass boilers would also be used to dry aggregates. Further details about the process were set out in the Update Sheet circulated at the meeting and attached as Annex A to the Minute book.

In response to the above, the Officer advised that the applicant's comments be noted.

Mr Lee Whittingham, the agent for the applicant, addressed the Committee and spoke in support of the application. He took the Committee through the process for the recycling and re-use of the waste materials. He advised that the application was fully compliant with both national and local planning policies. He also advised that the site would be operated under the appropriate licenses and in addition, would create a number of jobs.

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

**6. 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**

A report was presented on an application for the 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 at Bradley's Sand Pit, Lightfoot Green Lane, Fulwood, Preston.

The report included the views of Woodplumpton Parish Council, Preston City Council, the County Council's Highways Development Control and details of one letter of representation received from a housing developer who objected to the application due to the negative impact upon the amenity of the residents of the new housing development.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site. The committee was also shown an illustration of the proposed housing development and photographs of the housing development in relation to the quarry access.

The Officer advised that subject to the re-imposition of all other conditions from the existing permission, the proposal to vary condition 31 was considered to be acceptable subject to the start time being limited to 0700 hours.

Resolved: 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 conditions set out in the report to the Committee.

**7. 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.

A report was presented on a retrospective application for a 150mm diameter borehole for groundwater sampling, water level and water quality monitoring on agricultural land on a field to west of Roseacre Village, Roseacre, nr Kirkham.

The report included the views of Fylde Borough Council, Treales, Roseacre and Wharles Parish Council, County Councillor Liz Oades and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site and access road and an illustration showing the applicant's data taken from the borehole.

The Officer advised that the views of the County Council's Development Control (Highways) and the further views of Roseacre, Wharles and Treales Parish Council had been received. These were set out in the Update Sheet circulated at the meeting and set out at Annex A to the Minute Book.

County Councillor Liz Oades addressed the Committee and raised concerns with regard to the conflicting advice she had received about the purpose of borehole. She maintained that as the application was not a mineral or a waste application, it should have been determined by the Borough Council. She also maintained that as the applicant had already captured a full year of groundwater monitoring data, there was no reason for the development to be retained especially as there was no provision for shale gas development in this area.

In response to the above, the Officer advised that Fylde Borough Council had agreed that the County Council should determine the application. The committee was also advised that although some background data had already been captured, the main purpose of the borehole was to allow ongoing monitoring of the impacts of shale gas development during the period when the exploration activities were being undertaken and therefore the borehole needed to be retained to allow this to happen.

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

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

A report was presented on an application for a retrospective application for the retention of a workshop building at Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.

The report included 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 plan and photographs of the workshop.

Following discussion with regard to the retrospective nature of the application, it was:

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, 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.

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 7 June 2017.

12. Update Sheet

Update Sheet attached as a Supplementary agenda item.

I Young
Director of Governance, Finance

and Public Services

County Hall
Preston

Development Control Committee

Meeting to be held on 28th June 2017

Electoral Division affected:
Preston East

Preston City: Application number LCC/2017/0017

Variation of conditions 1 and 2 of planning permission LCC/2015/0070 to remove reference to obsolete drawings, and to extend the hours of working of the pre-shredder to between 0700 to 2130 hours, Mondays to Fridays, 0800 to 1830 hours on Saturdays, and 0900 to 1700 hours on Sundays and Bank Holidays. Recycling Lives, Longridge Road, Preston.

Contact for further information:

Rob Jones, 01772 534128

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Executive Summary

Application - Variation of conditions 1 and 2 of planning permission LCC/2015/0070 to remove reference to obsolete drawings and to extend the hours of working of the pre-shredder to between 0700 to 2130 hours, Mondays to Fridays, 0800 to 1830 hours on Saturdays, and 0900 to 1700 hours on Sundays and Bank Holidays. Recycling Lives, Longridge Road, Preston.

Recommendation – Summary

That planning permission be **granted** to vary conditions 1 and 2 of planning permission LCC/2015/0070 to substitute drawings, and to extend the hours of working of the pre-shredder to between 0700 to 2000 hours, Mondays to Fridays, 0800 to 1600 hours on Saturdays, with no operation on Sundays and Bank Holidays, subject to conditions controlling time limits, working programme, hours of working, control of noise and dust, landscaping, site operations, and safeguarding of watercourses and drainage.

Applicant's Proposal

Planning permission is sought to vary conditions 1 and 2 attached to a planning permission for a waste metal recycling site ref LCC/2015/0070 granted on 13th July 2016.

Condition 1 to that permission relates to the approved submitted plans and drawings.

Condition 2 to that permission relates to the hours of operation of the both the fragmentising plant and the pre-shredding plant. It states that the pre-shredding plant shall not be operated outside the hours of 0730 to 1830 hours, Mondays to Fridays, and 0800 to 1300 hours on Saturdays, with no operation at any time on Sundays or Public Holidays.

Planning permission is now sought for the following:-

- To vary condition 1 by deleting listed drawings that are now obsolete.
- To vary condition 2 so as to extend the hours of operation of the pre-shredding plant to between 0700 to 2130 hours, Mondays to Fridays, 0800 to 1830 hours on Saturdays, and 0900 to 1700 hours on Sundays and Bank Holidays.

Description and Location of Site

The application site is an existing metal recycling facility located off the B6243 Longridge Road, Preston approximately 1 km south west of Grimsargh and 4km east of Preston city centre. The recycling site measures around 6 hectares in area and lies to the north of Longridge Road from where access is gained and is separated from the road by a landscaped strip. To the north-east of the site are a number of industrial units including car dismantlers and scrapyards on the Rough Hey Road Industrial Estate. Running along the south western boundary is the Guild Wheel cycle path beyond which is the distribution warehouse and central offices belonging to EH Booths Ltd. To the north-west is the former Preston – Longridge railway line beyond which is the distribution warehouse belonging to James Hall Ltd.

The application site itself is comprised of a large industrial building measuring 120 metres by 120 metres which is used for the processing of non-ferrous metals and recycling of electronic equipment. To the rear (the north side of the site) is a yard area which is used for the depollution and breaking of end of life vehicles and processing of ferrous metals. The northern end of the yard area includes large processing plant, in the form of a fragmentiser and a pre-shredder, which are used to shred and fragment metals, and that are located along the north-east and north-west boundaries of the site, respectively.

The nearest residential properties to the pre-shredder plant are located 380 metres to the north-east of the site on Peacock Hill Close on the Hills Estate, off Longridge Road, Grimsargh.

Background

The proposal relates to an established metal recycling facility with a number of permissions, as follows:

Planning permission for the change of use of land and buildings from storage and distribution centre to a waste recycling centre for the recycling and storage of ferrous and non-ferrous metals waste electronic and electrical equipment and end of life vehicles was granted in June 2010 (ref. 06/10/0169).

Planning permission for the erection of concrete panel screen walls to part of the site boundary was granted in March 2013 (ref. 06/12/09644).

Planning permission for the variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays) to 7.30 to 13.00 on Saturdays with no metal processing operations to

be undertaken by the shredder recycling plant at any time on Sundays and Public Holidays was granted in July 2016 (ref. LCC/2015/0070).

A lawful development certificate for an existing development of a pre shredder was issued in October 2016 (ref. CRT/2016/0042).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 122 and -123, are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, permitting regimes operated by pollution control authorities and noise.

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

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

Preston Local Plan

Policy V1	Model Policy
Policy AD1 (a)	Development within (or in close proximity to) the Existing Residential Area
Policy EP2	Protection of Existing Employment Areas
Policy EN9	Design of New Development

Consultations

Preston City Council – No objection.

Environment Agency – No objection. The pre-shedder is intended to assist effective management of waste on the site and reduce the risk of incidents within the fragmentiser that can cause noise and dust pollution. The EA state that they regulate this site through an Environmental Permit and will continue to monitor compliance with all permit conditions including those relating to noise and other amenity issues.

Grimsargh Parish Council - Express the following concerns and comments:-

- The change in operating hours of the pre-shredder would also result in noise from outside movement of vehicles and materials etc. The proposed working on Sundays and Bank Holidays should not be allowed, and any evening working should be limited to a 730pm or 8pm finish.
- The noise report has dealt with the noise from the pre shredder but has not taken into account the intermittent crashes as the metal is dropped into the hopper that is the cause of problems with local residents.
- The mitigation measures as outlined in the noise report should be carried out.

LCC Highways Development Control - No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. Ten representations objecting to the application have been received including one from County Councillor George Wilkins, and one from Preston City Councillor Neil Cartwright. The other representations are from nearby businesses and residents: The issues raised are summarised as follows:-

- Increased noise and light pollution to the detriment of living with an operation on an industrial scale in a partly residential area.
- The recycling plant can be heard from residents' gardens and inside houses to the detriment of residential amenity. To allow the pre-shredder and the associated noise to run over extended periods, and especially until 9.30pm, would be unacceptable and especially when there are children in a house.
- The site has a history of numerous explosions and fires that has a negative effect on surrounding businesses and residents and so creating major health, safety and environmental concerns.
- The current working hours at Recycling Lives have created a situation where there is a both a sense of a lost weekend and of living next to a 24/7 industrial plant. Nearly all of the industrial facilities on the Rough Hey Road Industrial Estate (on the north side of the Recycling Lives site) close down in the early evening and for the weekend.
- The prevailing wind direction from the Irish Sea is such that noise from the industrial estate often carries over onto the nearby Hills housing estate.
- When planning permission was granted for the Hills housing estate it was not envisaged that a large scale open air industrial development would take place this close to a residential area.
- The noise assessment is based on the residential receptor being at 19 Peacock Hill Close on the Hills housing estate. However, number 19 is higher up on the close and is not in line with the Recycling Lives site. The noise assessment at this location was undertaken between the Friday 25 – Sunday 27 June 2016, and Friday 08 – Sunday 11 July 2016. These timescales are not enough to be able to accurately determine noise levels. The noise assessment should have been undertaken over a one month period as the loud bangs and vibration incidents are around two a week. It is rumoured that activity at Recycling Lives went very quiet during the period that the noise assessment was undertaken.

Advice

The application site is a major metal recycling site located on the east side of Preston and incorporates a number of large scale pieces of plant that are used to shred and fragment scrap metal so that it can be separated into different metal types for the purposes of recycling and reuse.

The extant planning permission for the application site ref LCC/2015/0070 was granted in July 2016. Condition 1 to the permission relates to the approved submitted plans and drawings. Condition 2 to the permission states that the pre-shredding plant shall not be operated outside the hours of 0730 to 1830 hours, Mondays to Fridays, and 0800 to 1300 hours on Saturdays, with no operation at any time on Sundays or Public Holidays.

Planning permission is sought to vary condition 1 by deleting listed drawings that are now obsolete and to vary condition 2 to extend the hours of operation of the pre-shredding plant to between 0700 to 2130 hours, Mondays to Fridays, 0800 to 1830 hours on Saturdays and 0900 to 1700 hours on Sundays and Bank Holidays.

In relation to condition 1, the applicant has advised that they wish to remove obsolete wording on the decision notice for permission LCC/2015/0070 that carries over superseded drawings and information from the previous planning permission 06/10/0169. No objection is raised to this element of the application as some of the drawings referred to in planning permission LCC/2015/0070 are ones that have been superseded by more recent versions or are no longer required to satisfactorily control the development.

In relation to condition 2, the applicant has advised that the change in the processing hours for the pre-shredder machinery are required due to its role and relationship with the fragmentising plant on the site that is the main metal shredding and processing equipment. The pre-shredder allows crushed cars and other scrap metal to be slowly separated and broken down before being processed in the fragmentiser. The use of the pre-shredder reduces the size of the feed and so puts less strain on the fragmentiser. Consequently, the fragmentiser can operate more quickly and with lower power consumption, less noise and reduced wear and tear on the components of the machinery. It has also reduced the flame and explosive events from gas bottles entering the fragmentiser that had previously been a source of concern.

The fragmentising plant can process an average of 110 tonnes per hour, so under the current approved operating hours of 0730 - 1730 Mondays to Fridays (except Public Holidays), and 0830 - 1300 hours on Saturdays, the fragmentiser has a processing capacity of an average of 6045 tonnes per week. The pre-shredder can process an average of 53 tonnes per hour, so under the current approved operating hours of 0730 - 1830 Mondays to Fridays (except Public Holidays), and 0800 - 13.00 hours on Saturdays, the pre-shredder has a processing capacity of an average of 3180 tonnes per week. This results in inadequate pre-shredder processing capacity which results in a regular shortage of feedstock for the fragmentiser. Therefore, the site is not operating as efficiently as it could, which in turn, affects profits. The proposed increase in the hours of operation for the pre-shredder would increase processing capacity to around 4823 tonnes per week.

The pre shredder benefits from a certificate of lawful development. This was granted on the basis that the drawings submitted in relation to planning application LCC/2015/0070 included reference to the pre shredder and this piece of plant was therefore permitted by implication. However, a condition of that permission restricted hours of use of the pre shredder and therefore, although the pre shredder benefits from the LDC, its use is still subject to the controls on hours of operation. The applicant must also be of this view and hence has applied to vary the condition.

The main issue associated with the application is the potential impact upon nearby residents from disturbance associated with noise from the use of the pre-shredder over the extended working hours.

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 CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage our waste as a resource. The site is located on land designated as Protection of Existing Employment Areas for the purposes of Policy EP2 of the Preston Local Plan. However, it is still necessary to examine the impacts of such development on adjacent areas particularly where they have a residential use.

Ten objections have been received to the proposed extended operating hours as it is considered that it would result in an industrial plant that operates continually and that nearly all of the other industrial facilities on the Rough Hey Road Industrial Estate close down in the early evening and for the weekend. In addition, it has been commented that the noise report has not taken into account the intermittent crashes as metal is dropped into the hopper that is the cause of problems with local residents.

Policy CS9 of the LMWDF seeks to achieve sustainable waste management by, amongst other things, protecting the amenity, health, economic well-being and safety of the population. Policy DM2 of the LMWLP, and Policies AD1 (a) and EN9 of the Preston Local Plan have similar criteria that includes seeking to ensure there would be no adverse impact on residential amenity, particularly by reason of noise, general disturbance and loss of privacy due to the activity under consideration, and that the proposal would not lead to an over-intensification of the use of the site.

A noise assessment has been submitted with the application to assess the impact of noise from the use of the pre-shredder machinery at two separate receptor locations close to the site: at Booths offices 400m to the south-west of the site, and at a residential property on Peacock Hill Close on the Hills estate, 380m to the north-east of the site. The report concludes that the extended operational hours of the pre-shredder machinery would not have adverse noise and vibration impacts at any of the receptor locations, and that the likelihood of complaints being generated is low.

While the noise assessment has considered impacts at both a commercial and residential location, as explained above, the main issues associated with the application are the impact upon the nearby residents of The Hills Estate from disturbance associated with noise from the use of the pre-shredder outside of the currently permitted hours. These are times when the fragmentiser would not be operating and when most other units on the adjacent industrial estate would similarly not be operational.

The background noise survey that has been used to assess impact at the residential properties was undertaken over a number of separate days which included a Saturday and Sunday. The background noise survey included assessment of average noise levels over one hour and five minute periods and a separate monitoring exercise to determine the average noise levels produced from the pre shredder itself over five minute periods. These levels were then compared to predict the likely impact at the nearest residential properties.

Whilst the pre shredder itself does not produce significant levels of noise, its operation requires scrap metal to be loaded into a hopper at the top of the plant using a hydraulic grab. Processed metal then collects at the base of the plant where it is transferred into a stockpile adjacent to the fragmentising plant again by hydraulic grab. The transferring of scrap metal into and out of the plant results in instantaneous noise impacts as metal is dropped from a height into the plant or onto the stockpile.

The applicant's noise survey was undertaken in accordance with BS4142 which specifies a method for the rating of noise from industrial processes. BS4142 specifies that a correction (addition) should be made to the basic rating noise level where the noise has particular tonal or impulsive characteristics. The applicant does not consider that the noise from the pre shredder has any such characteristics and has not applied any such correction.

Background noise levels in this area are influenced by traffic noise from the M6 and on the B6241 Longridge Road and by noise from the other industrial units and this issue is identified in the applicant's noise survey. However, such noise sources will generally produce a steady state noise which is different in character from the noise impacts that are produced by the transfer of scrap metal.

The applicant's background noise survey demonstrates that background noise levels during the daytime on Mondays to Fridays and on Saturdays during the day are sufficiently high that there would be no impact from the operation of the pre shredder even if a correction were to be applied for any tonal or impulsive noise characteristic. However, the background noise levels are notably lower on Sundays and also

reduce markedly after around 20.00 hrs on Mondays to Fridays. Where the background noise levels are lower, the noise resulting from the use of the pre shredder would be more noticeable especially if any instantaneous noises are accounted for that might arise from metal being dropped into the plant or onto stockpiles.

The proposed working of the pre-shredder until 2130 Mondays to Fridays is a more sensitive period of the evening when residents have returned from work and will be occupying their homes or gardens. The use of the pre shredder on Sundays would also take place when local residents could expect to enjoy their gardens and other outdoor areas with a reasonable standard of amenity. During these times, most of the other activities on the Rough Hey Industrial Estate would be non operational and therefore any crashes and bangs created by metal being transferred on the application site would be more noticeable. They are also times when background noise levels from the motorway and other nearby roads would be lower. Given this situation, it is considered that the extended hours as proposed would have unacceptable impacts on local residential amenity. A more acceptable finish time Mondays to Fridays, is considered to be 20.00 hours with a start time of 07.00. As regards Saturdays, it is considered that a finish time of 1600 hours would be appropriate, while there should not be any operation on Sundays and Bank Holidays. It is considered that these times would protect residential amenity from disturbance associated with noise. Subject to these amended proposed working times of the pre-shredder, 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.

In conclusion, subject to the re-imposition of all other conditions from the existing permission, with condition 1 being reworded as proposed, the proposal to vary condition 2 to extend the operational hours of the pre-shredding plant is considered to be acceptable but only on the basis that the hours are restricted to 07.00 to 20.00 hours, Mondays to Fridays, 0800 to 1600 hours on Saturdays, with no operation on Sundays and Bank Holidays.

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. The restriction of hours to those set out above would be less generous than those proposed by the applicant and would therefore affect the rights of the applicant identified above. It is considered that an extension of the operational hours of the pre-shredding plant to 07.00 to 20.00 hours, Mondays to Fridays, 0800 to 1600 hours on Saturdays, with no operation on Sundays and Bank Holidays, is a proportionate response that balances the rights of the applicant with those of neighbouring residents.

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) Planning permission ref. 06/10/0169 as amended by planning permissions LCC/2015/0070 and LCC/2017/0017.

b) Submitted Plans and documents:

Plans and drawings submitted with planning application LCC/2015/0070:

Drawing No. SP007 – Site Plan

Drawing No. LP/001 – Lighting Plan

Drawing No. RE3937-02 Retaining Wall Positions

Drawing No. SG/01 – Revised wall elevations

Drawing No. RE-1E-SD0001A Rev. 4 Sheet 1/3 Fragmentiser Installation

Drawing No. RE-1E-SD0001A Rev. 4 Sheet 2/3 Fragmentiser Installation

Drawing No. RE-1E-SDW201A Sheet 2/10 Fragmentiser Installation

Drawing No. PL-0-103-888 Sheet 1/4 Pre shredder technical drawings

Drawing No. PL-0-103-888 Sheet 2/4 Pre shredder technical drawings

Drawing No. PL-0-103-888 Sheet 3/4 Pre shredder technical drawings

Drawing No. PL-0-103-888 Sheet 4/4 Pre shredder technical drawings

Drawing No. 216015-02 C1 Fragmentiser Cladding Details

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 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 V1, AD1 (a), EP2 and EN9 of the Preston Local Plan.

Hours of Working

3. No metal recycling operations including operation of the fragmentising plant shall take place outside the hours of:

07.30 to 17.30 hours, Mondays to Fridays (except Public Holidays)

08.30 to 13.00 hours on Saturdays

No metal recycling operations or operation of the fragmentising plant shall take place at any time on Sundays or Public Holidays.

The above hours of operation shall not apply to the operation of pre shredding plant which shall not be operated outside the hours of:-

07.00 to 20.00 hours Mondays to Fridays

08.00 to 16.00 on Saturdays

No operation of the pre shredding equipment shall take place at any time on Sundays or public holidays.

The requirements of this condition shall not apply to the depollution of end of life vehicles, to metal and Waste Electrical and Electronic Equipment inside the buildings and the delivery and unloading of waste from civic amenity sites and Household Waste Disposal Centres or the carrying out of essential repairs to plant and machinery used on the 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 – Site Allocation and Development Management Policies – Part One and policy AD(1)a of the Preston City Local Plan.

Control of Noise

4. 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 – Site Allocation and Development Management Policies – Part One.

5. The implementation plan of measures to further reduce noise and dust impacts from the site as contained in the scheme and programme submitted on 02 February 2017 under the provisions of condition 9 of planning permission ref LCC/2015/0070 shall be undertaken within the timescales as specified in the approved details. The measures shall be maintained in full working order thereafter. The approved details shall only be varied in accordance with proposals submitted to and approved in writing by the County Planning Authority.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

Landscaping

7. The landscaping on the boundaries of the site undertaken in accordance with the scheme and programme approved on 14th April 2013 under the requirements of condition 5 to planning permission 6/10/0169 shall be managed for a period of 10 years following the implementation of the approved landscaping including weed control, replacement of failures and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

Site Operations

8. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

9. No waste materials or recycled materials shall be stockpiled outside the areas shown for this purpose on Drawing No SP007 - Site Layout Plan and such stockpiles shall not exceed 5 metres in height.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

10. No waste other than ferrous and non ferrous metals, waste electronic and electrical equipment and end of life vehicles shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

Safeguarding of Watercourses and Drainage

11. 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 Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

12. 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 Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

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/Directorate/Ext
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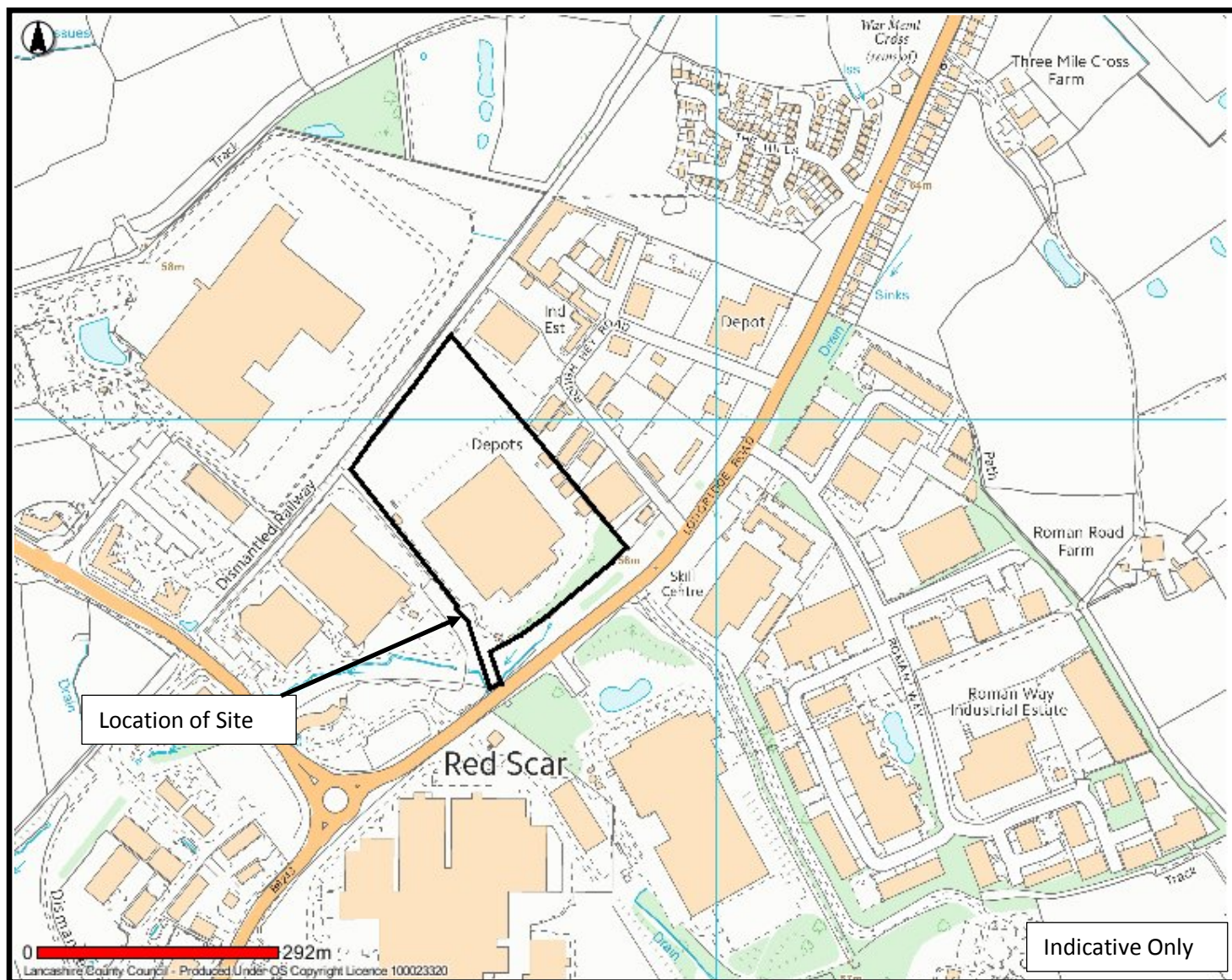
Development Information Folders		Rob Jones/34128
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LCC/2017/0017	02 February 2017	
LCC/2015/0070		
06/10/0169		

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0017 VARIATION OF CONDITION 1 TO SUBSTITUTE DRAWINGS AND CONDITION 2 TO MODIFY THE HOURS OF WORKING OF THE PRE SHREDDER TO 7.00 - 21.30 MONDAYS TO FRIDAYS 8.00 - 18.30 SATURDAYS AND 9.00 - 17.00 SUNDAYS AND BANK HOLIDAYS OF PERMISSION LCC/2015/0070. RECYCLING LIVES, LONGRIDGE ROAD PRESTON.



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Development Control Committee
Meeting to be held on 28th June 2017

Electoral Division affected: Padiham and Burnley West
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Burnley Borough: application number LCC/2017/0031
Change of use from B2 industrial unit to a Recycling Facility, together with a new roller shutter door from the front access road/car park. Unit 1a, Summit Works, Manchester Road, Burnley

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – Change of use from B2 industrial unit to a Recycling Facility, together with a new roller shutter door from the front access road/car park. Unit 1a, Summit Works, Manchester Road, Burnley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme, hours of working and site operations.

Applicant's Proposal

Planning permission is sought for the change of use from an engineering works to a metals recycling facility. The proposal also includes some minor changes to the building layout with the formation of a new roller shutter access door to the forecourt. Vehicular access would be retained through a shared frontage and car parking area.

The building would be used to receive, sort, separate and store metal products from local tradesmen and businesses. Transit type vans would enter and deposit the metals within the building. All sorting and storage of metals would be carried out within the building.

It is proposed to operate the site between 08:00 – 17:00 hours Monday - Friday, and 09:00-12:00 hours on Saturdays with no working on Sundays and Bank Holidays.

Description and Location of Site

The site with an area of 0.1 hectares is located off Manchester Road to the south west of Burnley town centre. The existing unit is a segregated part of a large works building that has a long established use for general industrial and storage and distribution uses. It is brick fronted and has a metal clad roof. There are a number

of other units adjacent to the application site which are in mixed commercial and industrial uses.

The unit subject of this application is enclosed on 3 sides with the main access to the front and a pedestrian fire escape door to the rear, which leads to a shared corridor within the building and not directly outside.

Residential properties are located to the north, south and east the nearest of which are on Green Close and are 35 metres from the application site.

Background

The site has an historical general industrial use.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 19 and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles and the impacts of development on amenity and health.

National Planning Practice Guidance

Policies relating to waste

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

Policy CS7	Managing our waste as a resource
Policy CS8	Identifying capacity for managing our waste
Policy CS9	Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF1	Presumption in favour of sustainable development
Policy DM2	Development Management

Burnley Local Plan – Second Review

GP1 – Development within the Urban Boundary

Consultations

Burnley Borough Council – No objection but recommend conditions to include a restriction of hours of use to reflect those proposed and to prevent outside storage.

Habergham Eaves Parish Council – No objection. The levels of noise should be kept low, working conditions applied for should be adhered to and concerns in relation to vehicle access arrangements investigated.

Coal Authority – No comments received.

Environment Agency – No objection. The applicant may need to register for waste exemptions or apply for an Environmental Permit.

LCC Highways Development Control – No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received objecting to the application on the grounds of potential noise particularly as the site backs onto the resident, smell, rodents it would attract, and that the building is constructed of asbestos and is therefore unsuitable for the proposal.

Advice

National policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy' and only disposing of waste as a last resort. The use of the premises would assist in the re-use and recycling of metal waste and therefore contributes towards meeting the objectives of Government policy.

The site has an historical general industrial and storage and distribution use. Waste management facilities are typically regarded as 'sui-generis' uses in that they do not fall within any of the defined planning use classes and therefore require separate planning permission. Nevertheless, given the scale and nature of the proposed operations, it is considered that the proposal is not dissimilar to many general industrial operations that could be undertaken at the site without any further permission including the current use as an engineering works. The addition of a new roller shutter door would allow for improved vehicular access without having any undesirable impact on the character or appearance of the building as a whole.

The site backs onto a residential road known as Green Close, the nearest property on which is located 35 metres from the application site. One objection has been received on the grounds of potential noise, smell, rodents it would attract, and that the building is constructed of asbestos and is therefore unsuitable for the proposal. In response, it is considered that the use of the building is unlikely to have a detrimental impact on neighbouring properties largely because the application site is surrounded on three sides by other parts of the original works building which are used for a variety of commercial uses. There is no reason to indicate that smells and rodents would be an issue as the proposal only relates to the management of waste metals and likewise, if asbestos is present in the construction of the building, this would have no influence on a change of use to metal recycling particularly as no changes are made to the fabric of the building other than the installation of the roller shutter door.

It is considered that the use of the site could be adequately controlled through the imposition of planning conditions in relation to the hours of working to reflect those applied for, no storage of waste on the forecourt, only allowing for the management of metal waste and no other waste types, and restricting processing activities to hand held equipment.

Vehicles would enter the unit through the new roller shutter door and the applicant has demonstrated that there is sufficient manoeuvring and parking space within the forecourt area. LCC Highways Development Control has raised no objection from an access and highways perspective.

With regards to general pollution control measures including prevention of water pollution, the operations are subject to the applicant satisfying the requirements of the Environment Agency's Environmental Permitting or waste management exemption regime, which stipulates the operational standards and practices that must be employed to ensure the protection of the local environment. Paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. On this basis additional specific conditions to control pollution would not be necessary.

Overall it is considered that the development is an acceptable use of the site and it is unlikely that there would be any unacceptable impacts provided that any permission is subject to the recommended conditions. The development complies with the policies of the NPPF and the policies of the development plan.

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

Recommendation

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

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application form dated 6 March 2017
 - b) Submitted Plan:

Drawing number 17/25/1 - Change of Use

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.

Hours of Working

3. No delivery of waste metal, sorting and processing of waste metal, bulking up of waste metal or the removal of metals off the site shall take place outside the hours of:

0800 to 1700 hours, Mondays to Fridays (except Public Holidays)
0900 to 1200 hours on Saturdays

No delivery of waste metal, sorting and processing of waste metal, bulking up of waste metal or the removal of metals off the site shall take place 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.

Site Operations

4. No waste other than waste metal shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. All waste management operations and storage of materials shall be undertaken within the building shown edged pink on drawing no. 17/25/1.

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.

6. Only hand held equipment shall be used for metal recycling, sorting and processing.

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.

Notes

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

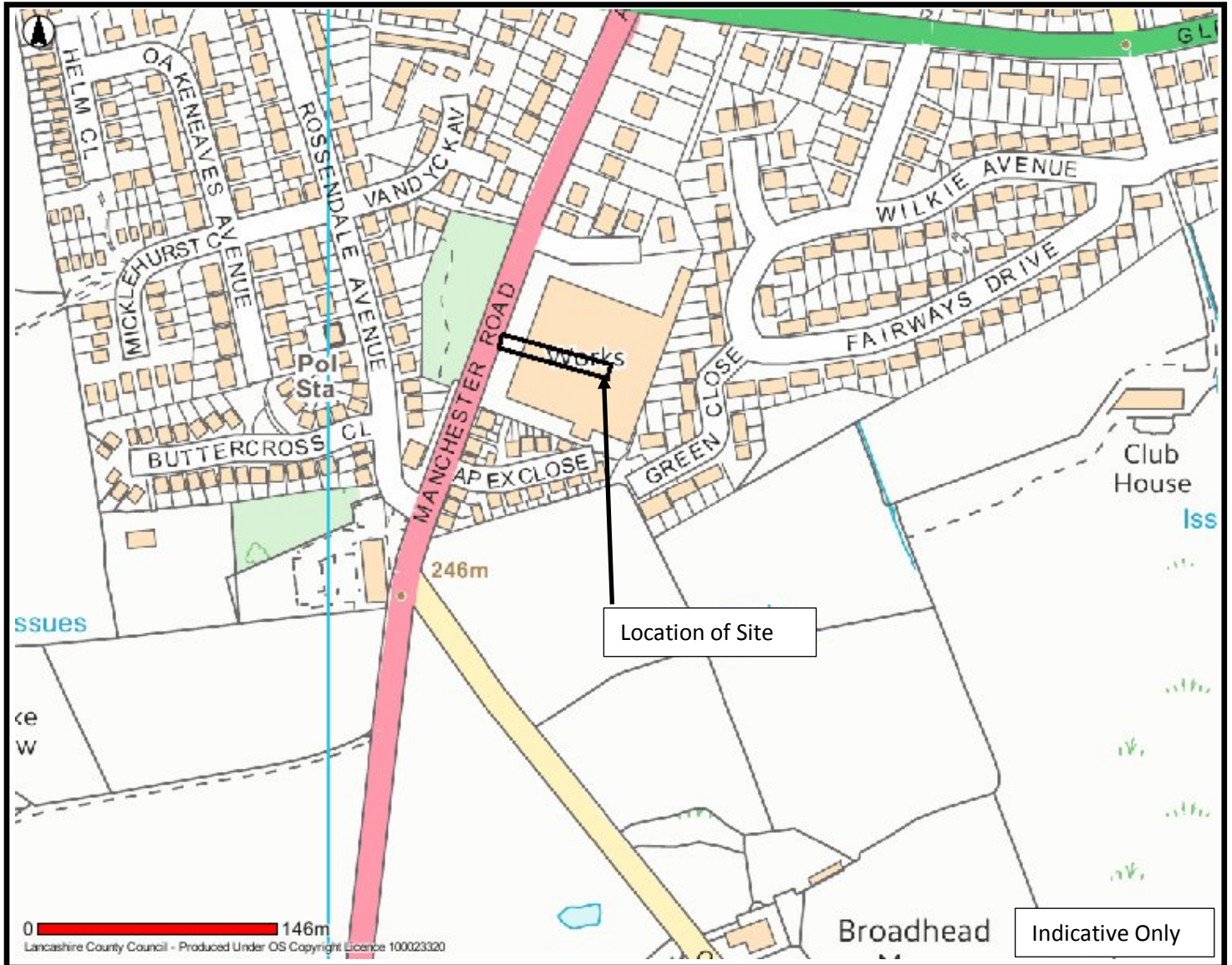
Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/ext
LCC/2017/0031	May 2017	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0031 CHANGE OF USE FROM B2 INDUSTRIAL UNIT TO A RECYCLING FACILITY, TOGETHER WITH A NEW ROLLER SHUTTER DOOR FROM THE FRONT ACCESS ROAD/CAR PARK. UNIT 1A, SUMMIT WORKS, MANCHESTER ROAD, BURNLEY



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Development Control Committee
Meeting to be held on 28 June 2017

Electoral Division Affected: All

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

Contact for further information:
Susan Hurst 01772 534181
DevCon@lancashire.gov.uk

Executive Summary

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

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 12 April 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/2017/0035
Dunald Mill Quarry, Long Dales Lane, Nether Kellet
Erection of a storage depot with associated access, car parking and refurbishment of existing canteen building.

Application: No. LCC/2017/0014
Salt Ayre, Salt Ayre Lane, Lancaster.
Variation of conditions 1 to allow continued use of the material recycling facility until 31 December 2022 with restoration no later than 31 December 2023 and condition 8 to allow for a scheme and programme for the restoration of the site to be submitted within 3 months of the cessation of use of the material recycling facility of permission LCC/2014/0006

Application: No. LCC/2017/0013
Salt Ayre, Salt Ayre Lane, Lancaster.

Variation of conditions 1 to allow continued use of the material recycling facility until 31 December 2022 with restoration no later than 31 December 2023 and condition 8 to allow for a scheme and programme for the restoration of the site to be submitted within 3 months of the cessation of use of the material recycling facility of permission LCC/2014/0005

Ribble Valley

Application: No. LCC/2017/0023
Ribblesdale Cement Works, West Bradford Road, Clitheroe
Erection of a replacement wet scrubber and associated ducting

Preston

Application: No. LCC/2017/0002
Preston Bus Station, Tithebarn Street, Preston
Closure of the bus station's western apron to create a public square together with works to create drop off zone to Preston Youth Zone and adjustments to the vehicular access to the bus station.

South Ribble

Application: No. LCC/2017/0033
Moss Side Primary School, Paradise Lane, Moss Side, Leyland
Siting of storage unit on school playing field.

Application: No. LCC/2017/0032
Lever House Primary School, Bristol Avenue, Farrington, Leyland
Siting of storage container on school playing field.

West Lancashire

Application: No. LCC/2017/0003
Simonswood Moss, North Perimeter Road, Knowsley Industrial Park, Kirkby
Change of use from composting storage to green waste composting within existing operational area.

Application: No. LCC/2017/0034
Moorside Primary School, Back Lane, Holland Moor, Skelmersdale
Single storey extension to the rear of the existing school.

Chorley

Application: No. LCC/2017/0027
Chorley Mayfield School, Gloucester Road, Chorley
Installation of a canopy to create a walkway between two buildings providing shelter for pupils moving between buildings.

Hyndburn

Application: No. LCC/2017/0037

Unit 10 Fairfield House, Fairfield Street, Accrington
Change of use to vehicle dismantle, vehicle depollution and authorised treatment facility.

Pendle

Application: No. LCC/2017/0025
Higham St John C of E Primary School, Higham Hall Road, Higham
New car park to provide 22 car parking spaces including the provision of a pupil drop off area.

Rossendale

Application: No. LCC/2017/0030
Bacup Nursery School, Cowtoot Lane, Bacup
Single storey extension to provide changing room/cloakroom for nursery school pupils including glazed aluminium screening.

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/2016/0037	LCC/2017/0035
LCC/2017/0034	LCC/2016/0033
LCC/2017/0032	LCC/2017/0030
LCC/2017/0027	LCC/2017/0025
LCC/2017/0023	LCC/2017/0014
LCC/2017/0013	LCC/2017/0003
LCC/2017/0002	

Development Control Committee Meeting to be held on 28 June 2017

Electoral Division affected: None

Amendments to the Protocol of Good Practice on Development Control Matters

(Appendix A refers)

Contact for further information: Josh Mynott
Democratic Services Manager, 01772 534580
Josh.mynott@lancashire.gov.uk

Executive Summary

Amendments to the Protocol of Good Practice on Development Control Matters.

Recommendation

That the Committee recommend Full Council to approve the revised Protocol of Good Practice on Development Control Matters as set out at Appendix A to the report.

Background and Advice

A number of updates to the Protocol of Good Practice on Development Control Matters are required in order to bring the Protocol in line with updates to legislation and procedural arrangements.

A revised Protocol is attached at Appendix A. The revision updates the references to pecuniary interests and predetermination, and clarifies existing processes and practices. The changes are administrative in nature and no significant substantive changes are proposed at this time.

Once approved by the Committee, the Protocol will be considered by the Full Council to replace the existing Protocol at Annex N to the Constitution

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Some of the proposed amendments are required in order to bring the Protocol in line with updates to legislation. No other significant risks have been identified.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Protocol of Good Practice on Development Control Matters. Appendix N of the Constitution		Cath Rawcliffe 01772 533380

Reason for inclusion in Part II, if appropriate

N/A

Protocol of Good Practice on Development Control Matters

Contents

No.		Page No.
1.	Introduction	1
2.	Training	1
3.	Declaration of Interests	1
4.	Predetermination	1
5.	Social Contacts	2
6.	Development Proposals submitted by Councillors	2
7.	County Council Developments	2
8.	Lobbying of and by Councillors	2
9.	Pre-Application Discussions	3
10.	Officer reports to the Development Control Committee	4
11.	Decisions contrary to Officer Recommendations and/or the Development Plan	4
12.	Appeals	5
13.	Committee Site Visits	5

1. Introduction

This Protocol applies to both Councillors who serve on the Development Control Committee and officers who support its functions. The Protocol supplements the County Council's Codes of Conduct for Councillors and officers, and addresses the particular issues faced by Members who serve on the Development Control Committee.

Employees of the County Council who are Chartered Town Planners are bound by the Royal Town Planning Institute (RTPI) Code of Professional Conduct and all officers whether or not they are members of the RTPI are expected to act in accordance with the Code applicable to RTPI Members.

2. Training

The planning process requires decisions to be made within a complex framework which is continuously evolving through legislation and case law. For that reason, regular training is provided to all Councillors on the planning process. As well as initial training for Councillors, updates will be provided when required to ensure Councillors are up to date on issues and procedures.

Councillors who sit as members of the committee should ensure that they have received up to date training on development control matters, and it is strongly recommended that councillors whose training and understanding is not up to date should not sit as members of the committee.

3. Declaration of Interests

Rules in relation to declarations of interest at the Development Control Committee are the same as apply to all other meetings of the council. Councillors who are also district councillors should declare a non pecuniary interest in items relating to applications made by their district council under consideration. Councillors do not need to declare an interest in an application simply because it is in the division they represent or in their own neighbourhood, unless this specifically affects their land or property as defined in the Code of Conduct.

4. Predetermination

Councillors on the Development Control Committee must take care to ensure that they do not predetermine any issue that comes before them. Predetermination effectively means forming a judgement on a matter before it comes to committee that you would be unwilling to change.

The law says a decision maker was not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:

- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter, and
- the matter was relevant to the decision.

The Development Control Committee considers planning applications some of which may be controversial matters that are of interest to the public. It is possible that Councillors will be involved in campaigns for or against development proposals. This does not in itself prevent a councillor from being a member of the committee and taking a decision on such an issue.

However, Councillors should take great care in any campaigning they do, not to express views which appear to demonstrate that the councillor has fixed their view and would not listen to the evidence presented at committee. This applies to both traditional campaigning and publicity and to social media, such as Twitter or Facebook.

5. Social Contacts

Councillors and officers should exercise caution about their social contacts with known developers, agents, groups and associations, especially when developments are contemplated or applications are being proposed or being considered and when controversial decisions are likely to be made.

Councillors and Officers are required to declare any gifts or hospitality over the value of £25, even where it is declined.

6. Development Proposals Submitted by Councillors

- Councillors who act as agents for people pursuing planning matters with the County Council should play no part in the decision making process for those proposals. Likewise, if they submit their own proposal to the County Council they must play no part in its processing;
- the Council's Monitoring Officer should be informed of such proposals;
- any such planning applications should be reported to the Committee and not dealt with by officers under delegated powers.

Under the terms of the County Council's code these applications would result in a Councillor having a pecuniary interest and the Councillor concerned would need to withdraw from any consideration of the matter. Although he/she must not seek to improperly influence a decision, the Councillor would have the same rights as a member of the public in explaining or seeking to justify the proposal to an officer prior to its consideration by the Committee.

7. County Council Developments

Proposals for the County Council's own development must be treated in exactly the same way as those of private developers.

8. Lobbying of and by Councillors

Lobbying of members

Councillors may be subject to lobbying in relation to decisions due to be made by the Development Control Committee. As far as possible, Councillors should restrict themselves to giving procedural advice and avoid expressing an opinion that may be taken to indicate predetermination.

Councillors should make it clear they can only make a final decision after having considered all the information at Committee.

Group Meetings

Group meetings prior to the Committee meeting should not be used to decide how Councillors should vote. The Ombudsman has determined in relation to planning that the use of whips or similar political instructions to heavily or decisively influence the outcome of a planning application can amount to maladministration.

Lobbying by members of the Committee

Members of the Development Control Committee should normally avoid organising support for or against an application and also should avoid lobbying other Councillors. This should also apply to any Members of the County Council.

Pressure on Officers

Councillors should not put improper pressure on officers for a particular recommendation.

9. Pre-Application Discussions

Any pre-application or other discussions with Councillors or officers which take place before a decision is taken should follow clear guidelines:

- it should be made clear that the discussions will not bind the Council to a particular decision and any views expressed will be personal and provisional because not all consultations will have taken place or relevant information be at hand at that stage;
- advice should be consistent and based on the development plan and other material considerations. Officers taking part should make clear whether or not they are the decision-maker;
- notes should be made of all potentially contentious meetings or telephone discussions. At least one officer should attend the meetings and a follow-up letter is advisable;
- advice given should not be, or be seen to be, partial.

10. Officer Reports to the Development Control Committee

The following principles will be adhered to in the production of reports to the Development Control Committee:

- reports should be accurate and cover, amongst other things, the substance of objections and the views of those consulted;
- there should be a clear exposition of the development plan policies, the site, related history and any other material considerations;
- there should be a written recommendation; oral reporting should be limited to updating and should be minuted;
- the reports should contain technical appraisals which clearly justify the recommendation;
- if the recommendation is contrary to development plan policy, the material considerations justifying the departure should be clearly stated.

11. Decisions Contrary to Officer Recommendations and/or the Development Plan

Departures from the Development Plan

Decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. Departures must be advertised as such and, if it is intended to approve the application, the material considerations must be identified and it must be stated why they override the plan policies. Depending on type and scale, the application may have to be referred to the Secretary of State if the Committee is minded to approve. Justification for the approval of the departure must be included in full in the report.

Decisions Contrary to Recommendation

The Committee must make clear its reasons for any decision which runs contrary to the officer recommendation, including the policies which the Committee considers the proposal to be contrary to, together with technical evidence as far as possible and these will be recorded in the minutes. Members may seek advice from officers on such policies and how they may be used to support a decision. It may be appropriate to defer the matter until a subsequent meeting so that full reasons can be set out.

Committee members voting to reject or approve an application contrary to officer recommendation should be aware that they may be expected to give evidence in support of their decision in the event of any subsequent hearing or public inquiry.

Changes to Conditions

Where Councillors wish to change the recommended conditions on an approval, the officers should be asked to draft any new conditions or amendments to conditions to

be agreed at the meeting, or at a subsequent meeting, or by specified senior officers under delegated powers.

12. Appeal

If the council refuses planning permission or imposes conditions that the applicant considers unreasonable, the applicant can appeal to the Secretary of State of the Department for Communities and Local Government within a period of six months from the decision notice.

Any such appeal is then considered by an independent inspector of the Planning Inspectorate who will report the findings to the Secretary of State. The appeal process can either be by written representations, an informal hearing or by a full public inquiry, depending on the complexity and nature of the case.

If the county council or the Secretary of State grants planning permission, there is no right of appeal for those who object to it. It is possible to challenge the decision on a point of law but this would be a matter for the courts

13. Committee Site Visits

Site visits should be the exception rather than the rule. There must be the expectation of substantial benefit from the visit. They should not be used as a means of delaying the determination of a planning application.

The decision for making a site visit should be based on:

- difficulty in visualising the proposed development from the plans and any supporting material, including photographs of the site;
- good reasons why the comments of the applicant and objectors cannot be adequately expressed in writing;
- the particularly contentious nature of the proposal;
- request from the Electoral Division Member or the Planning Officer, subject to expected benefit being substantial.

Where Members of the Committee pass a resolution in favour of undertaking a site visit, it is expected that those Members so voting attend the visit.

Procedures for Site Visits

- Site visits will be organised to ensure the purpose, format and conduct are clearly established at the outset and adhered to throughout the visit.
- Members should have regard to the County Council “Guidelines for Member Site Visits”. (Annex 1 to this Protocol). Members should not disclose details of the site visit to third parties. Site visits are for the benefit of Members of the Committee only and are not intended to be a forum for debate with objectors.

- Applicants for planning permission may attend such site visits but only to answer questions raised by Members regarding the purpose, location and design of the development.

Lancashire County Council Guidelines for Member Site Visits

1. Status and Purpose of these Guidelines

The purpose of the guidelines is to assist the Chair and Members of the Committee in the conduct of site visits. Site visits require careful thought and management, especially where groups of campaigners for or against a proposal may be present. It is essential that the site visit is, and is seen to be, part of the impartial gathering of information about an application, in order to ensure confidence in impartial and transparent decision making.

2. The Purpose of Site Visits

Site visits are not meetings of the Committee and are not intended to involve discussion of the merits of any planning application. The appropriate place for any such discussion is a formally convened meeting of the Committee.

Site visits are intended to give Members of the Committee the opportunity of visiting and viewing the site and its locality.

Site visits should be the exception not the rule. They should not be used as an excuse to delay the determination of a planning application. They are expensive and time-consuming and excessive use of them detracts from their true value.

3. Role of the Chair of the Committee

The Chair is responsible for the conduct of the site visit and his/her decision is final on all issues. In his/her absence the Deputy Chair will assume responsibility.

4. The Local County Councillor

The County Councillor for the division in which the application is located will be invited to attend the visit whether or not they are a Member of the Committee. The local County Councillor is expected to abide by these guidelines.

5. Information to be provided to Members

To assist members a report containing details of the application and general observations on the development and level of representations will be provided to Members prior to the visit.

6. County Council Officers

Officers attend the site visit to assist Members. Officers will acquaint Members with details of the application and the principal planning issues. They will draw Members' attention to details on the site itself and at other places in the locality of the site as appropriate. References will be made to the planning application in question but these will be for the purpose of explanation and should not be taken as implying any partiality on the part of the Officers concerned.

7. Applicant and Landowner

The Applicant will be asked to arrange access to the site. It is not possible to prevent either the Applicant or a Landowner, if separate, from attending the visit. However, the purpose of the visit will be made clear to them and it will be explained that they have no right to address the Members although they may wish to be prepared to answer any questions which Members may wish to raise. Separate arrangements are in place for Applicants to address the committee if they wish to do so

8. Other Interested Parties

It may be the case that campaigners for or against a proposed development are at a site in order to lobby Members. Members should avoid being drawn into individual discussions or debates with campaigners. In general, members should stick to procedural comments, and not express opinions about the proposals which may be taken as an indication of predetermination or otherwise apparently indicate a councillor's view of a matter. Separate arrangements are in place for campaigners to address the committee if they wish to do so.

9. Transport

Normally a coach or similar will be arranged to provide transport for Members to the site and during the site visit. Whilst it may be more convenient for some Members to meet the coach at the site, the visit itself will be conducted from the coach. This ensures that all Members present receive all information relevant to the visit and that the visit can be conducted in an orderly manner.

10. Health and Safety

Sites for proposed developments may present a range of health and safety issues. Members should adhere to any health and safety guidance issued by officers in relation to the site and visit.

