

Lancashire County Council

Development Control Committee

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

Present:

County Councillor Munsif Dad (Chair)

County Councillors

R Newman-Thompson	M Johnstone
T Aldridge	N Penney
P Buckley	P Rigby
M Devaney	K Sedgewick
P Hayhurst	K Snape
S Holgate	B Yates
D Howarth	

County Councillor Michael Devaney replaced County Councillor Michael Green on the Committee.

Standing Order 19

County Councillors Bernard Dawson and Liz Oades attended the meeting under Standing Order 19.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor Tony Jones.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Hayhurst declared a non pecuniary interest in agenda items 4 & 9 as a member of Fylde Borough Council and in respect of agenda item 4, as a member of Elswick Parish Council. Councillor Hayhurst mentioned that the Parish Council had received a donation from the applicant towards the Britain in Bloom competition.

County Councillor P Buckley declared a non pecuniary interest in agenda items 4 and 9 as his wife is a member of the Borough Council for the area concerned.

County Councillor M Dad declared a non pecuniary interest in agenda items 5 and 7 as a member of Hyndburn Borough Council.

County Councillors B Yates and D Howarth declared a non pecuniary interest in agenda item 11 as members of South Ribble Borough Council.

County Councillors K Snape and S Holgate declared a non pecuniary interest in agenda items 10 and 12 as members of Chorley Borough Council.

County Councillor R Newman-Thompson declared a non pecuniary interest in agenda items 8 and 13 as a member of Lancaster City Council.

County Councillor Paul Rigby declared a pecuniary interest in agenda item 4 as the applicant had been allowed to access his land for testing purposes.

3. Minutes of the last meeting held on the 21 May 2014

Resolved: That the Minutes of the meeting held on the 21 May 2014 be confirmed and signed by the Chair.

4. Fylde Borough: Application number. LCC/2014/0084 Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Singleton Grange Road Shale Gas Exploration Site, Land south side of Grange Road, Singleton.

County Councillor Rigby was not present during consideration of this item.

A report was presented on an application for the retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration at Singleton Grange Road Shale Gas Exploration Site, Land south side of Grange Road, Singleton

The committee was informed that the planning application had generated a considerable amount of interest with over 90 representations having been received objecting to the proposal primarily in respect of visual, traffic, habitats, noise, pollution and seismic activity.

It was therefore proposed that the committee visit the site before determining the application. This would have the benefit of members being familiar with the site and environs before determining the application and so having a clear understanding of the issues associated with the proposal.

Resolved: That the Development Control Committee visits the Grange Road Shale Gas Exploration site prior to determining the application.

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

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

The committee was reminded that at their last meeting on the 9th April 2014, they had resolved to grant planning permission for an extension of Whinney Hill Quarry. The grant of planning permission was subject to the applicant first entering into a Section 106 agreement relating to financial contributions towards highway maintenance.

In anticipation of the legal agreement being completed and the decision notice being issued, the applicant had submitted a draft surface water management scheme to meet the requirements of condition 24. However, the proposed surface water management scheme was partly on land outside of the applicants control and on land which affected the landfilling operations and would be reliant on the complex owner's independent water lagoon system.

The committee was advised that planning conditions could only relate to land within the applicants control. Given the proposed scheme fell outside the applicants control and could not be controlled by condition, it was considered that to ensure the implementation, management and use of such, the scheme needed to be included within the Section 106 agreement rather than controlled by condition. The owners of the Whinney Hill Quarry complex had agreed to be a signatory to the Section 106 agreement.

Inclusion of these controls within the Section 106 agreement would mean that condition 24 was no longer required and it was therefore proposed to delete the requirements of such and renumber subsequent conditions accordingly.

Resolved:- That after first taking into consideration the environmental information, as defined in the Town and County Planning (Environmental Assessment) Regulations 2011 submitted with the application and subject to the applicant first entering into a Section 106 Agreement relating to contributions to highway maintenance and the submission and implementation of a surface water management plan, planning permission be granted subject to the conditions set out in the report to the committee.

**6. Rossendale Borough: Application number LCC/2014/0055
Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup**

A report was presented on an application for an extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup.

The report included the views of Rosendale Borough Council, the County Council's Assistant Director (Highways), the Environment Agency, Natural England, the Health and Safety Executive, the Rambler's Association and details of two letters of representation received.

Robert Hope, Development Management 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 extension and the final restoration and landscaping proposals together with several photographs of the site and surrounding access roads.

The officer reported orally that the applicant had submitted letters of support from 48 construction / road haulage companies in the East Lancashire area. Each of the companies stated that they had previously disposed of their inert waste at Tong Farm. The applicant had also forwarded four letters of support from local residents – the residents stated that the quarry had always been a good neighbour and was a source of local employment. The applicant had also submitted an analysis of other gritstone / shale quarries in the East Lancashire area and concluded that many of the existing sites in the area were either dormant or did not have sufficient reserves to supply demand.

The committee was advised that comments on the representations received were set out in the report. In relation to the applicant's further information on the need for the minerals, a discussion on the overall landbank position and availability of gritstone and shale reserves at other sites in the East Lancashire area was included on pages 32 – 35 of the Committee report. It was considered that the overall landbank of permitted reserves was sufficient to ensure a steady and adequate supply of these types of construction materials from existing active sites and that there was no immediate need to release the additional reserves that were contained in the application site.

Mr Chris Ballam, the agent for the applicant, addressed the committee and spoke in support of the application. Mr Ballam informed the committee that:

- The application had received more than 57 letters and emails of support from local businesses in the East Lancashire area.
- The number of objections received reflected the limited impact the quarry had on the amenity of local residents.
- If planning permission was refused, it would not only impact on the workers and their families but would also have a detrimental impact on the local businesses who used the quarry.

- It was acknowledged that the impact of the quarry traffic on the local highway was an issue however, the community had been built up around the quarry which had been in existence for over 40 years.

Mr Ballam questioned whether the remaining quarries in the area would be able to provide the quality and type of materials required. The committee was therefore urged to defer consideration of the application to allow further investigation into the supplies of gritstone/shale in east Lancashire.

In response to questions raised by the Members, the officer advised that a large number of residents lived in the vicinity of the site and that two letters of representation had been received objecting to the proposal. In respect of the supplies of gritstone and shale in the area, the officer reiterated the advice set out in the update sheet that the overall landbank of permitted reserves was sufficient to ensure a steady and adequate supply of these types of construction materials from existing active sites and that there was no immediate need to release the additional reserves that were contained in the application site.

Members commented that although reserves were available at other sites, it was important that these reserves could be extracted at the appropriate time to cover the demand required. Following further debate it was Moved and Seconded that:

"The application be deferred until the next meeting of the committee on 3 September 2014, to allow officers to further investigate the overall landbank position and alternative sources of supply at existing sites in East Lancashire".

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

Resolved: The application be deferred until the next meeting of the committee on 3 September 2014, to allow officers to further investigate the overall landbank position and alternative sources of supply at existing sites in East Lancashire.

**7. Hyndburn Borough: application number. LCC/2014/0082
Change of use from sui generis car dealership to sui generis vehicle parts sales and end of life vehicle centre with associated uses at land off Sydney Street, Accrington**

A report was presented on an application for a change of use from sui generis car dealership to sui generis vehicle parts sales and end of life vehicle centre with associated uses at land off Sydney Street, Accrington.

The report included the views of Hyndburn Borough Council, the County Council's Developer Support (Highways), the Environment Agency and details of twelve letters of representation received, one of which included 19 petition style letters objecting to the proposal.

Robert Hope, Development Management 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 site layout together with photographs of the site and the access roads.

County Councillor Bernard Dawson addressed the committee on behalf of local residents. He was not opposed to the development of the site as such, but maintained that the proposed development was not suitable in a residential area. He also maintained that the proposed development with its associated HGV traffic, would add to the existing traffic problems in the area. Several photographs were circulated showing traffic congestion on the local road network to illustrate this point. Councillor Dawson urged the committee to consider visiting the site prior to determining the application.

Members discussed the impact of the development on residential amenity. Although concerns were raised in this regard, it was noted that the proposed use was similar to that of the previous use i.e. car showroom and vehicle repair garage. Members also noted that all dismantling activities would take place inside the building.

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

**8. Lancaster City: Application number. DCO HEYSHAM M6 02
Application to vary the scheme of landscaping and ecology
approved under requirements 5 - 1 and 5 - 3 of the Development
Consent Order for the construction of the Heysham to M6 Link,
Lancaster**

A report was presented on an application to vary the scheme of landscaping and ecology approved under requirements 5 - 1 and 5 - 3 of the Development Consent Order for the construction of the Heysham to M6 Link, Lancaster.

The report included the County Council's Specialist Advisor – Ecology.

Resolved: That the landscape and ecology management plan approved under Requirement 5(1) of the Development Consent Order for the Heysham to M6 Link be varied in accordance with the revised planting schedule ref 11063-3000-RevC2.

**9. Fylde Borough: Application number. LCC/2014/0028
Demolition of existing building to allow construction of new single
storey intensive support unit, including new access road off Moor
Street, fencing, access gates, 6x6m high lighting columns, 6x
illuminated bollards, relocation of existing car parking spaces and
landscaping. Pear Tree School, Station Road, Kirkham.**

A report was presented on an application for the demolition of the existing building to allow construction of new single storey intensive support unit, including new access road off Moor Street, fencing, access gates, 6x6m high lighting columns, 6x illuminated bollards, relocation of existing car parking spaces and landscaping at Pear Tree School, Station Road, Kirkham.

The report included the views of Kirkham Town Council and four letters of representation received. It was reported orally that the County Council's Developer Support (Highways) had raised no objection to the proposals.

Jonathan Haine, Development Management 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 building and the site layout plan together with photographs of the front and rear view of the current building.

It was noted that the applicant had amended the proposal to ensure that the new access road off Moor Street would be used for construction purposes only and that once the building was complete, vehicular access would be via the existing Station Road access.

County Councillor Liz Oades addressed the committee under Standing Order 19. Councillor Oades welcomed the above amendment but questioned whether it was possible to mitigate the impact of the construction traffic at peak times or for the construction traffic to use an alternative access. In addition, concerns were raised with regard to the design of the proposed building. The committee was also requested to consider carefully the landscaping to the frontage on Moor Street to ensure that it remained visually attractive.

Following debate and in response to concerns raised by the Members, the officer advised that:

- The current building was unsuitable for conversion for modern educational use and that a single storey building would meet the special needs of the pupils attending the establishment.
- The current access off Station Road was considered to be unsuitable for construction traffic as it served both the adjacent school and the health centre and was constrained in terms of its width and alignment.
- Design could be a material consideration when determining a planning application, however, the development had to be considered in terms of the nature of the surrounding buildings and local environment and considered to be so out of keeping that it would cause harm to visual amenity.

Following further debate it was Moved and Seconded that:

"The planning application be deferred to allow for further consideration of the design of the building".

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

Resolved: That the planning application be deferred to allow for further consideration of the design of the building.

**10. Chorley Borough: application number. LCC/2014/0063
Variation of condition 3 of permission 09/13/0185 to allow an extension of the hours of use of the multi use games area to 08.30 to 20.00hrs Monday to Fridays (during British summertime April to October) and 08.30 to 18.00 Saturdays and Sundays at Shaftesbury High School, Weldbank Lane, Chorley**

A report was presented on an application for the variation of condition 3 of permission 09/13/0185 to allow an extension of the hours of use of the multi use games area (MUGA) to 08.30 to 20.00hrs Monday to Fridays (during British summertime April to October) and 08.30 to 18.00 Saturdays and Sundays, at Shaftesbury High School, Weldbank Lane, Chorley.

The report included details of six letters of representation received including letters from County Councillor Bev Murray and the Rt Hon Lindsay Hoyle MP on behalf of local residents.

Robert Hope, 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 MUGA and the open land forming the boundary between the MUGA and residential properties on Ash Grove.

Chorley Borough Councillor Paul Walmsley addressed the committee on behalf of local residents and reiterated the concerns raised in the report in relation to noise pollution and anti-social behaviour. He also made the following points:

- The original planning permission had placed restrictions on the hours of use in order to protect residential amenity.
- A new MUGA was proposed for community use at a nearby recreation ground. There was therefore no need to extend the hours of the school MUGA.
- If it was proposed to approve extended hours, the use should be restricted to 08.30 – 19.00 on a week day during British summertime, 08.30 to 13.00 on a Saturday, with no use on Sunday to protect residential amenity.
- Groups of youths should be adequately supervised by adults and the school should look at ways of securing the site.

Following lengthy debate, it was Moved and Seconded that for a temporary period of 12 Months, the multi-use games area be available for use between the hours of:

0830 to 1900 hours, Mondays to Fridays between 1 April and 31 October (excluding Public Holidays).

0830 to 1800 hours, Mondays to Fridays between 1 November and 31 March (excluding public holidays)

10:00 to 13:00 hours on Saturdays, Sundays and Public Holidays."

On being put to the vote the Motion was Lost.

Following further discussion, it was Moved and Seconded that the Officer recommendation as set out in the report, be granted. On being put to the vote the Motion was Carried whereupon it was:

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

**11. South Ribble Borough: application number. LCC/2014/0076
Demolition of existing Lynnhurst building (former care home) and outbuildings, provision of a new single storey building for overnight short break unit, vehicle parking, external lighting columns, fencing and landscaping at Lynnhurst, Stanifield Lane, Farington**

A report was presented on an application for the demolition of the existing Lynnhurst building (former care home) and outbuildings, the provision of a new single storey building for an overnight short break unit, vehicle parking, external lighting columns, fencing and landscaping at Lynnhurst, Stanifield Lane, Farington.

The report included the views of South Ribble Borough Council, the County Council's Developer Support (Highways), Natural England and one letter of representation received.

Robert Hope, Development Management 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 building and photographs of the site and access road.

Officers responded to questions raised by the committee in respect of the building design.

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

**12. Chorley Borough: Application number LCC/2014/0077
New single storey extensions to provide a reception area and workshop/community meeting room and minor demolition where new structures meet existing structures at Withnell Fold School, Withnell Fold, Withnell, Chorley**

A report was presented on an application for new single storey extensions to provide a reception area and workshop/community meeting room and minor demolition where new structures meet existing structures at Withnell Fold School, Withnell Fold, Withnell, Chorley.

The report included details of 11 letters of representation received.

Jonathan Haine, Development Management 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 extensions and photographs of the site and access road.

The officer reported orally that a further 3 letters of representation had been received additional to those summarised in the report. The committee was advised that the issues raised were addressed in the committee report.

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

**13. Lancaster City: Application number. LCC/2014/0085
Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and temporary fenced contractor's compound and associated access.
Moorside County Primary School, Bowerham Road, Lancaster.**

A report was presented on an application for four single storey extensions to provide 6 additional classrooms and extra resource areas, an extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, the alteration of two windows to fire exits, the re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and, temporary fenced contractor's compound and associated access at Moorside County Primary School, Bowerham Road, Lancaster.

Jonathan Haine, Development Management Officer, presented a PowerPoint presentation and reported orally that the County Council's Developer Support (Highways) had objected to the development on the basis that the extension to the school would have a detrimental impact on the local highway network which

would not be mitigated by the proposed mitigation measures as they currently stand. The increase in the size of the school from 420 pupils to approximately 600 would increase car movements at drop off and pick up times together with additional staff car movements. The additional pupils were likely to live further from the school than those currently at the school and therefore were more likely to be brought to the school by car. The additional traffic and parking on Bowerham Road would increase congestion and risks to pedestrians crossing the road. A number of issues were raised regarding car parking and pedestrian crossing facilities and the ability to undertake improvements.

The views of Lancaster City Council were also reported. The council supported the principle of the development subject to conditions relating to contaminated land, protection of trees and controls on hours of construction work.

The committee was advised that the applicant had submitted additional information relating to the need for additional school places and that the statutory duty of the County Council was to ensure that school places were available for children. It was explained that higher birth rates in Lancaster combined with the prospect of new housing developments had led to a forecast need for new primary school places in Lancaster. The forecast predicted a long term increase in the demand for school places which should be met by permanent accommodation rather than by temporary provision. In choosing Moorside as a site for expansion a number of factors had been considered including the current strength of the school, parental preference, existing school size, availability of space to extend school buildings and access and proximity to future growth areas. These factors had led to the decision to expand Moorside Primary.

The comments of highways were noted particularly with regard to the requirement to undertake improvements to alleviate the highway impacts. To allow time to investigate such improvements, it was considered that the application should be deferred and that Members should also visit the site in advance of the application being reported to the September 3rd meeting.

It was therefore Moved and Seconded that "the application be deferred and that the committee visit the site in advance of the application being reported to the next meeting of the committee on 3 September 2014".

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

Resolved: That the application be deferred and that the committee visit the site in advance of the application being reported to the next meeting of the committee on 3 September 2014.

14. 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 21 May 2014, fourteen planning applications had 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.

15. Urgent Business

There were no items of urgent business.

16. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 3 September 2014 at 10.00am.

17. 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.

18. Rossendale Borough Council: 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)

Jill Anderson, the Clerk to the Committee, presented an oral update report on investigations into alleged breaches of planning control and enforcement proceedings at Shadlock Skip Hire, Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

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

I Young
County Secretary and Solicitor

County Hall
Preston

