

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 11th July, 2018 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston**

#### **Present:**

County Councillor Barrie Yates (Chair)

#### **County Councillors**

M Barron	P Hayhurst
S Clarke	J Marsh
C Crompton	M Pattison
M Dad	J Rear
J Eaton	A Schofield
K Ellard	

County Councillors Jimmy Eaton and Jayne Rear replaced County Councillors David Foxcroft and Paul Rigby on the committee respectively.

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

None received.

#### **2. Appointment of Chair and Deputy Chair**

The Committee was informed that the County Council had appointed County Councillors B Yates and P Rigby as Chair and Deputy Chair respectively of the Committee for the ensuing year.

**Resolved:-** That the appointment of County Councillors B Yates and P Rigby as Chair and Deputy Chair of the Committee be noted.

#### **3. Constitution, Membership and Terms of Reference of the Committee**

**Resolved:-** That the Constitution, Membership and Terms of Reference of the Committee be noted.

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

County Councillor P Hayhurst declared a non pecuniary interest in agenda item 6 as a member of Fylde Borough Council and Elswick Parish Council.

#### **5. Minutes of the last meeting held on 23 May 2018**

**Resolved:** That the Minutes of the meeting held on 23 May 2018, be confirmed and signed by the Chair of the Committee.

- 6. Fylde Borough: Application number. LCC/2014/0101  
Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip road, Wharles.**

**Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the defence high frequency communications service (DHFCS) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston**

A report was presented on an updated Environmental Statement and Planning Statement Addendum in relation to the above application.

The Committee was reminded that at their meeting held on 24 June 2015, the Development Control Committee had resolved to refuse the application due to unacceptable highway impacts. The decision was the subject of an appeal to the Secretary of State who determined that he was minded to allow the appeal subject to the highways concerns identified being addressed.

Following the decision, the appellant produced revised traffic proposals and an updated Environmental Statement and Planning Statement addendum. It was noted that both were the subject of consultation and that the Secretary of State would take all consultation responses into account prior to determining the appeal.

The Development Management Officer reported orally that the views of Public Health England had been received. These were set out in the Update Sheet circulated at the meeting and attached at Annex A to the Minutes.

The Committee was informed that other consultation responses in respect of the revised Environmental Statement and Planning Statement addendum were outstanding. Given the timescales involved, the Committee was asked to give officers delegated authority to prepare a response to the Secretary of State taking into account any further observations received subsequent to the meeting of the Committee.

Following debate, it was Moved and Seconded that the recommendation set out in the report be amended to include:

"A draft of the officer's response be sent to members of the Committee before it is sent to the Secretary of State".

On being put to the vote the amendment was Carried it was therefore:

**Resolved:**

- 1) That the conclusions of the report be noted.
- 2) That officers be given delegated authority to respond to the Secretary of State taking into account any further observations that are received subsequent to the meeting of the Committee.
- 3) A draft of the officer's response be sent to members of the Committee before it is sent to the Secretary of State.

**7. 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 Committee was reminded that a report on the planning application had been presented to the last meeting of the Development Control Committee on 23 May 2018. At that meeting it was resolved to defer consideration of the application to allow a site visit to take place. The site visit took place on 9<sup>th</sup> July 2018.

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), the county council's Highways Development Control and details of six representations received including representations received from the St Michaels Flood Action Group and from the occupier of Brook House Farm, located adjacent to the quarry. The report also included the further views of the county council's Flood Authority and details of presentations made to the Committee by Mr Flintoff of Brook House Farm and the agent for the applicant.

The Officer reported orally that since the publication of the agenda, further representations had been received from Upper Rawcliffe with Tarnacre Parish Council and from Mr Flintoff of Brook House Farm. Details of the representations together with the advice of the officer in relation to such was set out in the Update Sheet circulated at the meeting. (Copy attached at Annex A to the Minutes).

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.

Mr Nickols addressed the Committee on behalf of St Michael's Flood Action Group. He objected to the application on the grounds that there was potential for flooding from the development to Tarnacre and other parts of St Michaels. He referred to the serious flooding which had occurred in the area in December 2015 and August 2016 and to a recent review by the Environment Agency which contained evidence of increasing river levels in the Wyre catchment area.

It was felt that the quarrying activities and various bunds and other alterations to the site may impede the flow of flood water across the site, leading to an increased flood risk elsewhere. This was of particular concern to residents as ground levels run downhill from the site. It was maintained that these concerns had not been addressed properly in the applicant's flood risk assessment which was now on its 4<sup>th</sup> version. Mr Nickols called for the additional conditions as recommended by the Council's Flood Authority, to be included verbatim in the conditions to the proposed planning permission.

In response to questions raised by the Committee, the officers advised that the conditions set out in the proposed planning permission and in particular condition 2 and conditions 41(a) and 42(a), addressed the concerns raised by the council's Flood Authority.

In response to further concerns raised by the Committee in relation to flood risk, it was agreed that officers would write to the regulators and bring these concerns to their attention.

**Resolved:** That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the conditions set out in the report to the Committee.

- 8. West Lancashire Borough: Application number LCC/2018/0023  
Erection of detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the building, and an associated five space car park. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**

A report was presented on an application for the erection of detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the

building, and an associated five space car park at City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

The report included the views of West Lancashire Borough Council, the Environment Agency and United Utilities. The Committee noted that no representations 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 proposed development and a photograph of the site.

The officer reported orally that the views of Knowsley Council and Simonswood Parish Council had been received. Details of the representations received together with officer advice in relation to such was set out in the Update Sheet circulated at the meeting. (Copy attached at Annex A to the Minutes).

In order to address concerns raised by Knowsley Council, Officers recommended that condition 4 be amended to include the following text in italics.

4. The building shall only be used as a vehicle repair / maintenance workshop and office accommodation. *Only vehicles and machinery used in connection with the waste transfer and waste processing activities undertaken within the land edged blue on the submitted Site Location Plan shall be maintained or repaired within the proposed building.*

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

**9. Rossendale Borough: Application number 14/13/0515  
Application for determination of conditions for permission  
14/94/0355 (as amended by 14/95/0506) for the winning and working  
of minerals at Hutch Bank Quarry, Haslingden**

A report was presented on an application for the determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden.

The application was accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The Committee was informed that the county council was required to undertake a periodic review of all mineral planning permissions to ensure the existing conditions reflect modern environmental standards. The applicant had therefore provided a new schedule of conditions and details of a proposed development scheme for the future working and restoration of the quarry.

The report included the views of the Environment Agency, Natural England, the County Ecology Service, the County Archaeology Service and details of four representations 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 illustrations of the proposed development and various working phases together with photographs of the site.

The Officer reported orally that following further consultation and discussion with the applicant, a number of minor changes were proposed to conditions 4, 5, 10 and 20 as set out in the Update Sheet circulated at the meeting. (Copy set out at Annex A).

**Resolved:** That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995, the conditions set out in the report to the Committee and the inclusion of the amended conditions 4, 5, 10 and 20 as set out in the Update Sheet, be imposed on planning permission 14/94/0355 (as amended by 14/95/0506).

**10. 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 23 May 2018, five planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

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

**11. Urgent Business**

There were no items of urgent business.

**12. Date of Next Meeting**

That the next meeting of the Development Control Committee be held on Wednesday 12 September 2018.

L Sales  
Director of Corporate Services

County Hall  
Preston





## Development Control Committee Update – 11<sup>th</sup> July 2018

### Item 6 – Application LCC/2014/0101 – Roseacre Wood

#### Consultations

Public Health England: PHE have no additional comments to make beyond those that were made to the original planning application in 2014. PHE note that there are no changes to the assessment of dust and particulate matter during construction activities or fugitive emissions or radon concentrations since the original 2014 Environmental Statement was prepared. The dispersion modelling from ground flares and generator engines has been updated and it has been concluded that there will be no significant impacts following comparison of the revised assessment results against the latest air quality standards and guidance.

PHE note that monitoring of dissolved methane in groundwater commenced in October 2016 and that further monitoring and reporting will be agreed with regulators.

### Item 7 - Application LCC/2017/0040 - Tarnacre Quarry

#### Consultations

Further response from Upper Rawcliffe with Tarnacre Parish Council

- The Parish Council have undertaken a review of the Flood Risk Assessment that was submitted in support of the planning application. The review details the Parish Council's concerns about the inadequacy of the applicant's FRA. The Parish have also supplied some notes from a walkover of the area detailing their concerns about flooding. They consider that both their review and the walkover notes should be brought to the attention of members.
- The PC also consider that the extent of flooding in the area is underestimated due to the EA being unable to access land during the times of flood to accurately map the extent of flooding.
- The PC are also concerned that flood waters from the River Wyre to Pilling Water will be effectively cut off by 9 m high bunding which will result in greater flood risk in the vicinity of the quarry and down stream in St Michaels on Wyre
- The PC understand that unauthorised bunds have been installed in other local areas which will increase flood impacts.

Further response from Paul Flintoff of Brook House Farm, Tarnacre Lane:-

Mr Flintoff has submitted further photographs taken over recent weeks of dust impacts from the quarry which he maintains damages his buildings and reduced crop yields. He maintains that mitigation measures for dust are not employed and that the current planning conditions controlling dust are unenforceable.

#### Advice

The issues raised by the Parish Council in relation to flooding are noted. The flood issues with this application were covered in the report to the 24<sup>th</sup> May Committee and the response from the Lancashire Flood Authority is summarised in the report to the 11<sup>th</sup> July Committee. The unauthorised bunds referred to are thought to relate to land outside of the quarry site and are not therefore a relevant consideration in this application.

In relation to the dust issues raised by Mr Flintoff, the County Council has made a number of visits to this site in recent weeks in response to complaints about dust. The site operator has increased the availability of dust mitigation measures by employing a tractor and water bowser that can be dedicated to dust mitigation. Some site activities may still give rise to dust but it is important to consider whether or not these are having an unacceptable impact on local amenity.

## **Item 8 – Application LCC/2018/0023 – Simonswood Industrial Estate**

### **Consultations**

Knowsley Council: No objection subject to a condition which limits the use of the building to the owner / operator of the site.

Simonswood Parish Council: State that the proposed building is unfit for the site, there is inadequate draining of surface water and that there should be no more developments on this site as the quality of life of local residents is already affected. Comments are also made about lack of enforcement of planning conditions and the heights of screen mounds relative to stockpile heights.

### **Advice**

To address the comment of Knowsley Council it is recommended that condition 4 be amended by including the following text in italics.

4. The building shall only be used as a vehicle repair / maintenance workshop and office accommodation. *Only vehicles and machinery used in connection with the waste transfer and waste processing activities undertaken within the land edged blue on the submitted Site Location Plan shall be maintained or repaired within the proposed building.*

The comments of the Parish Council are noted. The issues regarding suitability of the building and impact on local amenity are addressed in the report. Condition 6 deals with the drainage of surface water.

## **Item 9 - Application 14/13/01515 - Hutch Bank Quarry**

### **Recommended conditions**

Following further consultation and discussion with the applicant a number of minor changes to the proposed conditions have been agreed and are recommended as follows:

Condition 4 is amended to make it clear that reference to the water table at the site should exclude perched water levels that have been identified in one of the boreholes at the site:

Mineral extraction shall not take place below a surface defined as being 1 metre above the highest natural variation in the water table, excluding perched water levels, established through the monitoring and recording of groundwater levels under condition 5 to this permission, or below the depth of excavation shown on drawing no. 2670/6/005, Rev D - Phasing and Restoration, whichever is the higher level above ordnance datum (AOD).

*Reason: To seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

Condition 5 is amended with minor changes to wording:

The groundwater monitoring network as shown on Figure 6.1, - Borehole Monitoring Locations - dated January 2018 shall be maintained throughout the period of mineral extraction, restoration works and aftercare, and any monitoring boreholes lost, damaged or blocked must be restored or replaced within 6 months of the loss, damage or blockage being identified. The groundwater levels in borehole numbers BH03, BH05, and BH06 shall be recorded monthly and reported to the County Planning Authority annually throughout the development. Monitoring results shall relate to ordnance datum.

*Reason: To seek to ensure the permitted development has no detrimental impact on groundwater resources and water supplies at Holden Hall, Hutch Bank and Todd Hall Farm and to seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

Condition 10 is amended to remove the second sentence requiring details of the nature of soil types to be submitted. There is sufficient control within the first part of the condition and in the details required by condition 23. The condition now reads as follows:

No materials with the exception of soils to be used for restoration purposes shall be brought to site from elsewhere.

*Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

Condition 20 is amended to remove the first part of the condition to read as follows:

There shall be no discharge of contaminated or polluted drainage to ground or surface waters.

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