

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 4th September, 2013 at 10.00 am in The Diamond Jubilee Room (Formerly Cabinet Room 'B') - County Hall, Preston**

#### **Present:**

#### **County Councillors**

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

County Councillors C Henig and D Stansfield replaced County Councillors K Ellard and P Rigby on the committee respectively.

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

None received.

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

County Councillor C Crompton declared a non pecuniary interest in agenda Item 10 as a member of Preston City Council.

County Councillor P Buckley declared a non pecuniary interest in agenda item 5 as his wife is a member of Fylde Borough Council.

#### **3. Minutes of the last meeting held on 17 July 2013**

At their meeting held on the 5 June 2013, the committee had considered application 01/13/0020 relating to a single storey extension to the existing building and external works consisting of play areas and landscaping and a new pedestrian access at Great Wood Primary School, Beaufort Road, Morecambe.

The committee resolved that planning permission be granted and that:

- i) The school be requested to give further consideration to an increase in parking provision.
- ii) The assistant director (highways) be requested to carry out further investigations in respect of the former lay-by to the front of the school on Beaufort Road.
- iii) The outcome of further investigations in respect of i) and ii) above, be reported to the next meeting of the committee.

The committee was informed that the school had advised that the budget for the scheme was constrained and the priority was to direct resources to maximise the educational provision for the children, rather than providing parking. It was felt that additional parking would also reduce the amount of play area for the children possibly leading to the Department of Education and Sport England objecting to any loss of sporting/recreational space to hard standing areas.

The committee was also informed that the assistant director had carried out further investigations in respect of the former lay-by and was strongly of the view that the lay-by should not be reinstated. It was considered that the extra parking provision would be insignificant and would compromise pedestrian safety.

**Resolved:** That the developments in respect of application 01/13/0020 be noted and that the Minutes of the meeting held on 17 July be agreed and signed by the Chair.

**4. Lancaster City: Application ref 01/13/0700  
Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth**

A report was presented on the variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030 at Back Lane Quarry, Nether Kellet, Carnforth.

The report included the views of the County Council's Assistant Director (Highways) and Specialist advisor (Ecology).

The committee noted that no letters of representation had been received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential property. The committee was also shown photographs of the office building and the view of the building taken from the nearest residential property.

**Resolved:** That subject to the applicant first entering into a Section 106 agreement restricting the occupation of the building to the operator of the adjacent limestone quarry, planning permission be **granted** subject to the conditions set out in the report to the committee.

**5. Fylde Borough: Application ref 05/13/0431  
Change of use from general industrial unit (Class B2) to metal recycling site. Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.**

A report was presented on an application for the change of use from general industrial unit (Class B2) to metal recycling site at Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.

The report included the views of the County Council's Assistant Director (Highways), the Environment Agency and details of four letters of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site and the access road.

Following concerns raised by the Members with regard to the noise attenuation measures at the site and the proximity of the nearest residential properties, it was Moved and Seconded that:

"The application be deferred to allow the committee to visit the site prior to determining the application".

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

**Resolved:** That the application be deferred to allow the committee to visit the site prior to determining the application.

**6. Rossendale Borough: Application 14/13/0239  
Extension to building at waste transfer station and erection of a screen wall, 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 committee was reminded that at their last meeting they had resolved to defer the application to allow the applicant to redesign the building in a way that would attenuate noise and provide dust suppression.

The report included details of a presentation made by four residents to the committee on the 15 July 2013 and details of four presentations made at the meeting on the 17 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 orally that the views of Rossendale Borough Council had been received. They advised that the revised noise assessment had been briefly reviewed. Initial observations in the time available, were that the report contained a number of omissions and inconsistencies in relation to the data provided. Accordingly, the Council's position of referencing noise as one of the concerns leading to objection remained the same as that set out in their representations of 20<sup>th</sup> June 2013.

The committee was informed that an independent assessment of the noise report submitted by the applicant had been sought by the County Council and which advised:

*'The measurements taken at 9 Brandwood Park are fairly consistent with those that we obtained earlier this year. There is an error in Table 2 under para 2.4 - For location 5b the Lmax noise levels have been entered in the column that should show LAeq.*

*I consider the report reasonable in its findings and conclusions.*

*I would take issue slightly with the conclusion (4th bullet point under para 5.1) that the Rating Level [in relation to 9 Brandwood Park] is "comfortably below the recommended noise limit of 45dBLAeq, 1 hour", when in fact it is only 1dB below.*

*However, if the recommended noise limits are applied and complied with these should adequately protect the nearest sensitive receptors'.*

Inconsistencies in the report had been identified by Rossendale Borough Council's Environmental Health Officer and the County Council's own specialist advisor. However, it was considered that in the main, the report was reasonable in its findings and conclusions and that should the inconsistencies be addressed, they would not alter the overall conclusion.

A further representation had been received maintaining that the site was co-owned, that the applicant was not the sole owner of the site and should therefore have completed Certificate B rather than Certificate A and served formal notice of his intent to submit an application on the co-owner before the submission of the application.

The applicant had subsequently confirmed that the site was co-owned but the co-owner had left him to deal with all operations on site and so he did not think it was necessary to make reference to the co-owner in connection with the application. The co-owner had confirmed he was aware of the application and that he had no objection to it.

The committee noted that as the applicant did not serve the correct ownership certificate there had been a breach of the statutory requirements and s.327A of the Town and County Planning Act 1990 provides that a local planning authority should not entertain an application where there has been a breach of the requirements.

However, if planning permission were to be granted notwithstanding this breach, the permission would still be valid unless set aside by the High Court on review. In a case in 2012, (**Queen on the Application of O'Brien v West Lancashire Borough Council**), the High Court declined to set aside a planning permission in similar circumstances for the following reasons:

1. There was no evidence of bad faith and no intention to deceive;
2. Those challenging the permission were not owners of the land;
3. Those who had been directly affected by the breach (the other land owners) had made it clear they did not consider themselves as prejudiced because they never intended to make representations in relation to the grant of permission; and
4. The adjoining landowners were aware of the application and had made representations.

The committee was advised that all the above reasons applied here and it was clear that no prejudice had been caused to the co-owner of the land or to those third parties now objecting to the application. In the circumstances it was considered that should planning permission be granted any challenge on this point would fail and the permission would be allowed to stand.

The case officer reported that it was proposed to amend Condition 3 'Working programme' by substituting:

'Drawing entitled Waste Transfer Station-proposed elevations-North rev A received 3 July 2013.'

With

'Drawing entitled Waste Transfer Station-proposed elevations-North rev B received 3 July 2013.'

Following debate and concerns raised by the members with regard to the breach of the statutory requirements, it was Moved and Seconded that:

"The application be declared invalid due to the submission of an incorrect certificate declaring ownership".

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

**Resolved:** That the application be declared invalid due to the submission of an incorrect certificate declaring ownership.

**7. Ribble Valley Borough: Application 03/12/1059  
Demolition of part of the school buildings and construction of a 2/3 storey building, external walkway, glazed link roof, remodelled caretaker building, and reconfiguration of parking and external play areas at Bowland High School, Sawley Road, Grindleton**

A report was presented on an application for the demolition of part of the school buildings and construction of a 2/3 storey building, external walkway, glazed link roof, remodelled caretaker building, and reconfiguration of parking and external play areas at Bowland High School, Sawley Road, Grindleton.

The report included the views of Ribble Valley Borough Council, the County Council's Assistant Director (Highways), the Environment Agency, Natural England and details of two letters of representation received.

The Group Head, Development Management 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 site layout and the proposed elevations together with photographs of the existing buildings including those to be demolished or remodelled.

The Group Head reported orally that condition 6 of the planning permission required details of a construction method statement to be submitted for approval.

It was also reported that the applicant had now provided sufficient detail that was considered to be acceptable. It was therefore proposed to amend condition 2 to the planning permission as follows (reason to remain unchanged), delete condition 6 and renumber all subsequent conditions accordingly:

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

a) The Planning Application received by the Director of Transport and Environment on 22 November 2012.

b) Submitted plans and documents:

Drawing No:

L (00) 03 Rev 6 Proposed Site Plan

L (2-) 03 Rev 09 Proposed Elevations Sheet 1 of 2

L (1-) 03, rev 12 Proposed Lower Ground Floor Plan

L (1-) 04 Rev 13 Proposed Upper Ground Floor Plan

L (1-) 05 Rev 13 Proposed First Floor Plan

L (1-) 06 Rev 02 Proposed Roof Plan

L (1-) 11 Rev 03 Proposed Caretaker Building Plans and Elevations

L (00) 15 Proposed Landscaping Layout

4054-E10 Rev A Proposed External Lighting & Elevations Layout

Material Examples sheet, Ref: 4266, version 1.02, dated  
22.08.2013  
L (00)04, rev T3 – Contractors Compound  
Construction Method Statement, dated August 2013.

Mr P Tunstall, the agent for the applicant addressed the committee. He explained that the development was required to provide suitable facilities for the pupils at the school particularly in respect of Information Technology. A visual impact assessment had been undertaken to help inform the design of the development and mitigation measures were proposed following a bat survey. In order to address objections it was proposed to replace any trees lost during the construction phase of the development and reconfigure the car park to allow for an overall increase in the provision at the site.

Officers responded to questions from the members in respect of the installation of fire sprinklers, the building materials to be used, the external lighting proposed and the hours of construction. In respect of the latter it was agreed that Condition 4 to the planning permission be amended as follows:

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

0730 to 1800 hours Monday to Friday (except Public Holidays),  
0900 to 1300 hours on Saturday (except Public Holidays).

No demolition work, 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 Policy G1 of the Ribble Valley Local Plan.*

**Resolved:** That planning permission be **granted** subject to the conditions set out in the report to the committee with amendments to Conditions 2 and 4 as set above, the deletion of condition 6 and the renumbering of all subsequent conditions.

8. **Ribble Valley Borough: Application No. 03/13/0650**  
**Single storey detached building to provide sixth form teaching accommodation, associated landscaping and the provision of 11 additional car parking spaces to provide a total of 60 parking spaces. Hillside Special School, Ribchester Road (B6245), Hothersall.**

A report was presented on a single storey detached building to provide sixth form teaching accommodation, associated landscaping and the provision of 11 additional car parking spaces to provide a total of 60 parking spaces at Hillside Special School, Ribchester Road (B6245), Hothersall.

The report included the views of Ribble Valley Borough Council, Hothersall Parish Council, the County Council's Specialist Advisor (Ecology) and details of eleven letters of representation received.

The Deputy Group Head, Development Management 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 layout and elevations together with photographs of the proposed site.

The Deputy Group Head reported orally that the views of the County Council's Assistant Director (Highways) had been received. He felt that it was clear from the objections received that there was/had been an issue with taxis waiting to access the site. When the site was visited with the developer there were no taxis waiting on the highway (but this may not have been a representative observation as the gates were in the open position due to maintenance work). It was felt that the school head and the travel care provider would need to address any problems. It was noted the number of taxis has been reduced from 40 to 21 as more pupils share taxis and there was a commitment to pursue the introduction of a travel plan. With this in mind, no objection to the proposal was raised but it was suggested that a travel plan be submitted prior to the occupation of the new building and that the travel plan should include provision for regular liaison and a channel of communication with the Parish Council to ensure that the arrival and departure of the taxis did not give cause for concern.

It was reported that a letter of representation had been received from County Councillor David Smith. He felt that the 11 proposed car parking spaces would not alleviate the 'stacking taxi' problem on the main (Ribchester) Road, at least while the main school gate remained locked at critical times. He also felt that the application should only be approved with a traffic management plan that took taxis off the main road before 9am and before the end of the school day.

A further 3 letters of representation had been received from local residents objecting to the proposal for the following summarised reasons:

- The number of taxis waiting on Ribchester Road would increase and so pose an even greater danger to pedestrians, cyclists, neighbours, local residents and motor vehicle users on a road approaching the school where the national speed limit (60mph) applies.
- There had already been a number of incidents on the stretch of road in question including two pedestrian fatalities in the last 16 years. Consequently, the road surface was improved with raised red road humps at the junction and on the approach roads immediately outside Hillside. However, there was still on average one vehicle collision every couple of months and daily near misses mainly due to speeding. A real danger included cars ramming into the back of vehicles as they wait to pull into their own residential driveways. The large number of taxis that consistently wait on the road for up to 20 minutes before the gates open only amplified the situation.



- The problem had escalated since electric gates were installed at the entrance to the school access and the school refused to open them until 9am and 3pm.

It was suggested that a double, vehicle width holding bay should be created outside of the school gates by either moving the gates further down the existing long driveway or creating a long holding bay the full width of the school grounds on the approach to the school from the east (south side of Ribchester Road). There was ample room within the school grounds and along the frontage to implement either of these options. Another possible solution would be to build a small road across fields via Higher College Farm.

The committee was advised that the issues raised were addressed in the report. With regards to condition 7, it was noted that the travel plan would need to be reviewed when the new staff were present. It was felt it would be inappropriate to require the travel plan to be prepared prior to the occupation of the building. It was therefore proposed to amend condition 7 as follows to exclude part e) and for that to be the subject of a new condition. It is not proposed to make it a requirement for dialogue with the Parish Council.

7. With 6 months of the new sixth form building hereby approved being brought into use a revised Travel Plan for the whole of the school including the new sixth form, as defined by this permission, shall be submitted to the Director of Transport and Environment for approval in writing.

The Travel Plan shall include:

- a) A brief description of the whole school including the sixth form building, their location and a summary of the particular transport and road safety issues at the site including the transport of all pupils by private vehicle, taxi or bus.
- b) Evidence and results of consultation with staff and other interested parties.
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff and other visitors including the transport of all pupils by private vehicle, taxi or bus.
- d) A summary of the site's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction.
- e) Proposals for monitoring progress of the Travel Plan including a timetable for its implementation and review.

The revised Travel Plan shall be implemented in full within one month from the date of approval and within one month of any subsequent review for the purposes of (e) above.

*Reason: In the interests of highway safety and to conform with Policy G1 of the Ribble Valley Local Plan.*

Additional condition:

Prior to the commencement of development, details of the times the school gates are to be open before school starts and finishes to accommodate drop off and pick up times shall be submitted to the Director of Transport and Environment for approval in writing. The gates shall remain open during the approved times for drop off and pick up times every day the school is open to pupils to ensure that taxis and buses can access the grounds and wait to drop off and pick up pupils without the need to wait on Ribchester Road within 200 metres of the school gates and provision shall be made within the school grounds to ensure taxis and buses waiting to drop pupils off and pick pupils up do not wait on Ribchester Road within 200 metres of the school gates.

*Reason: In the interests of highway safety and to conform with Policy G1 of the Ribble Valley Local Plan.*

County Councillor David Smith, the local member for the area, addressed the committee. He reiterated the concerns set out in his letter of representation above in relation to the parking situation on the access road to the school and called for more realism and rigour when addressing this issue.

In response to concerns raised, the committee agreed that Condition 7 to the planning permission be further amended to allow for the Travel Plan to be implemented within 2 months of the new sixth form building being brought into use.

**Resolved:** That planning permission be **granted** subject to the conditions set out in the report to the committee with the amendments to Condition 7 and the inclusion of the additional condition as set out above.

**9. Preston City: Application ref 06/13/0517  
Construction of a three storey youth zone building including outdoor sports provision with floodlighting and a 4m high ball stop fence, external storage facilities and construction of a new highway to facilitate access. Bow Lane, Preston.**

A report was presented on an application for the construction of a three storey youth zone building including outdoor sports provision with floodlighting and a 4m high ball stop fence, external storage facilities and construction of a new highway to facilitate access on Bow Lane, Preston.

It was noted that although the site was located relatively near to the city centre, it was located close to a number of residential properties. The committee was

advised that along with issues of design and landscaping, the other main issues to consider would include the likely impacts on residential amenity, access to public transport routes and potential loss of car parking associated with the County Hall complex. Given the nature, scale and location of the proposal and the issues it had raised in terms of visual and physical impact and location, it was recommended that a site visit be carried out prior to the determination of the application.

**Resolved:** That the Development Control Committee visits the site prior to determining the application.

- 10. Preston City: Applications 6/13/0527 and 6/13/0528  
Renewal of Planning Permission 6/06/0589 for Construction of the Broughton Bypass and improvements to existing highways.  
(Application 6/13/0528)  
Renewal of Planning permission 6/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by Broughton Bypass including bat roost, bat box and ponds. (Application 6/13/0527). Land at Broughton, Preston.**

A report was presented on the renewal of planning permission 6/06/0589 for the construction of the Broughton Bypass and improvements to existing highways (ref 6/13/0528) and the renewal of planning permission 6/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by Broughton Bypass including bat roost, bat box and ponds(ref 6/13/0527) on land at Broughton, Preston.

The committee noted that the planning application had generated a number of representations objecting to the proposal. Given the scale and nature of the proposal and level of public interest, the Committee was recommended to visit the site before determining the applications.

**Resolved:** That the Development Control Committee visits the site of the proposed by pass and associated ecological mitigation area before determining the applications.

- 11. South Ribble Borough Council 07/13/0469  
Formation of a pedestrian access gate within the existing fence  
Leyland Learning Centre, Redwood Avenue, Leyland.**

A report was presented on an application for the formation of a pedestrian access gate within the existing fence at Leyland Learning Centre, Redwood Avenue, Leyland.

The report included the details of one letter of representation received.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a photograph of the location of the proposed gate.

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

**12. 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 17 July 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.

**13. Urgent Business**

There were no items of urgent business.

**14. Date of Next Meeting**

It was noted that the next meeting of the committee would be held on Wednesday 16 October 2013 at 10.00 a.m. in Cabinet Room B at County Hall, Preston.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston