

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 17th July, 2013 at 10.00 am in The Diamond Jubilee Room (Formerly Cabinet Room 'B') - County Hall, Preston

Present:

County Councillor Kevin Ellard (Chair)

County Councillors

T Aldridge	M Johnstone
P Buckley	A Jones
C Crompton	P Rigby
M Dad	K Sedgewick
M Green	R Shewan
P Hayhurst	B Yates
D Howarth	

1. Apologies for absence

None notified

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

3. Minutes of the last meeting held on 5 June 2013

That the Minutes of the meeting held on 5 June 2013 be confirmed and signed by the Chair.

4. Rossendale Borough: Application 14/13/0239 Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup

A report was presented on an application for an extension to a building at a waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

The report included the views of Rossendale Borough Council, the County Council's Assistant Director (Highways), the Environment Agency and details of 36 letters of representation received including one from County Councillor Jackie Oakes.

The committee visited the site on the 15 July 2013.

The case officer, Catherine Lewis, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the building and the proposed elevations together with photographs of the site and surrounding residential streets.

It was reported that a further 4 letters of representation had been received. Three of these made further reference to an infestation of flies affecting the adjacent residential properties on Brandwood Park; the fourth raised concerns about health issues.

The committee was advised that the matters raised were addressed in the report and had been referred to the Environment Agency as permitting authority.

It was also reported that a presentation by four local residents objecting to the proposals was received on Monday 15th July 2013. The issues raised were summarised as follows:

- 36 letters of objection had been received relating to the application.
- Residents were extremely concerned that the extension would not improve the current operations of the site that were intolerable for the local residents.
- Slides and video clips of the site and the issues that affected the residents in terms of noise and dust were displayed.
- House bound residents who lived a few yards from Waterbarn Mill were affected by vermin - a rat in the garage, dead mice in the loft and plagued by flies. A container of collected dead flies was circulated. All windows and doors had to be kept shut due to contaminated air, and issues of dust causing health and stress concerns necessitating visits to the doctors.
- Rossendale Council were sympathetic to the residents' concerns; LCC were requested to adopt a similar approach.
- The proposed extension would have a negative impact on the amenities of residential property.
- The applicant advertises that they are experts in managing asbestos waste leading to concerns of health and safety.
- Search lights impact upon the rear of residential properties.
- The residents experience smells and rats and are plagued by flies due to household waste being piled too high.
- There had been issues of horse manure and that a Planning Contravention Notice had been served by county council.
- The application if approved would mean that the rubbish dump would expand and that there would be unacceptable levels of noise from the machinery.
- The existing tree planting/screening belt located to the rear of 9 Brandwood Park would not help to mitigate against the impact of the extension.
- The residents were subject to vibrations from the operations associated with the waste transfer station which caused lack of sleep and cracks were starting to appear in the nearest houses.

- Questions were raised about the purpose of the screen wall and that operations would continue out of doors irrespective of the extension being built.
- In 2004 LCC concluded that the buildings on the site and the site itself were unsuitable for their own proposed waste management operations.
- The application should be refused as the building was of a poor design with no acoustic measures incorporated into the design.
- The extension would bring the building closer to residents; the County Council has a statutory duty to protect the amenity of residents.
- A 25% increase in building size would not accommodate a 50% expansion of this business.
- The building extension was not necessary as it was not a waste storage facility.
- The extension would result in further loss of amenity to residents and would not achieve the objective to process all waste within the building.
- Conditions should not be applied if they are not enforced. Conditions cannot and will not be enforced.
- The proposed wall was of a poor design, had no acoustic properties and would be lower than the large skips and machinery. It would channel noise to the other part of the site.
- Planning Policy 10 states that waste management facilities should be well designed and that poor design is undesirable.
- The application would not improve the issues associated with dust, vibrations, smell and flies.
- The application should be refused in order to protect residents.

It was confirmed the photographs circulated at the presentation had been taken from the old railway track which would form part of the Valley Way located to the rear of Waterbarn Mill site and the video clip of the noise had been recorded at 13 Brandwood Park.

During and after the presentations, photographs, a leaflet and a CD were presented to the committee.

The committee was advised that the issues raised in the further letters of representation and at the presentation were addressed in the report.

The committee was advised that the recommendation summary should be amended to exclude reference to 'dust' and that conditions 4 and 10 should be amended as follows, with the reasons to remain unchanged:

4. No development involving the construction of the extension to the building or construction of the screen wall shall commence until a scheme and programme detailing the location, design, materials to be used, height and colour of the screen wall have been submitted to and approved in writing by the County Planning Authority. The wall shall be erected in accordance with the approved details prior to the extension hereby approved being brought into use.

10. No skips, waste or recycled materials or skips containing waste recycled materials shall be stored outside the building shown on drawing entitled Waste Transfer Station - proposed working arrangements Rev A received 28 June 2013.

The following additional conditions were proposed:

'The area identified for skip storage within the extension to the building hereby approved and shown on drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A received 28 June 2013' shall only be used for skip storage and for no other waste management or recycling operations or activities.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy 2 of the Lancashire Minerals and Waste Local Plan. '

No development involving the construction of the extension hereby approved shall commence until details of noise attenuative materials to be incorporated in the design of the building have been submitted to and approved in writing by the County Planning Authority. The attenuative materials shall ensure that the rating level of the noise emitted from the extension to the waste transfer station building shall not exceed the existing background noise level by more than 5Db. The noise levels shall be determined at Brandwood Park adjacent to house numbers 9 and 10 (NGR: 845 216). The measurements and assessments shall be made according to BS 4121 1997.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy 2 of the Lancashire Minerals and Waste Local Plan. '

Mr I Swingewood, a local resident, Rossendale Borough Councillor C Lamb and County Councillor J Oakes addressed the committee. They reiterated several of the concerns summarised in the report and raised at the presentations on the 15 July. Councillor Lamb also maintained that the application was contrary to Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan due to the unacceptable adverse impacts on local residents and the environment in terms of noise, dust and vibration. Concerns were also raised with regard to the type of waste being stored on the site and that the site was being used for the storage of waste rather than as a waste transfer station. The committee was urged to listen to the concerns of the residents and Rossendale Borough Council and refuse the application.

Mr C Jones, the applicant, addressed the committee. Mr Jones acknowledged that he was in breach of planning controls but claimed they were only minor breaches. He informed the committee that the proposed development would ensure waste transfer operations would take place inside and would therefore assist in mitigating the impact of those activities currently carried out outside the

existing building. He also claimed that the proposed development would be of benefit to all concerned.

During lengthy debate, the Committee raised concerns in respect of:

- The design and condition of the current building;
- The design of the proposed extension;
- The noise, dust and odours associated with the site;
- The accumulation of waste materials on the site;
- The breaches of planning control on the site; and
- Compliance with the European Union Waste Directive.

Following further discussions, it was Moved and Seconded that;

'The application be deferred to allow further consideration and discussions with the applicant regarding an amended building design to address potential impacts associated with the use of such on nearby residential properties'.

On being put to the vote the Motion was Carried whereupon it was:

Resolved:- The application be deferred to allow further consideration and discussions with the applicant regarding an amended building design to address potential impacts associated with the use of such on nearby residential properties.

**5. Lancaster City: Application ref 01/13/0608
Re-grading of part of the River Lune Cycle Way to allow a temporary diversion of the cycle path during construction of the Heysham to M6 Link Road. River Lune Cycleway, Lancaster**

A report was presented on an application for the re-grading of part of the River Lune Cycle Way to allow a temporary diversion of the cycle path during construction of the Heysham to M6 Link Road.

The report included the views of the Environment Agency. The committee noted that no letters of representation had been received.

The Group Head, Development Management, presented a PowerPoint presentation showing the location of the site.

The Group Head reported orally that Lancaster City Council had raised no objection to the proposal subject to a condition being imposed relating to the existing cycle way being reinstated within six months of the diversion being no longer required. It should be noted that the existing cycle way had flooded in the past and which had caused wash out of the base of the path.

It was also reported that the County Council's Assistant Director (Highways) had also raised no objection.

The committee was advised that Condition 5 required the reinstatement of the cycleway once construction of the Lune West Bridge was completed. The problem of flooding and wash out had been referred to the applicant.

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

**6. Preston City: Application 06/13/0355
Proposed trim trail with six pieces of play equipment at Harris
Primary School, Wychnor, Fulwood, Preston**

A report was presented on an application for a proposed trim trail with six pieces of play equipment at Harris Primary School, Wychnor, Fulwood, Preston.

The report included the views of Sport England and details of one letter of representation received.

The case officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed play equipment and a photograph of the site.

It was reported orally that a further letter of representation had been received objecting to the proposal for the following summarised reasons:

- This location had been chosen rather than an alternative location closer to the school hall due to noise impact on school activities. Therefore there was concern about the impact of noise given the proposed location upon residential amenity as both the occupiers worked from home.
- The route of the trail would run only a few feet from the kitchen window and as such the development would invade resident's privacy.
- The existing trees were deciduous and the impact upon residential amenity would be more significant in the winter.
- The equipment would lead to unwanted use out of hours and would result in antisocial behaviour.
- There would be an encroachment of the trees and bushes that currently screen the residential properties.
- There had been no impact study on drainage and water runoff and the trail location and construction posed a risk to the properties
- The equipment was not essential to staged pupil learning.
- The development presented a noise and behaviour risk and would have a significant privacy impact.

The committee was advised that most of these issues were addressed in the report. Given the nature of the proposed ground surface materials it was

considered there was no requirement for an impact study on drainage and water run-off or that the trail location and construction posed a risk to the properties.

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

**7. South Ribble Borough: Application ref 07/12/0454/1
Scheme and programme to comply with condition 2 of permission
07/12/0454 (barriers and fencing). Preston to Bamber Bridge
Greenway, Leyland Road, Lower Penwortham, Preston**

A report was presented on an application for a scheme and programme to comply with condition 2 of permission 07/12/0454 (barriers and fencing). Preston to Bamber Bridge Greenway, Leyland Road, Lower Penwortham, Preston

The Group Head presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed barriers and fencing.

Resolved: That the scheme and programme of details submitted pursuant to condition 2 of planning permission 7/12/0454 be approved.

**8. Planning Applications determined by the Executive Director for
Environment in accordance with the County Council's Scheme of
Delegation.**

It was reported that since the last meeting of the Development Control Committee on 5 June 2013, ten planning applications had been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation:

Resolved: That the report be noted.

9. Urgent Business

There were no items of urgent business.

10. Date of Next Meeting

It was noted that the next meeting of the committee would be held on Wednesday 4 September 2013 at 10.00 a.m. in Cabinet Room B at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston