

Development Control Committee – 6 December 2023

Update Sheet

Item 5 – Planning application LCC/2022/0044 – Cuerden Strategic Site

Applicant's proposal

The report includes details of the proposed development including reference to full permission being sought for strategic infrastructure. For clarity it is reported here that the strategic infrastructure includes access into the site and also a water pumping station building and electrical substation compound. Drawings have previously been submitted in this respect.

The water pumping station building would be located at the northern extent of Zone C, would measure 12m x 10m x 3.5m high and would be constructed with blue/black brick, a dark grey steel door and dark grey metal louvre.

The electrical substation compound would be located in Zone A to the south-east of the M65 terminus roundabout. The compound would measure approximately 40m x 20m and would be secured by a 2.4m high paladin style perimeter security fence. The compound would contain 2 green coloured glass reinforced plastic (GRP) buildings housing electrical equipment measuring approximately 11m x 4m x 2.6m high and 8m x 7m x 2.6m high, and 2 externally mounted electrical units measuring 7m x 4m x 2.0m high each.

Additional Consultation comments

Lancashire County Council School Planning Team has been reconsulted and confirmed that no education contribution is required.

Clayton-le-Woods Parish Council – further comments have been received with objection on the grounds of intolerable increased traffic at the Lancaster Road - Wigan Road junction. They also raise the issue of detrimental ecological impact on the area for which compensation should be given to a local charity like Cuerden Valley Trust.

Representations

A further representation has been received from Brookhouse Group Ltd as neighbouring landowner in a letter dated 5 December 2023. The letter has been shared with members of Development Control Committee prior to the meeting. The letter covers matters including Lancashire County Council as the determining authority and compliance and ransom issues relating to Policy C4 of the South Ribble Local Plan.

Advice

With regards to the water pumping station building and the electrical substation compound, the development would be relatively insignificant when considered against the nature and scale of the proposed strategic site, would be of an acceptable design distant from residential properties, and would be well screened by existing and proposed strategic landscaping. Drawings regarding the pumping station and substation are already included in the recommended list of drawings condition.

The additional consultee comments and further representation from Brookhouse Group Ltd should be noted. The issues raised by Brookhouse Group insofar as they relate to material planning considerations are addressed in the report.

Masterplan/Ransom Strip update

In the officer report starting at page 45, there is commentary regarding landowner ransom issues. Brookhouse Group Ltd has requested that given the overriding requirement in Policy C4 to ensure that comprehensive development of the overall site would not be prejudiced, they expect that any possibility for ransom be removed through a s.106 planning obligation and additionally, that should permission be granted, a condition be imposed requiring that highways infrastructure for the first phase shall provide unfettered access to the remaining development phases of the Cuerden Strategic Site allocation as per an equivalent condition imposed on permission 07/2017/0211/ORM.

To provide further clarity on this matter it is emphasized here that the current application would preserve the potential for the future development of the wider strategic site. The requirement for comprehensive development does not equate with a policy obligation within Policy C4 of the South Ribble Local Plan or the Adopted Master Plan that places a requirement on the applicant, in its capacity as landowner, to grant rights over its own land. It is a voluntary act for the developer to enter into a section 106 planning obligation and cannot be imposed by the LPA. This is in addition to the conclusion in the report that a section 106 obligation in this respect would not be directly related to the development subject of the application and is unnecessary. Therefore, a section 106 obligation would fail the tests within Paragraph 57 of the National Planning Policy Framework, which states that planning obligations must only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development".

This is in addition to the conclusion in the report that a section 106 obligation in this respect would not be directly related to the development subject of the application. Therefore, a section 106 obligation would fail the tests within Paragraph 57 of the National Planning Policy Framework, which states that planning obligations must only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Highway Matters

The applicant has provided details of highway mitigation works and these have been summarised in the report. It should also be noted that highway speed reduction measures are proposed as follows:

- Stanfield Lane – speed reduction from 60mph to 30mph.
- Lostock Lane (A582) – speed reduction from 70mph to 40mph.

Recommendation

Condition amendments:

Condition 19

Replace paragraph (f) as follows to account for missing text:

(f). appropriate measures to control the emission of noise and vibration during construction in accordance with guidance set out in British Standard BS 5228: 2009 +A1 2014 Code of practice for noise and vibration control on construction and open sites.

Condition 44

'There shall be no occupation of built development within Zone A until the Initial Site Infrastructure (within that Zone) has been constructed as shown on drawing no. 21017-FRA-XX-ZZ-DR-A-9112-P19 - Parameter Plan 2: Highways and Access.

Reason: to provide access to the wider Cuerden Strategic site as set out in the Adopted Masterplan and to comply with Policy C4 of the South Ribble Local Plan.

Proposed revision as follows to account for the most recent drawing revision:

'There shall be no occupation of built development within Zone A until the Initial Site Infrastructure (within that Zone) has been constructed as shown on drawing no. 21017-FRA-XX-ZZ-DR-A-9112-**P20** - Parameter Plan 2: Highways and Access.

Reason: to provide access to the wider Cuerden Strategic site as set out in the Adopted Masterplan and to comply with Policy C4 of the South Ribble Local Plan.

Item 6 – Planning Application LCC/2022/0065 – Stanley Villa Farm

Consultations and further representations

Lead Local Flood Authority : Confirm that they have no objection to the application subject to an amended condition 9 as follows (minor change to part a) and new part e) and f):-

Notwithstanding the submitted details, no development shall commence until a surface water drainage strategy for the site has been submitted to an approved in writing by the County Planning Authority. The drainage strategy shall include details of the following:

- a) a plan showing the permeable and impermeable areas that contribute to the drainage network either directly or indirectly.
- b) the measures to be taken to attenuate surface water drainage from the site. The measures shall ensure that surface water flows from the site are limited to the greenfield rate and shall provide an appropriate allowance for climate change in accordance with national guidance. The submitted details shall include calculations to demonstrate that the attenuation measures will meet these standards
- c) details for the management of the drainage system including demonstration of why any pumping is necessary
- d) details of the outfall / discharge point to a surface watercourse.
- e) a drainage plan showing flood water exceedance routes
- f) a construction surface water management plan including measures to ensure surface water flows discharged from the site during the construction phase are restricted to the existing green field rate.

The approved drainage measures shall be constructed as part of the development and maintained in working condition at all times thereafter.

Reason : In order to regulate the discharge of water to existing water courses in the interests of flooding prevention and to comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Further representation from a resident on Back Lane : The resident comments on the proposed highway improvements and considers that the road widening should be carried out in a different location to that proposed and that the proposed SLOW markings would be ineffective. The resident says that he has met the operators of Stanley Villa Farm who are amenable to alterative suggestions.

Advice : the comments of the resident are noted. The applicant's highway improvements were put forward following a meeting with LCC Highways. However the provisions of condition 8 requires a scheme of highway measures to be submitted before commencement of development which will allow further opportunity for discussion.

Recommendation

Proposed additional condition:-

Any hedgerows that are removed to construct the gas export pipeline shall be replaced in the first planting season following the completion of the development. The replacement planting shall use the same species as those removed and the planting shall thereafter be maintained for a period of 10 years from the date of its implementation including replacement of failed planting, weed control and maintenance of protection measures.

Reason : To ensure the proper landscaping 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

Item 7 – Planning Application LCC/2021/0061 – Ream Hills Farm

Consultations and Representations

Lancashire County Council Estates: have made the following observations on the proposals in terms of the agricultural justification for the development:

- The supporting information does not consider the option of resolving the water logging experienced on this area of land using conventional methods of land drainage improvement works (replace the existing drainage infrastructure).
- The supporting information describes the purpose of landfilling to get the surface water to flow off the land which is not conventional farming practice as the soil beneath the surface will retain water rather than percolate into the field drainage network.
- There is no method statement provided to describe how the importation of inert material will be applied to the land to raise the land level. Without a method statement it is possible that inert material could be applied on the top of the existing soil surface. This would not improve the agricultural versatility of the land. If the intention is to strip the surface layer from the existing peat-based material this operation would likely damage existing field drainage infrastructure which would require replacing upon completion of the works.
- Supporting information submitted with the application is not consistent. For example the document to support the current application states that deer had to be housed for long periods, which is not considered to be good practice however the supporting information submitted with the application for the agricultural building states that the use of the building is for housing young deer not the breeding herd. Furthermore, the report supporting the agricultural building states that the reason why the applicant ceased keeping deer in February 2018 was because of the reduction in copper concentration in the soil. This is not consistent with the information supporting the current application which states the waterlogged soil increased the copper concentration which meant that deer could no longer be kept on the land.

Background

The applicant has provided the following comments in response to the officer's report:

- Fylde Council do not object to the proposals. This provides a strong argument against the officer report's assertions of conflict with two Local Plan policies, GD4 and ENV1. As Fylde Council find the applicant's proposal consistent with its up to date Local Plan there is no requirement for the applicant to demonstrate a quantitative, or market need for waste management facilities under the provisions of Paragraph 7 of the National Planning Policy for Waste (2014).
- The starting point for consideration of this application should be against the positively worded opening clause of Policy GD4 and its Part a). There are three types of circumstances within Part a) where development in the countryside will be permitted.
- The application should be permitted because it is undoubtedly for the purposes of agriculture, in line with the second clause of Part a) of Policy GD4. It is not necessary for the current application proposal to satisfy both Parts a) and d) of Policy GD4, as is contended in the officer report.
- The officer report is seeking to import stronger tests, than those incorporated in the actual wording of Part a) of Policy GD4: the phraseology in Part a) of Policy GD4 is merely 'needed for the purposes of agriculture', not 'essentially needed for the purposes of agriculture'.
- The application proposal is needed for the purposes of a continuation of agricultural use over a larger part of the year and is in accord with Policy GD4 of the currently adopted Local Plan, so that there is no justification for Reason for Refusal No. 1.
- There is no material risk that the application proposal would have unacceptable landscape and visual impacts (Reason for Refusal No. 2).
- The basis of Reason for Refusal No. 3 is totally undermined as the application is consistent with the up to date adopted Local Plan. The applicant is not required by the National Planning Policy for Waste to justify a need for landfill capacity in this area, as there is no conflict with any aspect of Policy GD4.
- The applicant has requested that the application be deferred from the December Committee in order to put together a formal reply to the consultation response from the Council's Estates officer as this was only received on the 4th December

Advice

In response to the comments of the applicant, for the reasons set out in the officer report and as advised by the Council's Estates Department it is not considered that the applicant has adequately demonstrated that the proposed development is necessary for the purposes of agriculture.

The recommendation for refusal therefore remains the same.

Item 8 - Planning Application LCC/2023/0023 – Longridge High School

Highways

The second paragraph on page 194 is updated as follows for clarity (new text in italics):

Lancashire County Council Highways have advised that one parking space per classroom is required, which can be reduced by up to 35% with a Travel Plan for accessible sites. The applicant has advised that the school presently has 45 classrooms *and 71 parking spaces. During construction 37 permanent parking spaces will be available and 34 temporary spaces.* The application proposes the provision of a further six classrooms. *The number of permanent parking spaces would revert to 71 once construction has completed.* Therefore, due to the sustainable location which is close to the town centre and public transport routes, the level of car parking proposed would meet the advised parking standards.

The applicant has also provided a construction method statement, as requested by Lancashire County Council Highways. The requested matters are addressed as follows:

i) *The parking of vehicles of site operatives and visitors.*

This is detailed on plans P2-00-DR-A-40_50_63-0006 rev. S4-P03 and LA02 rev H and in documents ref. E230030 and Construction Method Statement (received 30/11/2023). Contractor parking would be within the allocated site compound adjacent to the all weather pitch and the application site.

ii) *The loading and unloading of plant and materials.*

This is detailed in documents E230030 and the Construction Method Statement. Access and egress will be via the main school entrance and loading/unloading will take place in the car park adjacent to the all weather pitch that is going to be used as a temporary site compound. Deliveries will be scheduled to arrive on site outside of the local normal rush hour and peak school pedestrian movement and traffic periods. Just in time deliveries are proposed.

iii) *The storage of plant and materials used in constructing the development.*

This is detailed in doc E230030 and the Construction Method Statement. Materials and plant will be stored in the proposed site compound, which may include designated storage areas. Plant would be disabled outside of working hours.

iv) *Measures to control the emission of dust and dirt during construction.*

A scheme for mitigating dust and dirt is set out in the Construction Method Statement. An on site wheel wash facility is proposed. The school access road would be regularly swept and cleaned.

v) *A scheme for recycling/disposing of waste resulting from clearance and construction works.*

The Construction Method Statement sets out that an area will be allocated within the site compound for waste skips and that waste will be segregated and removed in line with a project specific waste management plan.

vi) *Details of working hours.*

The Construction Method Statement states that working hours will be 08.00 - 18.00 Monday to Friday; and 08.00 - 13.00 on Saturdays, with no working on Sundays or Bank Holidays.

vii) *Timing of deliveries.*

The Construction Method Statement states that delivery periods will be limited to 7AM – 8AM & 9:30AM – 2:30PM.

viii) *Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.*

Document E230030 details that a banksman and safety signage will be used.

Lancashire County Council Highways have confirmed that these details are all considered to be acceptable. The proposed delivery times differ slightly to those recommended by condition 8: it is proposed that deliveries take place from 07:00 rather than 07:30. Whilst there are a number of residential properties in proximity to the site entrance and the application site as set out in the main body of the report, it is considered that given the busy nature of the road, and the distance of the construction site from residential properties, the benefits of having deliveries outside of the school arrival times outweighs any loss of amenity that may arise for neighbouring residents as a result of earlier deliveries.

Design and appearance

Since the committee report has been published the applicant has provided revised plans of the elevations. The fire strategy for the building necessitates the omission of two windows from the south elevation. These changes are considered to be acceptable and do not materially alter the proposals.

The applicant has provided details of the proposed building materials as follows:

- Brick - Windmill Orange Mixture RG1889 by RGB North West
- External Windows and door frames, roof fascia, soffits and rainwater pipes in PPC aluminium RAL 5011
- Hyperion cladding Sentinel colour Walnut, by Envirobuild
- Roof - Pantile 2000 colour Mid Grey by Britmet

The proposed materials are considered to be in keeping with the existing school buildings and other built development in the local area.

The applicant has also provided drawing ref. LA08 rev. A which details the proposed reinstatement of the temporary car park. It is proposed to reinstate the car park back to mown grass, as it is at present. The temporary surface would be gravel. These details are considered to be acceptable.

Recommendation:

That condition 2 is amended as follows:

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

a) The Planning Application and supporting statement received by the County Planning Authority on 6 July 2023

b) Submitted Plans and documents:

Design and Access Statement received 30th November 2023

Arboricultural Assessment received 6th July 2023

Ecological appraisal received 6th July 2023

School Travel Plan 6th July 2023

Document ref. E230030 received 20th November 2023

Construction Method Statement received 30th November 2023

Drawing No. P2-00-DR-A-40_50_63-0001 Rev. S4-P01 Site Plan - Location (received 20th November 2023)

Drawing No. P2-00-DR-A-40_50_63-0002 Rev. S4-P03 Site Plan - Existing (received 30th October 2023)

Drawing No. P2-ZZ-DR-A-40_50_63-0004 Rev. S4-P05 Plans - Proposed (received 30th November 2023)

Drawing No. P2-ZZ-DR-A-40_50_63-0005 Rev. S4-5 Elevations - Proposed (received 30th November 2023)

Drawing No. P2-00-DR-A-40_50_63-0006 Rev. S4-P03 Site Plan Masterplan – Proposed (received 30th October 2023)

Drawing No. LA02 Rev H General Arrangement Plan (received 30th October 2023)

Drawing No. LA07 Section - Showing new teaching block and surrounding buildings (received 30th October 2023)

Drawing No. LA08 Rev A Temporary car park and reinstatement (received 30th November 2023)

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy DMG1 of the Ribble Valley Local Plan

That condition 4 is amended as follows:

The external elevations of the building hereby approved shall be constructed from the following materials::

- Brick - Windmill Orange Mixture RG1889 by RGB North West
- External Windows and door frames, roof fascia, soffits and rainwater pipes in PPC aluminium RAL 5011

- Hyperion cladding Sentinel colour Walnut, by Envirobuild
- Roof - Pantile 2000 colour Mid Grey by Britmet

Reason: To protect the visual amenities of the area and to conform with policy DMG1 Ribble Valley Core Strategy.

That condition 5 is amended as follows:

The construction operations shall take place in accordance with the approved Construction Method Statement (received 30th November 2023) and document E230030 (received 29th November 2023) throughout the construction period.

Reason: In the interests of highway safety and in accordance with policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

That condition 6 is amended as follows:

Within two months of the occupation of the building hereby permitted the proposed temporary car parking area shall be restored in accordance with plan ref. LA08 rev. A received 30th November 2023.

Reason: In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to conform with Policy DM12 and DMG3 of the Ribble Valley Core Strategy.

That condition 8 is amended as follows:

No construction development, delivery or removal of materials shall take place outside the hours of:

07:00 to 18:00 hours Monday to Friday (except Public Holidays)

08:00 to 18:00 hours on Saturday.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies DMG1 DMG3 of the Ribble Valley Core Strategy.