

Lancashire County Council

Development Control Committee

Wednesday, 22nd January, 2020 at 10.30 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. 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.

3. Minutes of the last meeting held on 27 November 2019 (Pages 1 - 8)

The Committee are asked to agree that the Minutes of the last meeting held on 27 November 2019 be confirmed and signed by the Chair.

4. Update Sheet

Officers to present an update in relation to matters under consideration on the Agenda.

If necessary, the meeting will adjourn for a short time to enable the committee to read the additional information which will be considered as part of the related agenda report.

5. Chorley Borough: Application Number. LCC/2019/0054 (Pages 9 - 24)

Remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials. The Laurels at Charnock, Charnock Richard Golf Course, Preston Road, Charnock Richard.

6. **South Ribble Borough: application number LCC/2017/0001/6** (Pages 25 - 30)
Scheme and programme to comply with condition 18 (highway monitoring and management strategy) of permission LCC/2017/0001.
Penwortham Bypass, from A582 Broad Oak roundabout connecting to A59 between Howick C of E Primary School and Blackhurst Cottages, Penwortham.
7. **Preston City: application number. LCC/2019/0046NM2** (Pages 31 - 36)
Non material amendment to condition 3b of planning permission LCC/2016/0046 for the relocation of Hodder Aqueduct Diversion as part of the development of the Preston Western Distributor Road.
Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.
8. **Rossendale Borough: Application Number. LCC/2019/0065** (Pages 37 - 48)
Widening of the existing path to create a 3m wide cycle path and construction of a new 3m wide cycle path through woodland including replacement lighting columns and fencing to the A56 and associated works.
Land between Commerce Street and South Shore Street, Haslingden.
9. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 49 - 50)
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 4 March 2020 at 10.30 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

County Hall
Preston

L Sales
Director of Corporate Services

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 27th November, 2019 at 10.30 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

S Clarke	P Hayhurst
M Barron	A Kay
C Crompton	M Pattison
B Dawson	E Pope
J Eaton	A Schofield
K Ellard	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor K Ellard declared a non pecuniary interest in agenda Item 5 as the local county councillor for the area.

3. Minutes of the last meeting held on 16 October 2019

That the Minutes of the meeting held on 16 October 2019 be confirmed and signed by the Chair.

4. Update Sheet

The Update sheet was considered as part of the related agenda item.

- 5. Preston City: Application number LCC/2019/0029**
Energy recovery facility fuelled by residual non-hazardous household, commercial and industrial waste and refuse derived fuel, and incorporating an energy recovery facility main building, air cooled condensers, weighbridges and gatehouse, site roads, landscaping including bunds, car parking, surface water swale and wetland, electricity sub-station building and switchyard, pump house, fire water storage tanks, other ancillary plant and equipment, fencing and site security, realignment of existing roadway and

drainage ditch through the site, underground power cable network and a temporary construction compound. Land at Red Scar Industrial Estate, Longridge Road, Preston.

The Committee considered a report on an application for an energy recovery facility on land at Red Scar Industrial Estate, Longridge Road, Preston.

The application was accompanied by an Environmental Statement and Non-Technical Summary.

Members of the Committee had previously visited the site at Red Scar Industrial Estate, Preston and an existing facility in Cannock, Staffordshire.

The report included the views of Preston City Council, South Ribble Borough Council, Ribble Valley Borough Council, Grimsargh Parish Council, Samlesbury Parish Council, Lancashire County Council Highways Development Control, Highways England, the Environment Agency, Jacobs UK Ltd (Ecology advice), Natural England, the Wildlife Trust for Lancashire, LCC Specialist Advisor (Archaeology), Historic England, Jacobs UK Ltd (Landscape advice), the Lead Local Flood Authority, National Grid Gas and Electricity, National Grid Company P.L.C, Cadent Gas, Public Health, England, Lancashire Public Health Collaborative, the Health and Safety Executive and details of 424 representations received of which 421 raised objection to the application. The report also included details of representations received from Ben Wallace M.P., Mark Hendrick M.P. and Preston City Councillors Ron Woolam, Brian Rollo, John Browne and Philip Corker.

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 various illustrations and a photomontage of the proposed facility from various aspects together with an indicative process diagram and photographs of the site and access roads.

The Officer reported orally that since the committee report had been finalised the county council had received 7 further representations including one from the Campaign for the Protection of Rural England and a further petition from Residents against Longridge Road Energy Centre with 703 signatures. Full details together with officer advice in relation to such and details of minor amendments to conditions 4, 14, 16 and 26 were set out in the 'Update Sheet' circulated at the meeting and attached at item 4 of the agenda.

Several local residents and Preston City Councillor, Brian Rollo, addressed the committee and raised the following summarised concerns:

- This is the wrong location for an energy recovery facility - it is too close to residential properties and schools.
- The plant would release high levels of greenhouse gases and particulate matter into the atmosphere impacting on the general health of residents and in particular, children and older people living in the area.

- The proposal would generate considerable additional traffic each day, through an already gridlocked route leading to the M6 motorway slip road and in turn, would result in long delays through Grimsargh and Longridge.
- If the motorway is blocked for any reason, which is a regular occurrence, HGVs would have to travel through residential areas of Preston to access the site.
- Residents are already subjected to high levels of pollution from the M6 Motorway. This proposal would exacerbate matters and further impact on the health of residents.
- The plant would reinforce a throwaway attitude towards waste and might burn recyclable waste.
- The incinerator could cause potential harm to the nearby flora and fauna at the Red Scar and Tun Brook Woods Site of Special Scientific Interest and the Brockholes Nature Reserve.
- Residents would be subjected to odours from the plant regardless of the intended control measures.
- The visual impact of the plant, the size of a football pitch and as high as a twelve story block of flats, would be unacceptable.

The Committee was urged to refuse the application and instead, look at innovative ways of dealing with waste in an environmentally friendly way.

Paul Zanin, Planning Director for the applicant, Miller Turner, addressed the Committee and made the following summarised comments in support of the application:

- The proposed development would generate enough electricity to power local homes and businesses and would attract new businesses to the area.
- The plant would employ well-proven technology to control emissions and odour.
- Public Health England had recently examined Energy from Waste Centres and concluded that there was a negligible impact on local air quality and no measurable risk to health.
- The additional extra traffic generated by the development was a small proportion of existing traffic and would travel via the M6 motorway.
- The centre would create 40 permanent jobs.

He urged the committee to grant planning permission.

Officers responded to concerns raised by the Members with regard to the traffic routing, the lack of signage at the site exit to direct HGV traffic to the motorway, and the site entrance which it was felt, was too narrow for large HGVs to access and egress safely.

In response to further concerns raised by the Members, the officers produced a PowerPoint slide showing the site entrance and an existing cycleway running parallel to Longridge Road. Officers also proposed an amendment to conditions 25 and 26 of the application relating to the construction and operational travel plan. This would require the operator to provide a report to the County Planning Authority

detailing compliance with the HGV traffic controls at three monthly intervals for the first 2 years of operation and thereafter, on a six month basis.

Following further debate with regard to pollution levels and congestion on the local road network and motorway, it was Moved and Seconded that:

"The application be refused on the grounds that it fails to satisfy the requirements of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan in that it impacts negatively on residential amenity; does not assist the need for a reduction in carbon emissions; does not generate a reduction in the length and number of journeys made and fails to mitigate the impact of the numbers, frequency, timing and routing of transport relating to the development."

On being put to the vote the Motion was Lost.

Following further discussion, it was Moved and Seconded that:

"The application be granted subject to:

- i) The erection of signage at the exit to the site to inform HGV drivers to follow the routing controls set out in the approved construction and operational travel plans.
- ii) Improvement works to the site entrance at Red Scar Industrial Estate to allow HGVs to access and egress the site without having to queue."

On being put to the vote the amendments were Carried.

The amended conditions relating to the construction and operational travel plan and the additional conditions relating to the erection of signage and the improvement works to the site entrance are set out below for completeness:

Amendment to condition 25:-

g) provision for the submission of a report to the County Planning Authority at three monthly intervals throughout the construction period detailing the compliance with the HGV traffic controls under e) in the previous three month period and measures that have been taken to secure compliance with the controls

f) reword part f) of the condition as follows:-

Provision for the monitoring of the effectiveness of the measures set out in parts a) to d) of the construction travel plan including submission of a monitoring report to the County Planning Authority at six monthly intervals during the construction period detailing the effectiveness of the measures set out in parts a) – d) and measures to be implemented to encourage take up and compliance with the objectives of the Construction Travel Plan.

Amendment to Condition 26:-

Reword part d) as follows:-

d) Provision for the monitoring of the effectiveness of the measures set out in parts a) and b) of the Operational Travel Plan including submission of a review to the County Planning Authority at two yearly intervals beginning from the date of approval of the initial Operational Travel Plan. The review shall detail the levels of compliance with the objectives of the travel plan and measures to encourage take up of sustainable travel modes.

New part e):-

e) provision for the submission of an HGV traffic monitoring report at three monthly intervals detailing the levels of compliance with the HGV routing measures approved under part c) of this condition including measures to secure compliance with the controls.

New condition 28.

No development shall commence until details of signage to be erected at the access from the site onto Longridge Road has been submitted to the County Planning Authority and approved in writing. The submitted details shall contain information on the size, location and information to be displayed on the signage. The signage shall inform HGV drivers of the requirement to follow the routing controls set out in the approved construction and operational travel plans.

The approved signage shall be erected prior to the commencement of construction activities and thereafter retained in position through the full duration of construction activities and the operation of the development.

Reason: In order to minimise the impacts of the development on the local highway network and the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

New condition 29

No development shall commence until a scheme of improvement works for the entrance to Redscar Industrial Estate has been submitted to and approved in writing by the County Planning Authority. The improvement works shall aim to minimise the risk of queuing vehicles at the entrance into the Redscar Industrial Estate. The works contained in the approved scheme shall be implemented prior to the commencement of construction works.

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

Resolved: That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and subject to the amendments to conditions 4, 14, 16, 25 and 26 as set out in the update sheet and above and the inclusion of the additional conditions 28 and 29 as set out above, planning permission be **granted** subject to the conditions set out in the report to the committee.

6. Preston City: application number. LCC/2019/0050
Application for erection of a replacement garage, construction of an outdoor classroom to be used as an additional teaching space and the erection of a free-standing canopy to the front entrance (part retrospective) at
Sir Tom Finney High School, Ribbleton Hall Drive, Preston

A report was presented on an application for the erection of a replacement garage, construction of an outdoor classroom to be used as an additional teaching space and the erection of a free-standing canopy to the front entrance at Sir Tom Finney High School, Ribbleton Hall Drive, Preston.

The report included the views of Preston City Council, Lancashire County Council Highways Development Control, Sport England and details of one letter of objection 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 a location plan, an illustration of the development and photographs of the site from various aspects.

Resolved: That planning permission be **granted** subject to a condition controlling the working programme as set out in the report to the committee.

7. Planning decisions taken 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 16 October 2019, five planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted

8. Urgent Business

There were no items of urgent business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 22 January 2020 at 10.30am.

L Sales
Director of Corporate Services

County Hall,
Preston

Development Control Committee

Meeting to be held on 22nd January 2020

Electoral Division affected:
Chorley Rural West

Chorley Borough: Application Number. LCC/2019/0054

Remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials.

**The Laurels at Charnock, Charnock Richard Golf Course,
Preston Road, Charnock Richard.**

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials. The Laurels at Charnock, Charnock Richard Golf Course, Preston Road, Charnock Richard.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, landscaping, noise, highway, ecology, drainage, restoration and aftercare.

Applicant's Proposal

The proposed development is for the importation of 26,742 cubic meters of inert waste to an existing golf course to remodel the southern side of the golf course to more undulating contours through the creation of 19 mound areas, two greens and three bunkers.

The proposed mound areas would be between 30m and 80m long on their maximum dimensions and have heights between 1m and 3m. The development would also include the creation of a temporary access track off the existing access into the site from Preston Road. The track would measure a linear distance of 60m and would be 10m wide. One hawthorn tree would have to be removed to create the temporary access track. The applicant proposes to plant a total of 180 new trees on the site as part of this proposal.

The applicant proposes that the importation of the soil materials would be carried out over a one year period with an average of 10 Heavy Goods Vehicle movements

each day allowing for weather and ground conditions. The majority of the material being imported into the site would consist of clay and soil.

Description and Location of Site

The application site is located on part of Charnock Richard Golf Course, 2km to the south west of Charnock Richard Village in Chorley. The golf course is located to the east of the A49 (Preston Road). Close to the site, the A49 meets Mill Lane at a mini roundabout with Mill Lane leading west. The M6 motorway is located 450m to the west of the proposed site. The application site is bounded to the north by the other areas of the golf course with a club house / restaurant complex and car park close to the existing access off Preston Road.

The whole site is located within the Green Belt.

The application site (9ha in area) comprises approximately half of the whole 18 hole golf course and is currently not in active use. The site consists of flat area of land laid out with greens and fairways. Further habitats include small areas of woodland, scattered scrub and trees together with 9 ponds around the proposed site. The surrounding area comprises of agricultural land with ponds, hedgerows and small areas of woodland. Overall the site is relatively flat, but with localised undulating features consistent with its former use, and with an overall gentle slope towards the north-east with ground levels varying between approximately 70.8 to 74.5m AOD.

Background

Planning permission was refused by Chorley Borough Council in August 2019 for a change of use from a golf course to a touring caravan site, to include six camping pods, the erection of an amenity block and a reception/shop building, landscaping mounds and associated infrastructure. (19/00094/FULMAJ)

Planning permission was approved in October 2014 for the development of a new football training facility for academy and professionals including the erection of a new detached building to accommodate the junior academy and indoor pitch, erection of a new building for the professionals (linked to the existing club house by a covered walkway), part change of use of (restaurant within) golf clubhouse to Class D2, car parking, artificial pitch, floodlighting of two pitches, fencing and use of land as football training centre. (14/00641/FULMAJ)

Planning permission was approved in February 1994 for the formation of an 18 hole golf course practise ground and 80 space car park, improvements to the A49 and access via the existing farm entrance. (92/00936/FUL)

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 12, 51 - 53, 54 - 55, 143 - 147, 155 - 165, 170, 175 - 177, 178 - 183 are relevant in regards to achieving sustainable development, tailoring planning controls to local circumstances, planning conditions and obligations, proposals affecting the greenbelt, planning and flood risk, conserving and enhancing the natural environment, habitats and biodiversity and ground conditions / pollution and heritage impacts.

Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources (JLMWDF)

Policy CS7 Managing our Waste as a Resource

Policy CS8 Identifying Capacity for Managing our Waste

Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies - Part One (JLMWLP)

Policy NPPF1 Presumption in Favour of Sustainable Development

Policy DM1 Management of Waste and Extraction of Minerals

Policy DM2 Development Management

Chorley Local Plan

Policy V1 - Model Policy

Policy BNE1 - Design Criteria for New Development

Policy BNE5 - Redevelopment of Previously Developed sites in the Green Belt

Policy BNE9 - Biodiversity and Nature Conservation

Consultations

Chorley Borough Council - The proposed development is inappropriate in the Green Belt and no very special circumstances exist to outweigh the harm. Further, the applicant has not demonstrated that the amenity of neighbouring residents would be protected throughout the construction period.

If permission is granted, it is recommended that conditions are attached to:

- Restrict working hours during the engineering works;
- Restrict the lifetime of the development to 12 months (albeit longer will likely be required)
- Protect trees during the engineering works;
- Require the operator to employ a road sweeper to keep the surrounding roads clear of mud and debris during the engineering works;
- Require the submission and approval of a traffic management plan;
- Require the submission and approval of a construction management plan;
- Employ any mitigation measures suggested within the noise assessment, during engineering works

Charnock Richard Parish Council - Objection raised. The parish council can find nothing in green belt legislation which specifically states that the importation of inert waste is an exception to development in the Green Belt. It is considered that the proposals will result in a landfill site being created by the applicant as a means of disposing of inert waste.

The proposals will be extremely disruptive for the village and will considerably increase the number of HGV movements along the A49 Preston Road, and through the village as they access the site. The amount of materials being brought on to the site will impact very heavily on an already well used arterial route through the village, plus there will be significant impact on the existing amenities on the site.

In addition, the proposals will create significant noise, nuisance and dust impacts, and will result in a considerable and significant loss of amenity to neighbouring residents and the whole of Charnock Richard. The proposals will completely alter the land in question forever. The vista, the amenity, and the appearance and character of the land at this location will be completely changed. The ground works will have a detrimental impact on nature conservation on the site and will impact on local wildlife which has been drawn to this area over the past few years.

The Parish Council also object to the scale, appearance and design of the proposals, the considerable adverse impact the proposals would have on residential amenity and on the character and openness of the existing landscape and the area. The impact the construction period would have on highway safety and nature conservation, including wildlife, flora and fauna, also raise significant concerns. The proposals would be the creation of a landfill site and would constitute inappropriate development in the Green Belt detrimentally affecting the openness of the Green Belt and causing considerable long term harm.

Coal Authority - No objection - an informative note on any planning permission should be added that if the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards.

LCC Ecology Service - Initially raised comments that the Ecological Impact Assessment would need revisiting with an updated mitigation strategy to reduce potential impacts on Great Crested Newts. The applicant has since submitted further information to address these comments and the Lancashire County Council Ecologist has stated that it would be reasonably unlikely that the proposed development would have any significant ecological impacts provided planning conditions are added to the planning permission to control certain aspects of the development including limiting the removal of vegetation to the single hawthorn on the access track.

The submitted Great Crested Newt Mitigation Strategy provided in the Ecological Impact Assessment should form the basis of an updated Great Crested Newt Mitigation Strategy which should be submitted for approval in writing by Lancashire County Council prior to commencement of works. The updated strategy should include details of potential direct impacts to include damage / destruction of places of shelter. It shall also specify the use of flotation excavators to minimise ground disturbance of species and details for the removal of potential places of shelter, including details of the Great Crested Newt exclusion fencing, to be carried out outside the Great Crested Newt hibernation period only and under the supervision of a qualified ecologist.

The applicant would also need to provide a method statement detailing pollution prevention control measures which shall be implemented during the full duration of the development and a condition requiring the applicant to submit details of biodiversity net gain on the site prior to the commencement of the development.

Environment Agency - No objection. Any development using waste or other material may require an environmental permit, unless it is exempt from the need for a permit. If a permit is required, it must be obtained prior to commencing the activity and the applicant should allow three months for the determination of a standard rules permit

and four months for the determination of a bespoke permit. Waste transported to and from the development must only be carried by a registered waste carrier. If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications.

LCC Highways Development Control – LCC Highway note that the access is off the A49 via the existing access to the golf club. There is no accident record on the A49 at this location but the development would result in HGVs turning into the site from the A49 and would therefore increase the risk of collisions from cars overtaking turning vehicles. Highways state that the development will only be acceptable if any permission is subject to a condition requiring the construction of a traffic island in the A49 and improvements to the site access so that two HGVs can safely pass. A condition is also requested relating to a traffic management plan.

Natural England - Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Lead Local Flood Authority - Initially raised objection to the proposal due to insufficient information. However, following the submission of further information on the impacts of the proposal, the Flood Authority withdraw their objection subject to a condition requiring the development to be undertaken in accordance with the approved drawing.

United Utilities - Conditions should be added that that the drainage should be carried out in accordance with the flood risk assessment submitted by the applicant and no surface water should be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul water shall be agreed in writing by the Local Planning Authority. Also foul and surface water should be drained on separate systems.

County Landscape Service - No observations received.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. One objection and nine representations of support have been received.

The objection states that dumping excessive amounts of inert materials on green belt land is not acceptable and that it will have an impact on the local wildlife and eco systems. Waste management is the applicants business and the golf course is potentially going to become a waste disposal site which is not needed. The objection also states there are no addresses or post codes on the petition of support submitted with the application so they cannot be verified as living or working in the area.

The 9 letters of support are summarised below:

- Any improvements would bring job opportunities for local people and local businesses, the footpath through the course is a brilliant walk, fallow deer can be seen and it is good site for wildlife in general.
- Since re-opening, the Laurels has brought a new lease of life to the area and to what was a disused blot on the landscape of the village. The

regeneration of the golf course can only be credited to the present owners who continually strive to improve all aspects of the course and surrounding landscape and a re-configuration of the other nine holes could only further improve other opportunities for the community.

- The use of imported inert material would have very little impact on village life as most of the lorries tipping are already passing the site to tip at other locations.
- The number of traffic movements is insignificant compared to the amount of traffic that already uses Preston Road which has an excellent sight line at the entrance.

Advice

The proposed development is for the importation of 26,742 cubic meters of inert waste to part of Charnock Richard Golf Course to create 19 mound areas, two greens and three bunkers. The majority of the material being imported into the site would consist of clay and soil and used to fill and recontour the site.

The golf course was previously an 18 hole course which opened in 1994 but closed in 2013. The northern section of the course reopened as a 9 hole course in 2018. The objective of the development is to remodel the southern part of the facility to create a course with a more undulating nature, the existing course being quite flat which is not particularly challenging for experienced golfers. The applicant therefore considers that the remodelling works would provide a more interesting course which would increase the attractiveness of the facility to a wider range of golfers as they would be able to play the flat northern 9 holes, a more undulating southern 9 hole course or a combination of both. The applicant has submitted a letter signed by approximately 150 users of the existing golf course drawing attention to the benefits of the proposal.

The National Planning Policy Framework and the Joint Minerals and Waste Local Plan recognise that waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise and dust. More specifically, Policy DM2 of the Joint Minerals and Waste Local Plan supports development for waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The site is within Green Belt. Paragraph 146 of the National Planning Policy Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development are mineral extraction, engineering operations and proposals such as local transport infrastructure which can demonstrate a requirement for a green belt location. Also Policy BNE5 of the Chorley Local Plan states that the reuse, infilling or redevelopment of previously developed sites in the Green Belt will be permitted if the

development respects the character of the landscape and has regard to the need to integrate the development with its surroundings and will not be of significant detriment to features of historical or ecological importance.

Engineering operations such as the proposed development are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. It will be noted that the Borough Council have concluded that the proposed operations would harm the openness of the Green Belt for which no special circumstances have been identified. However, it is a matter of planning judgement as to whether the proposal would harm openness taking into account issues such as the scale of the development and duration of operations. The recontouring of the course would be achieved through the creation of 19 discrete mounds distributed over the 9 hole course each between 1 and 3 metres above existing levels. None of the mounds are particularly large in scale either in terms of height or surface area and it is likely that each mound could be completed over a relatively short period. The whole development would be completed within one year. The proposal would not introduce built development and the character of the site would not be altered with the continuation of a series of open spaces, ponds, trees and woodland being retained. It is therefore considered that the development would not harm the openness of the Green Belt and is therefore acceptable in relation to paragraph 146 of the National Planning Policy Framework. Conditions should be imposed to control the overall duration of the tipping activities and site restoration.

Apart from a public right way which runs along the northern boundary of the application site, the proposed development area is well screened from public viewpoints by the existing hedgerows and tree planting on the boundaries of the site and within the golf course itself. The areas of mounding are only located on the existing greens and fairways and none of the existing vegetation would require removal apart from one hedgerow tree necessary to construct the temporary access road. Protection of existing trees and hedgerows can be controlled through conditions. Given the scale and location of the proposed mounding works, it is considered that the landscape impacts of the development are acceptable subject to conditions relating to restoration including additional tree planting.

A number of trees on the site have potential to support roosting bats and previous surveys identified a bat roost within a tree on the north-eastern site boundary. However, the applicant has confirmed that no trees with bat roost potential would be removed as part of the proposal. No additional lighting would be introduced and therefore any impacts on bats are considered to be unlikely.

The submitted ecology survey states that great crested newts are present on the site and the surrounding area. However, the mound creation works are confined to areas of existing green and fairway which do not provide suitable habitat for this species. Although there is potential for impacts on great crested newts such as by the access routes to each mound area, impacts can be minimised through the implementation of reasonable avoidance measures and therefore a Natural England mitigation licence is not deemed necessary. The applicant has submitted further information to demonstrate that impacts can be avoided during construction and the County ecologist is satisfied that these measures can be adopted to ensure that impacts on Great Crested Newts can be avoided. These measures can be controlled through planning conditions.

The proposed works would be subject to waste management controls regulated by the Environment Agency, which would seek to control waste types and propose a range of control measures to prevent any pollution. A note should be attached to any permission advising the applicant to contact the Environment Agency prior to the commencement of development to ensure the necessary permitting requirements have been fulfilled prior to the commencement of the development.

In relation to residential amenity, the nearest properties to the site are located on Charter Lane to the north east of the golf course and at the junction of Mill Lane and the A49 to the west. The distances between any area of mounding and the nearest residential properties on Charter Lane and Mill Lane are around 370 metres and 200 metres respectively. Given these separation distances and the relatively small scale of each mounded area, it is considered that there would be no unacceptable impacts on local amenity. Conditions should be imposed on any permission to control noise, dust and hours of operation.

Access to the site would be off the A49 via the existing access to the golf course and then via a new internal access track across the golf course. LCC Highways note that the A49 adjacent to the site access has a good safety record but that the proposed development would result in slow moving HGV movements into the site access increasing the likelihood of overtaking manoeuvres on the A49. In order to safeguard safety on the A49, LCC Highways request conditions relating to the construction of a traffic island in the carriageway of the A49 to prevent overtaking and for the widening of the site access so that an HGV entering the site can pull clear of the A49 if a vehicle is leaving at the same time. Highways have also requested a traffic management plan to include controls on wheel cleaning, vehicle parking, storage of plant and materials and hours of import of materials to avoid peak periods. The matters in relation to highway improvements and wheel cleaning be the subject of planning conditions. However, it is considered that the other traffic management issues that Highways raise do not need to be the subject of planning conditions due to the relatively small scale of the development and there being adequate space within the golf course itself to manage the activities without having any effects on the public highway.

In conclusion, this development would involve the importation of a relatively small quantity of inert material in order to improve the quality and viability of an existing recreation facility. The proposal would not impact upon the openness of the Green Belt and subject to conditions would not have unacceptable impacts on local amenity, highway safety, ecology or the landscape. The proposal is therefore considered acceptable in relation to the National Planning Policy Framework and the policies of the development plan.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

Given the distance from the site and neighbouring properties, this application were it to be approved would be unlikely to generate such an impact on those neighbouring

properties which would breach those rights. The conditions proposed will also ensure the protection of the amenity of those properties.

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.

2. The golf course recontouring operations hereby permitted shall be completed and restored in accordance with condition 14 to this permission within one year of the date of commencement notified to the County planning Authority under the provisions of condition 3 below.

Within a further period of three months all temporary site access roads shall be restored and the site access at its junction with the A49 reinstated to its pre development dimensions

Reason: In order to ensure the proper restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. Notification in writing shall be provided to the County Planning Authority of the commencement of development within 7 days of such commencement.

Reason: In order to ensure the proper restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Working Programme

4. The development shall be carried out in accordance with the following documents:

- a) The planning application dated 23rd September 2019
- b) Submitted Plans and documents:

Drawing No - 19/078/L01 / Proposed Location Plan
Drawing No - 19/078/VR01 / Vehicle Routes for Mound Construction
Drawing No - 19/078/P02 / Proposed Site Plan - Sheet 1 of 2
Drawing No - 19/078/P03 / Proposed Site Plan - Sheet 2 of 2

- c) All schemes and programmes approved in accordance with this permission.

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

5. The deposit of soil materials hereby permitted shall be restricted to those areas edged with a dashed red line on drawing ref 19/078/PO1. No materials deposited within those areas shall exceed the heights and contours shown on drawing 19/078/PO1.

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

Hours of Working

6. No construction development, delivery of materials and land restoration operations shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays)

08.00 to 12.00 hours on Saturday (except Public Holidays)

No construction development, delivery or removal of materials and land restoration works shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate to prevent 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 Lancashire Minerals and Waste Local Development Framework.

Landscaping

6. No trees or hedgerows other than the removal of a single hawthorn tree identified as 'G6' for removal in the submitted Arboricultural Impact Assessment shall be removed as part of site construction works. All other trees and hedges within the site shall be protected from damage throughout the period of construction works. Any trees and hedges which are damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy BNE9 of the Chorley Local Plan.

Control of Noise

7. All plant, equipment and machinery used in connection with the construction, 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 Lancashire Minerals and Waste Local Plan.

8. Measures shall be taken at all times during the development to minimise the generation of dust including the watering of all haul roads and suspension of activities in dry windy weather conditions.

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

Highway Matters

9. Measures shall be taken at all times during the construction phase of the development including those works to be carried out with the benefit of permitted development rights to ensure that no dust, mud or other deleterious materials are transferred onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

10. No development shall commence until a scheme and programme of highway improvements has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
 - a) Details for the location and design of a traffic island in the carriageway of the A49 adjacent to the site access
 - b) Details for the widening of the site access supported by a swept path analysis to demonstrate that the widening proposals are sufficient to allow two HGVs to pass on the site access road. The details shall contain information on the dimensions of the widening proposals and surfacing.

The highway improvements contained in the approved scheme shall be implemented in full prior to any waste materials being imported to the site.

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

11. No development shall commence until details for the construction of the temporary access road have been submitted to and approved in writing by the

County Planning Authority. The details shall contain information on the dimensions and form of construction of the access road which shall be constructed from hardcore or other suitable materials. All soils shall be stripped from the area of the access road before any surfacing materials are laid and stored for use in restoration.

The access road shall be constructed in accordance with the approved details prior to any waste materials commencing on the site.

Within three months of the completion of the development the temporary access road shall be restored including removal of all surfacing materials and restoration of the land by resspreading of stripped soils.

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

Ecology

12. The reasonable avoidance measures (RAMS), listed in Sections 4 and 5 -and Appendix E of the submitted Ecological Impact Assessment shall be implemented and adhered to by all site personnel during the full duration of construction operations to ensure that the potential for any impacts on ecological interests are avoided during construction.

Reason: In the interests of ecology and to conform with Policy BNE9 of the Chorley Local Plan.

13. Within three months of the date of this planning permission, a scheme of habitat enhancement works shall be submitted to the County Planning Authority for approval in writing.

The habitat enhancement scheme should provide details of the following:

- a) Details for the erection of bat and bird boxes on the site including location and design.
- b) Details for landscaping including tree and hedge planting including details of areas to be planted, layout and sizes of species to be planted, planting techniques, and protection measures.

The habitat enhancement measures contained in the approved scheme shall be implemented in the first planting season following the completion of the development.

Reason: In the interests of ecology and to conform with Policy BNE9 of the Chorley Local Plan.

Restoration

14. Within three months of any of the mound areas shown as a dashed red on drawing 04/078/PO1 being completed to their final levels, restoration shall be undertaken in accordance with the following:
- a) The surface of the mound shall be treated including removal of any stone, brick, concrete or other deleterious material that would prejudice the final use of the land.
 - b) Respreading of any stripped soil materials over the surface of the mound.
 - c) The soil materials shall be cultivated to provide a smooth even surface suitable for seeding.
 - d) The surface of the mound shall then be seeded with a grass seed mix suitable for the final use as a golf course.

Reason: In order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

15. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include reseeding works, weed control, works to repair and install drainage and management of tree and hedge planting.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the 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.

The applicant's attention is drawn to the observations of the Canal and River Trust letter dated 3rd June 2019.

Any removal of hedgerow and felling of trees shall take only place outside of the period between 1st March and 31st July. Where such works cannot be undertaken outside this period, no vegetation removal shall take place until the vegetation to be removed has been checked for the presence of nesting birds. If nesting birds are detected, no works shall be undertaken until an exclusion zone around any nests has been established in accordance with Natural England guidance. Such an exclusion zone shall be maintained until it has been confirmed that any dependant young have left the nest.

The conditions to this permission require works within the public highway. Only the County Council or authorised contractors can undertake such works. The applicant

should contact Lancashire County Council Highways to discuss how these works will be undertaken.

Definitions

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

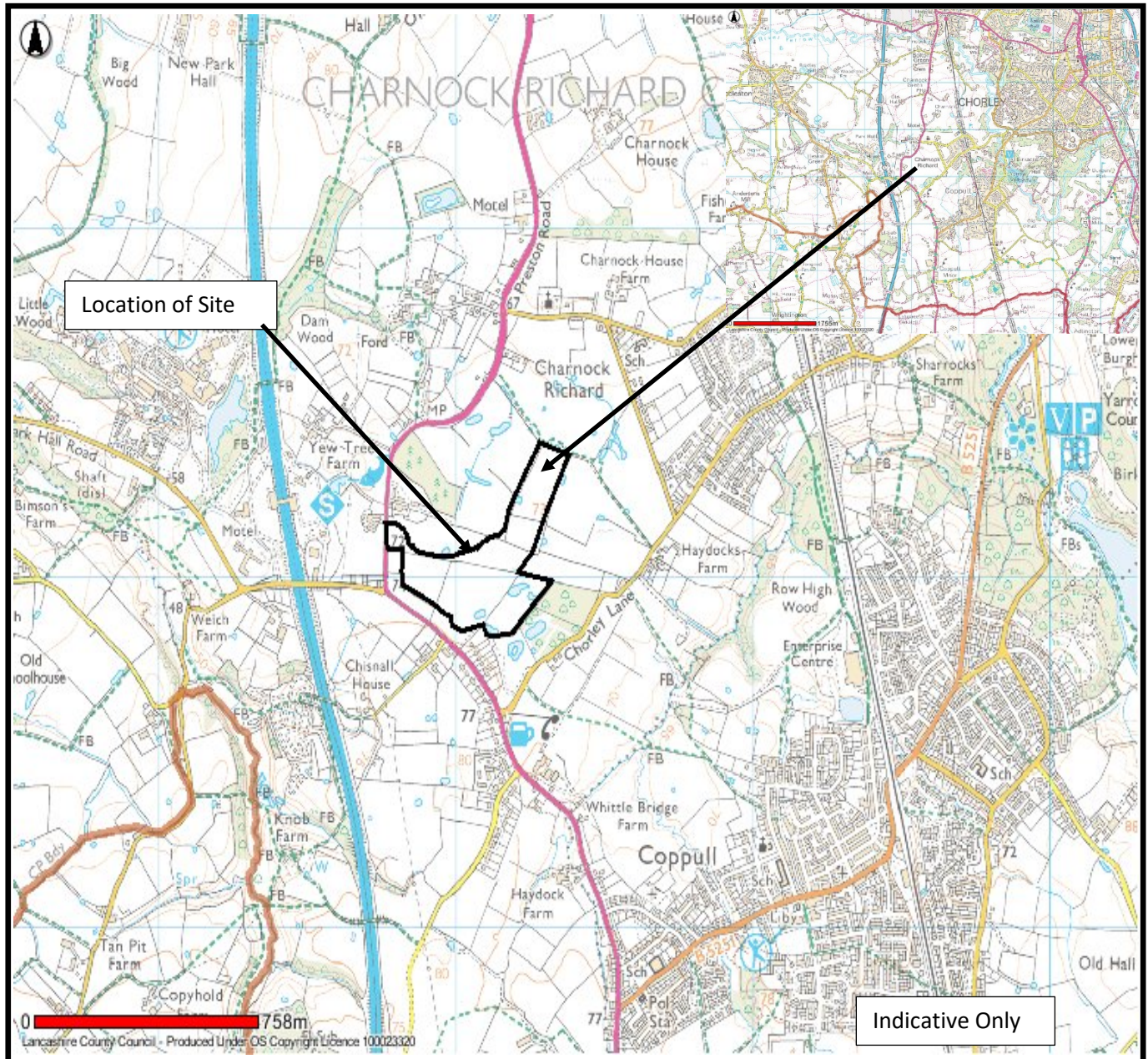
Local Government (Access to Information) Act 1985 List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2019/0054 REMODELLING OF CHARNOCK RICHARD GOLF COURSE INCORPORATING THE RECONFIGURATION OF 9 HOLES AND LOCALISED RAISING OF LEVELS USING IMPORTED INERT MATERIALS. THE LAURELS AT CHARNOCK, CHARNOCK RICHARD GOLF COURSE, PRESTON ROAD, CHARNOCK RICHARD.



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

Development Control Committee

Meeting to be held on 22nd January 2020

Electoral Division affected: Penwortham East and Walton le Dale
--

South Ribble Borough: application number LCC/2017/0001/6

Scheme and programme to comply with condition 18 (highway monitoring and management strategy) of permission LCC/2017/0001.

Penwortham Bypass, from A582 Broad Oak roundabout connecting to A59 between Howick C of E Primary School and Blackhurst Cottages, Penwortham.

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application - Scheme and programme to comply with condition 18 (highway monitoring and management strategy) of permission LCC/2017/0001. Penwortham Bypass, from A582 Broad Oak roundabout connecting to A59 between Howick C of E Primary School and Blackhurst Cottages, Penwortham.

Recommendation – Summary

That the scheme and programme submitted under the requirements of condition 18 of planning permission LCC/2017/0001 be approved.

Applicant's Proposal

Planning permission was granted on 6 October 2017 for the construction of a new highway consisting of the 'Penwortham Bypass' (a 1.3 km long dual carriageway) together with temporary soil storage and contractor areas, acoustic fencing, the relocation of school playing fields, combined cycle track connecting to Howick Moor Lane, water attenuation pond, landscape and ecological mitigation areas from the A582 Broad Oak roundabout connecting to A59 between Howick C of E Primary School and Blackhurst Cottages. The permission was subject to a number of conditions.

Condition 18 specifies that:

'The bypass shall not be opened to traffic until a highway monitoring and management strategy has been submitted to and approved in writing by the County Planning Authority. The strategy shall include details for a programme of surveys, observations and defined targets, and a mechanism where targets are not achieved, to deliver further highway change. The approved highway

monitoring and management strategy shall be employed for a period of three years commencing on the 1st anniversary of the scheme opening.

Reason: In the interest of highway safety, the satisfactory operation of the highway network, to safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with Policy G17 of the South Ribble Local Plan.'

The proposal is the submission of details to comply with the requirements of condition 18.

Description and Location of Site

The Penwortham Bypass is a new highway running between the A59 south west of Penwortham centre and linking with the A582 at the Broad Oak roundabout. The alignment of the bypass is shown on the drawing accompanying this report.

Background

History; Planning permission for the construction of the Penwortham Bypass was granted on 6th October 2017.

Planning Policy

National Planning Policy Framework: Paragraph 102 is relevant with regards to promotion of sustainable transport

Central Lancashire Core Strategy

Policy 3 Travel

Consultations

LCC Highways Development Control - The submission meets the requirements of condition 18.

Advice

This application is brought before Committee as the proposal is by the Head of Service for Planning and Environment who would also have responsibility for determining the application had it been dealt with under delegated powers.

Planning permission for the Penwortham Bypass was granted in October 2017 and the road has recently been opened to traffic.

The key objectives of the Penwortham Bypass are to provide congestion relief to Penwortham local centre, to improve access to the motorway network, and to improve air quality, particularly in Air Quality Management Areas (AQMA's) such as Penwortham centre. The submitted *Traffic Monitoring and Evaluation Plan* sets out the monitoring approach to collect the data necessary to assess whether the bypass

is delivering on the key objectives. This includes data on air quality including through the existing urban area of Penwortham, traffic flows (automatic traffic counters) and journey times (using Automatic Number Plate Recognition). Monitoring and evaluation progress will be reported within annual reports for 3 years following opening of the bypass.

In relation to the management requirements of the condition, provision is made within the terms of reference of the scheme steering group for the identification of further interventions if the collected data indicates that these are needed to deliver the scheme objectives.

The submitted plan is considered to satisfy the requirements of condition 18.

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

Recommendation: That the scheme and programme submitted under the requirements of condition 18 of planning permission LCC/2017/0001 be approved.

Local Government (Access to Information) Act 1985

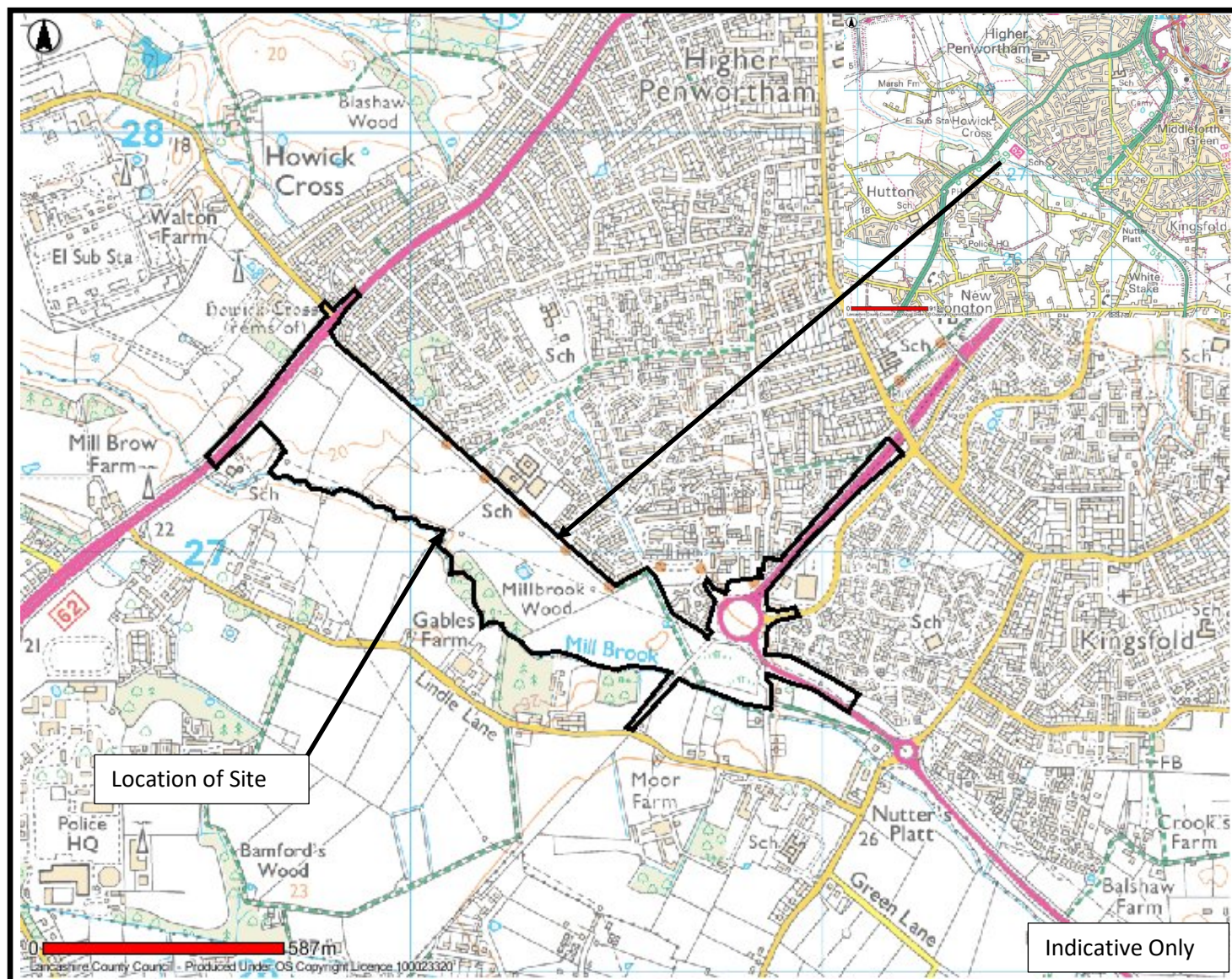
List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A

**APPLICATION LCC/2017/0001/6 COMPLIANCE WITH CONDITION 18 -
HIGHWAY MONITORING AND MANAGEMENT STRATEGY OF PERMISSION
LCC/2017/0001. FROM A582 BROAD OAK ROUNDABOUT CONNECTING TO
A59 BETWEEN HOWICK C OF E PRIMARY SCHOOL AND BLACKHURST
COTTAGES.**



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

Development Control Committee

Meeting to be held on 22nd January 2020

Electoral Division affected: Preston Rural

Preston City: application number. LCC/2019/0046NM2

Non material amendment to condition 3b of planning permission LCC/2016/0046 for the relocation of Hodder Aqueduct Diversion as part of the development of the Preston Western Distributor Road.

Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application - Non material amendment to condition 3b of planning permission LCC/2016/0046 for the relocation of Hodder Aqueduct Diversion as part of the development of the Preston Western Distributor Road.

Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

Recommendation – Summary

That the proposed non material amendment to condition 3b of the planning permission LCC/2016/0046 be approved and that the drawing labelled 'Hodder LDTM Diversion Approved Route' be replaced by drawing ref CLM01-LCC-DR-4100-1999

Applicant's Proposal

The application is for a non material amendment to planning permission ref LCC/2016/0046 relating to the development of the Preston Western Distributor Road.

Condition 3b of the permission, which lists the approved plans and drawings, refers to a plan showing the proposed alignment of the Hodder Aqueduct diversion, the realignment of which is necessary to construct the new highway.

The proposal subject of the non material amendment application is to divert the aqueduct which is in the form of a pipeline, close to the toe of the embankments forming the M55 / proposed highway instead of across land to the south east of the M55 /Preston Western Distributor Road junction as was proposed in the original planning application.

Description and Location of Site

The Preston Western Distributor Road is a proposed new highway linking with the M55 via a new junction at the northern end and running in a north - south direction to the A583 Preston to Blackpool road at its southern end. Construction of the new highway commenced in November 2019.

The route is located to the west and north west of the main urban area of Preston and generally crosses open countryside along its whole length with new junctions or structures required to link with or cross existing highways.

The proposed non material amendment relates to an area at the northern end of the route close to the junction of the M55 with the proposed new highway where an existing water supply pipeline (the Hodder Aqueduct) would require diversion in order to construct the new road. The existing and proposed highways in this area are immediately adjacent to an existing Biological Heritage Site (Bartle Wetlands BHS) which is designated for its ponds / wetland habitat.

Background

History

Planning permission for the construction of the Preston Western Distributor road was granted on 19th November 2018 (planning application ref LCC/2016/0046)

Planning Policy

National Planning Policy Framework

Paragraphs 7 – 14, 127 and 175 are relevant with regards to the definition of sustainable development, the need for good design and impacts on ecology

Central Lancashire Core Strategy

Policy 22 Biodiversity and Geodiversity

Preston City Local Plan

Policy EN10 Biodiversity and Nature Conservation

Consultations

United Utilities: - No observations received.

Advice

This application is brought before Committee as the proposal is by the Head of Service for Planning and Environment who would also have responsibility for determining the application had it been dealt with under delegated powers.

Planning permission for the construction of the Preston Western Distributor Road was granted in November 2018 with construction of the road commencing in November 2019.

At the northern end of the route close to the junction of the proposed road with the M55, the new road will require the diversion of the Hodder Aqueduct, an existing water supply pipeline feeding an underground reservoir located west of Kirkham. The existing pipeline route cuts across land to the south east of the proposed junction. This land is designated as a Biological Heritage Site due to the presence of a number of ponds and wetland areas. During the original planning application, a scheme was developed for the diversion of the aqueduct with an ecological appraisal being carried out to assess the impacts on the Biological Heritage Site and adjacent habitats. Condition 3b of the permission, which lists the approved drawings, includes reference to a plan which shows the proposed diversion route of the aqueduct. The current proposal is for a non material amendment of condition 3b to substitute a new drawing showing an amended aqueduct diversion route.

As part of the scheme, the diverted route was to be directionally drilled under the Biological Heritage Site area but with significant surface excavations required at either end to make the connections with the existing pipeline. The amended route has been proposed following further discussions between United Utilities and Costain who are the County Council's appointed contractor for the construction of the road. The amended route would involve diverting the pipeline on an alignment close to the toe of the embankments to the M55 and proposed new highways. Whilst the new pipeline would be placed in an open cut trench, this land would in any event need to be disturbed to construct the new highways. The new proposal would therefore minimise any vegetation removal beyond that required to construct the road, would avoid any direct impacts on the Biological Heritage Site and would generally minimise the impacts of the road construction scheme on the environment.

The proposed non material amendment is therefore considered acceptable and complies with the National Planning Policy Framework and the policies of the Development Plan.

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

Recommendation

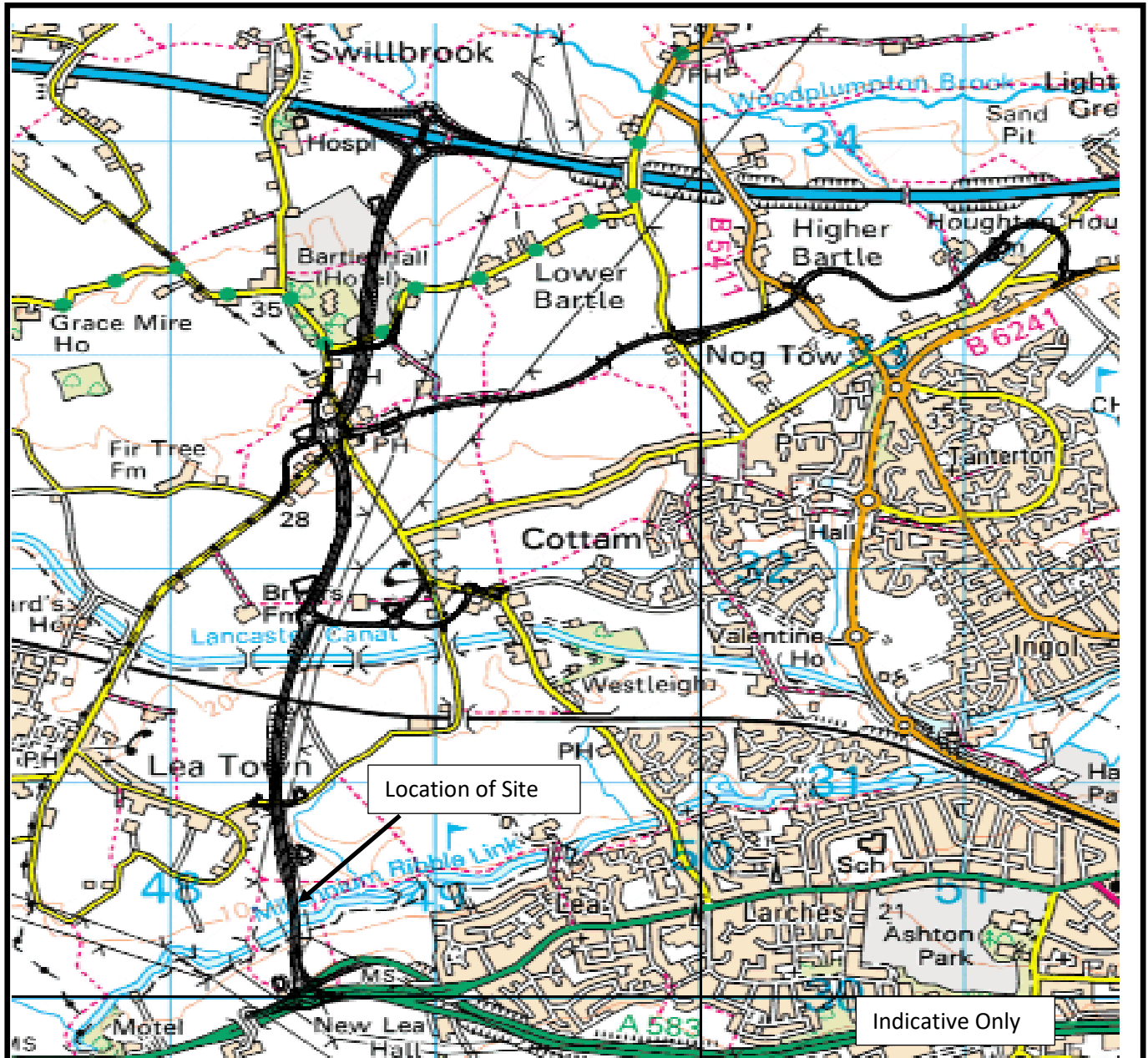
That the proposed non material amendment to condition 3b of the planning permission LCC/2016/0046 be approved and that the drawing labelled 'Hodder LDTM Diversion Approved Route' be replaced by drawing ref CLM01-LCC-DR-4100-1999

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

None

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

**APPLICATION LCC/2016/0046NM2 NON MATERIAL AMENDMENT FOR THE
RELOCATION OF HODDER AQUEDUCT DIVERSION. LAND IN LEA, COTTAM
AND BARTLE AND TO THE WEST AND NORTH OF THE EXISTING BUILT UP
AREA OF PRESTON.**



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

Development Control Committee

Meeting to be held on 22nd January 2020

Electoral Division affected: Rossendale West

Rossendale Borough: Application Number. LCC/2019/0065

Widening of the existing path to create a 3m wide cycle path and construction of a new 3m wide cycle path through woodland including replacement lighting columns and fencing to the A56 and associated works.

Land between Commerce Street and South Shore Street, Haslingden.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Widening of the existing path to create a 3m wide cycle path and construction of a new 3m wide cycle path through woodland including replacement lighting columns and fencing to the A56 and associated works.

Land between Commerce Street and South Shore Street, Haslingden.

Recommendation - Summary

That subject first to the provision of an obligation under section 106 of the Town and Country Planning Act 1990 relating to ecological mitigation, planning permission be **granted** subject to conditions controlling time limits, working programme, highway matters, fencing and lighting details and landscaping / ecology.

Applicant's Proposal

The planning application proposes the creation of an off road cycleway between Commerce Street and South Shore Street, Haslingden. The section of cycle track forming this application would measure a linear distance of approximately 480m forming part of the National Cycle Route 6 programme connecting Accrington to Ramsbottom.

The northern end of the scheme (250 metres in length) involves widening and resurfacing an existing 2.2m wide tarmac surfaced path to 3m in width. The proposed route would then continue south via a new 230 metres long and 3m wide cycle track through an existing woodland to a junction with South Shore Street.

The cycle path would be constructed from a 100mm thick stone sub base and a 40mm flexible pavement surface material made from recycled tyres and buff coloured aggregate which would be held together by a polyurethane binder. This material has been used in other areas around the county and provides a sealed surface preventing surface water and ice formation. The development would also

involve replacement of the existing timber fencing adjacent to the A56 with new 1.4m high timber fencing and replacement lighting columns adjacent to the A56.

Description and Location of Site

The site for the proposed development is an area of land between Commerce Street and South Shore Street, Haslingden. The proposed site is located approximately 350m north west of Haslingden Town Centre and is in close proximity to the A56 Haslingden by-pass which is immediately west of the proposed cycle path alignment.

The northern part of the path heading south from Commerce Street is a mostly flat existing 2.2m wide tarmac path running alongside the A56 with a stone boundary wall along its eastern side and an existing 1.4m high timber fence to the west creating a barrier to the A56. Approximately 90m from the northern boundary the existing tarmac path crosses Swinnel Brook which is in a culvert carrying the brook under the path and the adjoining A56.

The southern section of cycle path leading to South Shore Street would be located through an area of broadleaved woodland. The majority of the trees within the woodland were planted in the 1980's when the A56 was constructed. The nearest residential properties are located approximately 15m from the southern end of the cycle path on South Shore Street.

Background

There is no relevant planning history.

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 10, 91 - 95, 96 - 101, 102 -104 and 174 - 177 of the National Planning Policy Framework are relevant with regards to achieving sustainable development, promoting healthy and safe communities, open space and recreation, promoting sustainable transport, and habitats - biodiversity.

Rossendale Borough Council Core Strategy DPD

Policy 1 - General Development Locations and Principles

Policy 9 - Accessibility

Policy 17 - Rossendale's Green Infrastructure

Policy 18 - Biodiversity, Diversity and Landscape Conservation

Policy 24 - Planning Application Requirements

Rossendale Borough Emerging Local Plan

Policy ENV4 Biodiversity, geodiversity and ecological networks

Policy ENV5 Green Infrastructure Networks

Policy ENV10 Trees and hedgerows

Policy TR2 Footpaths, Cycleways and Bridleways

Consultations

Rossendale Borough Council - No observations received.

County Council Landscape Service - No observations received.

County Council Ecology Service - No objection. Precautionary pre-construction surveys for badgers and bats should be undertaken in accordance with recommendations within the ecological survey reports submitted with the application. A precautionary working method statement should be submitted for approval by Lancashire County Council prior to the commencement of any works to avoid any adverse impacts on any protected or priority species (such as badger, bats, nesting birds, reptiles) that may be encountered during the proposed works. Detailed habitat creation and enhancement proposals should also be submitted clearly demonstrating the proposals compensate for habitat losses resulting from the proposed development and should deliver overall enhancement of ecological value.

Lead Local Flood Authority - No observations received.

LCC Highways Development Control - The proposal raises no highway concerns and therefore no objection is raised to the proposal on highway grounds.

Public Rights of Way - No observations received.

Highways England - No objection.

Environment Agency - No objection. The northern end of the proposed cycle route crosses Swinnel Brook which is designated as a main river and may require an environmental permit. The southern end of the cycle path which connects the route to the end of South Shore Street also crosses an area of historic landfill. Therefore developers should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.

Natural England - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. Four objections have been received by residents on South Shore Street all raising similar concerns that the proposed cycle track would cause an increase in vehicle movements on South Shore Street as people would park their vehicles on South Shore Street and continue their journey by bike on the cycle path. Their objection states that South Shore Street is not suitable for access for this development as it is a narrow road with a dead end and the development may increase the chance of accidents with cyclists.

Other issues that are raised are as follows:

- The cycle track should be routed south west of South Shore Street along Charles Lane and Flip Road resulting in the cycle track running alongside the A56, taking it away from South Shore Street.
- A tree and rockery area planted in memory of a neighbour should be retained.
- The removal of trees to create the new cycle path would result in noise impacts from the A56 for neighbouring residents
- Concerns are raised regarding the ecology impacts of the proposed development.

Advice

The proposed development aims to create a new section of off road cycleway forming part of the National Cycle Route 6 connecting Accrington to Ramsbottom. In the Haslingden area, there is currently a gap in the off road provision for this route with the current cycle routes being along main roads or industrial estate roads. The proposal would provide a new alternative route that would be off road and traffic free where possible which would be more attractive to walk and cycle. The development aims to allow the cycle track for other activities such as a walking, horse riding, and mobility vehicles.

Policy 1 of the Rossendale Borough Council Core Strategy states the council will seek to enhance the quality and sustainability of places and development when considering planning applications by making best use of under used, vacant and derelict land. The aim of the development is to contribute to the provision of a network of sustainable travel routes and methods which would widen accessibility and capitalise on environmental, social and health benefits for local residents. The existing path is currently underused by local people and the proposed improvement works would help to improve its attractiveness for leisure and transport purposes as supported by the policy in the Rossendale Local Plan.

Four objections have been received from local residents raising concerns that the proposed cycle track would cause an increase in vehicle and cycle movements along South Shore Street and the development would increase the risk of accidents with cyclists. One of the residents has suggested that the cycle track should be re-routed so that it links with Charles Lane and Flip Road rather than South Shore Street.

The applicant conducted an extensive consultation exercise with local residents before the application was submitted. The majority of the comments raised during the consultation exercise included comments on the routing of the cycle track. A new Rossendale Local plan is in the process of being adopted, the Policies Map for which identifies the route of the whole East Lancashire cycleway. However the alignment of the path proposed in this application differs from that shown in the emerging Local Plan due to the steep gradients that would be encountered using the route proposed in the emerging local plan.

The applicant has confirmed that a number of different route options were considered to avoid connecting with South Shore Street including linking with Flip

Road and Charles Lane. However this option was discounted as the cycle path would have had to be extended by a further 280m which would have caused much greater environmental impacts with a significant amount of further vegetation being removed and engineering works being required due to the slope of the existing land levels and ground conditions in that area. The route of the cycle path is therefore considered acceptable in principle in terms of policy TR2 of the emerging Local Plan.

The material used to construct the cycle track would be a 100mm stone sub base and a 40mm flexible pavement surface material constructed from recycled tyres and buff coloured aggregated which would be held together by a polyurethane binder. This material has been used in other areas around the county which would help the surface retain its rubber element providing a sealed surface preventing surface water and ice formation. The development would also include the replacement of the existing timber fencing adjacent to the A56 with new 1.4m high timber fencing and two replacement lighting columns. A condition can be added requiring further details of the fencing and lighting columns as they would be situated next to the A56.

In relation to the concerns about highway safety, South Shore Street is a narrow residential street which is a cul de sac at its northern end where it would link with the proposed cycle path. The concerns of residents are acknowledged. However, cyclists and other road users have to negotiate the highway with due care and attention and it is not considered that there are any particular highway safety issues on South Shore Street that would make its use by increased numbers of cyclists undesirable. Lancashire County Council Highways were consulted on the application and raised no concerns with the development on highway safety grounds.

In relation to the noise issues, a substantial amount of woodland would still remain between the A56 and South Shore Street and it is not considered that the loss of a relatively small amount of woodland to create the new section of path would increase noise levels from the road. The applicant has confirmed they would relocate a tree and rockery area where South Shore Street would join with the new cycle path.

Policy 18 of the Rossendale Borough Core Strategy states that where negative effects on biodiversity, geodiversity or landscape character are unavoidable, suitable measures will be required to mitigate any negative impacts and that full compensatory provision should be made where mitigation is not possible.

The proposed development would result in 74 established trees being removed to construct the new section of cycle path and widen the existing footpath. The trees to be removed are mainly semi mature ash trees which were planted as part of the A56 construction works and there would be no impacts on trees which would be categorised as aged or veteran. The tree survey submitted as part of the application confirms that approximately 50 of the trees being removed are ash which are showing signs of ash dieback disease. Although the proposed route would minimise the amount of trees that would require removal, there would still be impacts which should be mitigated for as required by Policy 18 of the Local Plan. There is no scope within the application site to provide replacement tree planting and the adjacent woodland is owned by the Borough Council. However, there are other areas of land in the nearby vicinity that are in the ownership of the County Council and which could be used to provide new tree planting and other ecological mitigation measures to

compensate for that lost. This can be achieved through a unilateral undertaking under section 106 of the Town and Country Planning Act. A planning condition should also be imposed relating to the retention of all trees that lie outside the area necessary to construct the cycle path.

A bat survey has been submitted with the application which identifies that one tree within the site has bat roosting potential. The roosting feature was fully searched for the presence of bats and none were found. The roosting feature has been blocked by the ecologist until further pre-construction surveys can be undertaken. Habitats on the site have the potential to support nesting birds. A note should be added to any planning permission that vegetation clearance works or other works that may affect nesting birds be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. The proposed section 106 obligation in relation to habitat mitigation should also contain a requirement for replacement bird and bat nesting / roosting boxes to compensate for any loss of nesting opportunities.

A condition should also be imposed requiring the applicant to provide details of a precautionary working method statement outlining measures to be taken to avoid any adverse impacts on any protected or priority species that may be encountered during the proposed works, including details of watching briefs and procedures to be followed in the event that protected or priority species are encountered. This would have to be provided and approved prior to the commencement of the development.

In conclusion, the cycle track would improve a section of the existing national cycle network by providing an off-highway alternative to the current route and subject to conditions, is considered to accord with policies in the Rossendale Local Plan and National Planning Policy Framework.

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights

Recommendation : That subject first to the provision of an obligation under section 106 of the Town and Country Planning Act relating to ecological mitigation, 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 in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 21st November 2019.

b) Submitted Plans and documents:

Drawing No - NCR Section 7 / Planning Area Extent

Drawing No - NC6 Section 7B / Tree Reference Plan

Drawing No - CHM2MW226/NCR6/07/SBRA/001 - SBRA Surfaced Cycle Track

Drawing No - Appendix 4 / Tree Planting Replacement Trees

Drawing No - H3 / Motorway and Accommodation Works Timber Post

c) All schemes and programmes approved in accordance with this permission.

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy 1 of the Rossendale Borough Council Core Strategy.

Hours of Working

3. No construction development shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 14.00 hours on Saturday.

No construction development shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties and land users and to conform with Policy 1 of the Rossendale Borough Council Core Strategy DPD.

Highway Matters

4. No development shall commence until a construction management plan has been submitted to and approved in writing by the County Planning Authority.

The construction management plan shall contain details for the parking of construction vehicles during construction activities and for the storage of construction materials

The measures contained in the approved scheme shall be implemented at all times during the duration of construction works.

Reason: In the interests of highway safety and local amenity and to conform with Policy 9 of the Rossendale Borough Council Core Strategy.

5. Measures shall be taken at all times during construction works to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy 24 of the Rossendale Borough Council Core Strategy.

Fencing and Lighting

6. No development shall commence until a scheme and programme for the new fencing adjacent to the A56 and for the replacement of highway lighting columns has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Location, height and design of replacement lighting columns
- b) Details for replacement fencing including location and design.

The new lighting columns shall be erected and operational prior to the existing lighting columns being decommissioned.

Reason: In the interests of highway safety and to conform with Policy 17 of the Rossendale Borough Council Core Strategy.

Landscaping and Ecology

7. No trees other than those identified for removal on Drawing No - NC6 Section 7B / Tree Reference Plan and listed in Appendix 1 of the submitted Tree Survey shall be removed as part of the development. All other trees shall be retained and protected from damage throughout the duration of construction works.

Reason: To protect existing trees within or adjacent to the site in the interests of the visual amenities of the area and to conform with Policy 18 of the Rossendale Borough Council Core Strategy.

8. Prior to the commencement of the development, a scheme of habitat enhancement works shall be submitted to the County Planning Authority for approval in writing. The habitat enhancement scheme should provide details of the following:

- a) Details for replacement planting including location of the planting works and design of planting including layout of the planting works, species to be planted, numbers, sizes, types and spacings of planted, planting techniques and protection measures.

- b) Details for the erection of bat boxes and bird boxes including location and design.

The works contained in the approved scheme shall be carried out in the first planting season following the completion of the development and thereafter maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

Reason: In the interests of ecology and to conform with Policy 18 of the Rossendale Borough Council Core Strategy.

- 9. The measures listed in Sections 5.1 to 5.8 (Impacts and Recommendations) of the submitted Preliminary Roost Assessment (Bats) and Section 5 of the Protected Species Survey Report for (Badgers) shall be undertaken prior to the commencement of the development and adhered to during the full duration of construction operations to ensure that the potential for any effects on ecological interests is avoided during construction. If precautionary pre-construction surveys identify the need for a license from Natural England then works shall not proceed until any necessary license from Natural England is in place and details have been provided to the planning authority.

Reason: In the interests of ecology and to conform with Policy 18 of the Rossendale Borough Council Core Strategy DPD.

- 10. Prior to the commencement of development, a precautionary working method statement shall be submitted to and approved in writing by the County Planning Authority. The method statement shall address the following matters:

- a) Precautionary measures to be taken to avoid any adverse impacts on any protected or priority species (badger, bats, nesting birds, reptiles) that may be encountered during the proposed works, including (but not limited to) demarcation of the working area, timing of works, toolbox talks, pre-works inspections, protection of features that may be used as a place of shelter, monitoring, watching briefs and procedures to be followed in the event that protected or priority species are encountered.
- b) Proposed measures for the protection of retained trees
- c) Protection of all retained habitats including water courses.
- d) Measures to prevent the spread of invasive non-native species.

Reason: In the interests of ecology and to conform with Policy 18 of the Rossendale Borough Council Core Strategy DPD.

Notes

The applicant's attention is drawn to the observations of the Environment Agency in their letter of 12th December 2019.

No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

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

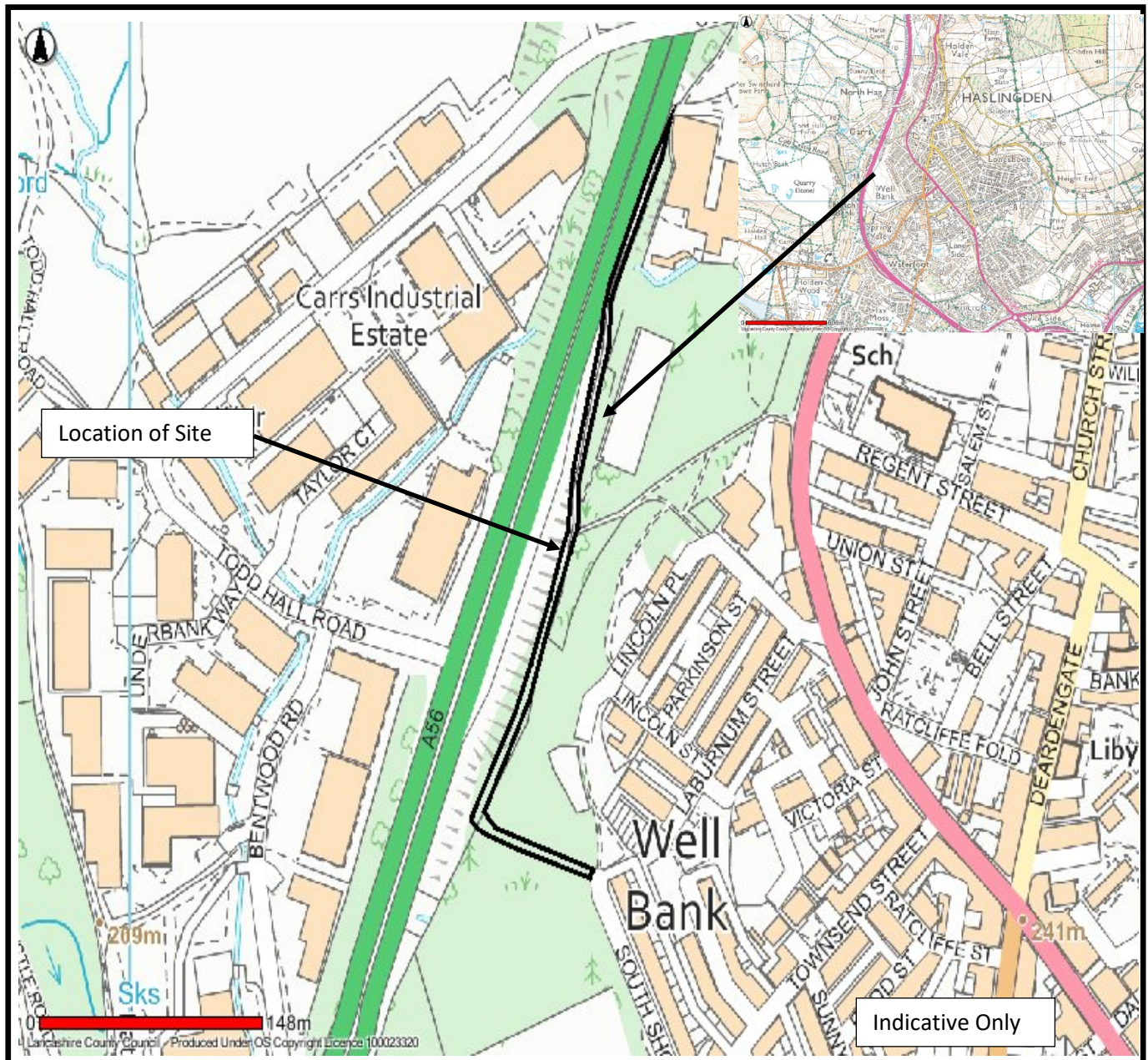
Local Government (Access to Information) Act 1985
List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2019/0065 WIDENING OF THE EXISTING PATH TO CREATE A 3M WIDE CYCLE PATH. CONSTRUCTION OF A NEW 3M WIDE CYCLE PATH THROUGH WOODLAND INCLUDING REPLACEMENT LIGHTING COLUMNS AND FENCING TO THE A56 AND ASSOCIATED WORKS. LAND BETWEEN COMMERCE STREET AND SOUTH SHORE STREET HASLINGDEN.



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

Development Control Committee

Meeting to be held on 22 January 2020

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 27 November 2019, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Preston

Application: No. LCC/2019/0056
English Martyrs Junior School, Sizer Street, Preston.
Erection of an outdoor classroom

South Ribble

Application: No. LCC/2019/0062
Moor Hey School, Far Croft, Lostock Hall
Erection of an extension to provide 3 no. classrooms, sensory room, art room, toilets, medical room and new drop off layby.

Hyndburn

Application: No. LCC/2019/0024
Land to the south of the M65 and west of Dunkenhall Way and the A679
Construction of an above ground detention tank, associated landscaping, temporary haul road, fencing and in - river channel.

Burnley

Application: No. LCC/2019/0057

Lane Bottom Waste Water Treatment Works, Walverden Lane, Lane Bottom
Retrospective application for the retention of welfare facilities and concrete hardstanding.

Pendle

Application: No. LCC/2019/0053

Barnoldswick Town Football Club, West Close Road, Barnoldswick
Encasement of existing sewer with concrete to form a raised platform with stepped seating, and a new 2.1m high paladin fence to replace existing timber fence.

Application: No. LCC/2019/0051

Barnoldswick Waste Water Treatment Works, Greenberfield Lane, Barnoldswick
Construction of a steel container to provide laboratory facilities to replace existing wooden building.

Recommendation

That the report be noted.

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

None