

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 9th April, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Kevin Ellard (Chair)

#### **County Councillors**

T Aldridge	D Howarth
P Buckley	A Jones
M Dad	N Penney
M Green	P Rigby
P Hayhurst	K Sedgewick
C Henig	R Shewan
S Holgate	B Yates

County Councillor Chris Henig replaced County Councillor Marcus Johnstone on the Committee.

#### **Standing Order 19**

County Councillors Margaret Brindle and Jackie Oakes attended the meeting under Standing Order 19.

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

None received.

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

County Councillor R Shewan declared a non pecuniary interest in agenda item 5 as the local member for the area concerned and a pecuniary interest in Item 6 as the owner of a residential property affected by the proposal.

County Councillor M Dad declared a non pecuniary interest in agenda item 9 as a member of Hyndburn Borough Council.

#### **3. Minutes of the last meeting held on 26 February 2014**

Reference was made to item 6 of the Minutes in relation to application 03/12/0940, Lanehead Quarry, Clitheroe.

The Committee was reminded that they had resolved to grant planning permission subject to an amendment to the wording of Condition 28 to ensure the discharge pipeline referred to in the condition would be retained in place and be

available for use by the applicant. It was agreed that the matter would be progressed through delegated powers and in consultation with the Chair and Deputy Chair of the Committee.

The committee was informed that officers had since investigated the wording of condition 28 and concluded that the wording of such as drafted, already ensured that the pipeline would be in place prior to the quarry being deepened. It was therefore proposed and subsequently agreed by the Chair and Vice Chair of the Committee, that the matter be addressed by way of the Section 106 agreement. This would provide the opportunity for the applicant to use the pipeline, thereby providing the controls desired by the Committee.

An update was also provided in respect of Items 7 & 8 of the Minutes in respect of the exploration sites at Annas Road, Westby, Blackpool and Preese Hall, Weeton, Kirkham. It was noted that restoration work was underway at the Preese Hall site and that on completion, restoration work was expected to commence at the Annas Road site.

**Resolved:** That the Minutes of the meeting held on 26 February, 2014 be confirmed and signed by the Chair.

**4. Hyndburn Borough: application number LCC/2014/0018  
Retrospective change of use from garage to end of life vehicle  
authorised treatment centre and car repairs at Gillies Street Garage,  
Gillies Street, Accrington**

A report was presented on an application for the retrospective change of use from garage to end of life vehicle authorised treatment centre and car repairs at Gillies Street Garage, Gillies Street, Accrington.

The report included the views of Hyndburn Borough Council, the County Council's Developer Support (Highways) and the Environment Agency.

The committee was informed that County Councillor Dawson had requested that the application be determined by the Development Control Committee in the light of requests from local constituents.

Catherine Lewis, Development Management Officer, 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.

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

**5. Wyre Borough: Application number 02/13/0914  
Change of use of land to a Waste Water Pumping Station,  
comprising of 1.8m high security fencing, control kiosk, pressure**

**relief column, hard standings and access track with turning area.  
Vacant land north of no. 70 Normoss Road, Poulton-le-Fylde.**

A report was presented on an application for the change of use of land to a Waste Water Pumping Station, comprising of 1.8m high security fencing, control kiosk, pressure relief column, hard standings and access track with turning area on vacant land north of 70 Normoss Road, Poulton-le-Fylde.

The report included the views of Wyre Borough Council, the County Council's Developer Support (Highways), the Environment Agency and details of one letter of representation received.

Catherine Lewis, Development Management Officer, 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.

Following concerns raised by the Committee with regard to residential amenity, it was agreed that condition 6 to the planning permission be amended as follows:

6. *'No construction development, delivery or removal of materials, including those works to be carried out with the benefit of permitted development rights, shall take place outside the hours of:*

*08.00 to 17.30 hours Monday to Friday (except Public Holidays),  
09.00 to 13.00 hours on Saturday.*

*No construction development, delivery or removal of materials including those works to be carried out with the benefit of permitted development rights shall take place at any time on Sundays or Public Holidays*

*This condition shall not however operate so as to prevent the use of pumping equipment and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.*

*Reason : In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Policies DPD"*

**Resolved:** That planning permission be granted subject to the conditions set out in the report to the committee, with an amendment to condition 6 as set out above.

6. **Wyre Borough: Application number 02/13/0915  
Erection of a 78 metre high wind turbine, control kiosk and  
hardstanding and amendments to existing internal site access road  
and line of fencing. Fleetwood Waste Water Treatment Works,  
Jameson Road, Fleetwood.**

A report was presented on an application for the erection of a 78m high wind turbine, control kiosk and hardstanding and amendments to existing internal site access road and line of fencing at Fleetwood Waste Water Treatment Works (WWTW), Jameson Road, Fleetwood.

The report included the views of Wyre Borough Council, the County Council's Developer Support (Highways), the Environment Agency, Natural England, The Joint Radio Company Limited, OFCOM and details of two letters of representation received.

Stuart Perigo, 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 the proposed site layout, an illustration showing the elevations of the wind turbine and visualisations of the turbine from several locations.

It was reported orally that the applicant had proposed that the investigation and mitigation of any TV interference that may be caused by the turbine could be addressed by a condition and which had been used by other authorities when dealing with similar proposed turbines.

The committee was advised that the proposed condition was considered acceptable and would achieve the objectives of the proposed 106 agreement and the tests for conditions. It was therefore proposed that the recommendation be amended and the following additional condition be imposed as follows:

'That planning permission be granted subject to conditions controlling time limits, working programme, building materials, highway matters, landscaping, safeguarding of water courses, drainage, noise, dust and protocol relating to telecommunications interference.

No development shall take place until a scheme detailing the protocol to address complaints in respect of interference to domestic television/radio reception caused by the turbine, including remedial measures, has been submitted to the Local Planning Authority and agreed in writing. Operation of the turbine shall take place in accordance with the agreed protocol.

*Reason: To ensure the development does not interfere with television/radio reception and to conform with Policy SP14 of the Wyre Borough Local Plan.'*

County Councillor Shewan announced that he was the owner of a residential property affected by the proposal and after taking advice, left the room and did not vote on this application.

Officers responded to concerns raised by the members with regard to the potential impacts on migrating birds and wildlife, the potential for shadow flicker and the safety impacts in the event of structural failure of the turbine.

**Resolved:** That planning permission be granted subject to the conditions set out in the report to the committee with an amendment to the recommendation and the inclusion of the additional condition set out above.

**7. Burnley Borough: application number LCC/2014/0034  
Erection of a modular building including a disabled access ramp,  
installation of play equipment and bin store on adjacent play area at  
Rockwood Nursery School, Kingsland Road, Burnley**

A report was presented on an application for the erection of a modular building including a disabled access ramp, installation of play equipment and bin store on an adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley.

The report included the views of Burnley Borough Council, the County Council's Developer Support (Highways) and three letters of representation received.

Catherine Lewis, Development Management Officer, 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 Kingsland Road and illustrations of the proposed building, its elevations and the play area.

The committee was reminded that a local resident had written to all members enclosing pictures of cars on Kingsland Road causing congestion and a sound recording of children playing at the nursery and Teddy's Playgroup.

The committee was advised that issues relating to traffic and noise were addressed in the report. A nursery use and the use of the premises for the Teddy Club fell within the same use class, D1 non residential institutions; consequently planning permission for the use of the premises for the Teddy Club was not required.

A further letter had been received from the same resident expressing concern about the current levels of attendance and that the actual capacity of the nursery would create more traffic issues.

The committee was advised that traffic issues were addressed in the report and to which LCC Highways had raised no objection.

Faith Stringer, the Head Teacher of Rockwood Nursery addressed the Committee and spoke in support of the application. Ms Stringer informed the committee that the planned build would accommodate 20 children, the majority of whom were expected to walk to the school. Nevertheless, the school would continue to encourage families to park responsibly and with consideration. The committee was also informed that it was proposed to erect wooden screening to the school yard to mitigate any increase in noise and that no trees were expected to be affected by the proposal.

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

**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 the 26 February 2014, fourteen planning applications has been granted planning permission by the Executive Director for Environment in accordance with the Council's Scheme of Delegation.

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

**9. Hyndburn Borough: Application 11/13/0264  
The extension of Whinney Hill Quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities**

A report was presented on an application for the extension of Whinney Hill Quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities at Whinney Hill Quarry, Whinney Hill Road, Accrington.

The report included the views of Hyndburn Borough Council, Altham Parish Council, the County Council's Assistant Director Highways, the Environment Agency, the Highways Agency, Natural England, National Grid Gas and Electricity and the County Council's Specialist Services - Ecology and Archaeology. It was noted that no letters of representation had been received from the local community but two letters had been received from Sita (the operator) and Hanson (the landowner).

Catherine Lewis, Development Management Officer, 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 roads and an illustration of the proposed phasing arrangements.

The officer reported orally that United Utilities had advised that the proposal was adjacent to the Haweswater Aqueduct which had a 13m easement width. They raised no objection subject to the imposition of conditions relating to the management of foul and surface water and the prevention of any construction or works taking place over the easement width or any construction or other works that would damage the integrity of the Aqueduct.

The committee was advised that the condition relating to foul drainage related to a building. No buildings were included within the application and therefore the condition was not necessary. However, an additional condition relating to the management of surface water during and post operations was proposed as follows:

## **'Surface Water**

Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

*Reason: To ensure the proper control of surface water and to conform with Policy DM2 of the JLMWLP.'*

The committee was also advised that the development did not encroach into the easement to the Haweswater Aqueduct and therefore a note was proposed as follows advising the applicant that the aqueduct was protected by an easement:

### **'Note**

The applicant is advised that the development is in close proximity to the Haweswater Aqueduct which has a 13m easement width. No construction development or works should take place over the easement width or anything that would damage the integrity of the pipe.'

Mr Chris Ballam, the agent for the applicant, addressed the committee and spoke in support of the application. He informed the committee that the extension to the current quarrying operations was important not only in protecting the employment of the applicant's workforce but also to facilitate continued trade with local supply businesses and to help guarantee the long term future of the Nori brickworks in Accrington. The applicant acknowledged that traffic from the quarry used Whinney Hill Road and Whalley Road but considered that the contribution of £10,000 required towards the local highway network was excessive.

In response to concerns raised by the members, it was proposed that should changes be required to the above condition or note as a result of further clarification from United Utilities in respect of the Haweswater Aqueduct, such amendment be delegated to the Executive Director of Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

**Resolved:** That:

- i) The application be granted subject to the conditions set out in the report to the committee and the inclusion of the additional condition and Note as set out above.
- ii) In the event changes are required to the above condition or note as a result of further clarification from United Utilities in respect of the Haweswater Aqueduct, such amendment be delegated to the Executive Director of Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

## **10. Urgent Business**

There were no items of urgent business.

## **11. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 21 May 2014 at 10.00am.

## **12. Exclusion of Press and Public**

**Resolved:** That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the paragraph of Part 1 of schedule 12A to the Local Government Act, 1972, indicated against the heading to the item. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **13. Rossendale Borough: Application number 14/10/0452 Report on investigations into alleged breaches of planning control and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill Newchurch Road, Stacksteads, Bacup.**

(Exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information)

The Group Head, Development Management presented a report on investigations into alleged breaches of planning control and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill, Newchurch Road, Stacksteads, Bacup. This included an oral update on the actions taken in response to the preliminary findings of the Local Government Ombudsman.



**Resolved:** That the report be noted and that a progress report be presented to a future meeting of the committee.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston