

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 20th May, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Munsif Dad (Chair)

#### **County Councillors**

T Aldridge	M Johnstone
P Buckley	N Penney
K Ellard	K Sedgewick
M Green	K Snape
P Hayhurst	D Westley
S Holgate	B Yates
D Howarth	

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

None received.

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

County Councillor P Hayhurst declared a non pecuniary interest in agenda item 4 as a member of Fylde Borough Council, as the county councillor for the area concerned and as a member of Elswick Parish Council and Elswick Community Project which had received grants from the applicant.

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

County Councillor K Snape declared a non pecuniary interest in agenda item 8 as the County Councillor for the area concerned.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 11 as a member of West Lancashire Borough Council.

County Councillor N Penney declared a non pecuniary interest in agenda items 5, 6 & 7 as the Chair of the Board of Lancashire County Developments Limited who had been approached by the applicant for a business loan.

County Councillor D Westley declared a non pecuniary interest in agenda item 11 as a member of West Lancashire Borough Council.

County Councillor S Holgate declared a non pecuniary interest in agenda item 8 as the County Councillor for the area concerned.

### **3. Minutes of the last meeting held on 8 April 2015**

**Resolved:** That the Minutes of the last meeting held on 8 April 2015 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. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.**

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 Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.

The Development Control Committee had considered the application at their meeting on 25<sup>th</sup> February 2015 and resolved that it was minded to refuse the application for the following reason:

'That the application be **refused** as it is contrary to policies SP2 of the Fylde Borough Local Plan, CS5 of the Lancashire Minerals and Waste Development Framework and DM2 of the Lancashire Minerals and Waste Local Plan'.

The Committee also resolved that a further report setting out draft reasons for refusal be presented to a future meeting for confirmation of the reasons why the proposal was contrary to these policies.

The committee members reiterated the concerns expressed at the meeting on 25 February with regard to well integrity and the monitoring of such by the Environment Agency. It was therefore proposed that in addition to the policies listed above, the application should also be refused on the grounds that it would not comply with National Planning Policy Framework 122 and in particular Planning Practice Guidance paragraph 112 with particular regard to well abandonment, planning and monitoring. However, following legal advice received from the Clerk to the Committee, it was acknowledged that refusal on these grounds was not sustainable.

Following further debate and questions to officers, it was also acknowledged that the retention of the site for a further temporary period would not be contrary to Policy SP2 of the Fylde Borough Local Plan.

It was felt that the application could only be refused on the grounds that it was contrary to policies CS5 and DM2, as the retention of the site in its current form and scale for a further temporary period would be visually unacceptable and

would adversely affect the landscape character of the area contrary to these policies. It was therefore:

**Resolved:** That the application be refused for the following reason:

The proposal is contrary to Policy CS5 of the Lancashire Minerals and Waste Development Framework and Policy DM2 of the Lancashire Minerals and Waste Local Plan in that the retention of the site in its current form and scale would adversely affect the landscape character of the area.

- 5. Wyre Borough: Application No. LCC/2014/0144**  
**Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only while plant is operating but only for the ingress and egress of vehicles requiring access to the building.**  
**Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.**

A report was presented on a retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only while plant is operating but only for the ingress and egress of vehicles requiring access to the building at Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

This application was presented to the meeting of the Development Control Committee on 8<sup>th</sup> April 2015. However, at that meeting, applications LCC/2014/0144 LCC/2014/0145 were not determined as it was considered that both applications were invalid due to an error in the submitted ownership certificates. Consideration of both applications was therefore deferred.

The Committee was advised that amended certificates for applications LCC/2014/0144 and LCC/2014/0145 had since been submitted which addressed the validation issue and therefore allowed both applications to proceed to determination.

The report included the views of Wyre Borough Council, Fleetwood Town Council, the County Council's Developer Support (Highways), the Environment Agency, the County Council's Specialist Adviser (Ecology), and details of 97 letters of representation received.

The Committee visited the site on 18<sup>th</sup> May 2015.

The Committee was reminded that prior to the last meeting it had received presentations from Bourne Leisure (operators of the Cala Gran Caravan Park)

and the applicant, Lancashire Waste Recycling (LWR), the content of which was summarised in the report.

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 a site layout plan and photographs of the site.

The officer reported orally that local member County Councillor Andrea Kay had written expressing her support for the application and the related applications at items 6 and 7 of the agenda.

She has visited the site on numerous occasions and had attended several meetings with local residents, Friends of Pheasant Wood association, Thornton action group, councillors and the local MP. The fears of residents, in relation to the route of traffic, hours of business, odour management and the doors to the plant, had been discussed with the applicant. Subsequently, the site had an open day to enable residents to go and see the plant and ask questions. The applicant had since issued a statement to County Councillor Kay to undertake the following to address residents' fears:

- Route of traffic – Lancashire Waste Recycling (LWR) have a policy of ensuring the designated route is used at all times by HGVs. All drivers had been issued with instructions including maps showing which routes to take to and from the site.
- Sunday hours of working - The plant does not process waste on a Sunday and there would be no more than 3 vehicle movements into and out of the site between 10am – 3pm on Sundays, with no vehicle movements outside these hours.
- Odour Management – LWR has met with the Lancashire County Council Scientific Service. It was agreed that the operations at LWR should be the subject of LCC's 'The nose' who monitors odour emissions from the adjacent Thornton Waste Technology Park on the east side of the LWR site.
- Doors of waste transfer building - the doors will be fast action closing doors, which open and close within 30 seconds to enable wagons to enter and exit the main building.
- LWR have promised that they would like to be a good neighbour and work with the residents. No further complaints have been received from residents or local groups/ associations.

The committee was advised that the issues relating to the route of traffic, hours of business, odour management and the doors to the waste transfer building were addressed in the Committee report, as follows:

- Route of traffic – a Section 106 Agreement is already in place to control the routing of traffic. It is proposed that any new permission would be subject to similar controls
- Sunday hours of business and associated traffic movements – the hours of operation on Sundays are proposed to be controlled through condition 2 to permission LCC/2014/0145
- Odour management plan – this is an issue for the Environment Agency to consider under their own regulatory regime.
- Doors to the waste transfer building – condition 10 in the report to application LCC/2014/1045 requires details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system.

Mr Huckerby addressed the committee and spoke in support of the application and the related applications at items 6, and 7 of the agenda. He informed the committee that:

- There would be no increase in the volume of waste at the site.
- The proposal to extend the working hours would enable traffic to be programmed to avoid the busiest parts of the day.
- Following a further visit from their Environmental Health Officer, Fylde Borough Council had indicated that they were satisfied there were no sound pollution issues associated with the doors being opened for short periods of time.
- Minute traces of waste stuck to packaging was unavoidable however, the company would continue to work to Environment Agency codes and guidelines.
- The air filtration plant would be modified and noise levels reduced.
- A sound proof fence had been erected around the site.

The officer responded to concerns raised by the committee with regard to the proposed extended opening hours and in particular, the effect this would have on the Cala Gran Holiday Park adjacent to the site. Following which it was:

**Resolved:** That subject to the applicant first entering into a Section 106 Agreement to ensure all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** for the variation of conditions 3 and 9 of planning permission 02/11/0876 subject to the conditions set out in the report to the committee.

- 6. Wyre Borough: Application No. LCC/2014/0145**  
**Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building.**  
**Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton**

A report was presented on a retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building at Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

This application was presented to the meeting of the Development Control Committee on 8<sup>th</sup> April 2015. However, at that meeting, applications LCC/2014/0144 LCC/2014/0145 were not determined as it was considered that both applications were invalid due to an error in the submitted ownership certificates. Consideration of both applications was therefore deferred.

The committee was advised that amended certificates for applications LCC/2014/0144 and LCC/2014/0145 had since been submitted which addressed the validation issue and therefore allowed both applications to proceed to determination.

The report included the views of Wyre Borough Council, Fleetwood Town Council, the County Council's Developer Support (Highways), the Environment Agency, the County Council's Specialist Adviser (Ecology), and details of 97 letters of representation received.

The committee was reminded that prior to the last meeting it had received presentations from Bourne Leisure (operators of the Cala Gran Caravan Park) and the applicant, Lancashire Waste Recycling (LWR), the content of which was summarised in the report.

Details of the representations received from the local member County Councillor Andrea Kay and local businessman, Mr Huckerby in respect of this application and the applications at item 5 and 7 of the agenda are reported in the Minute to Item 5 of the agenda.

The concerns raised at item 5 of the agenda in respect of the extension of working hours also relate to this application.

**Resolved:** That subject to the applicant first entering into a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, retrospective planning permission be **granted** for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 subject to revised conditions set out in the report to the committee..

7. **Wyre Borough: Application No. LCC/2014/0146**  
**Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess rooms, and the construction of a secure cycle. Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.**

A report was presented on a retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess rooms, and the construction of a secure cycle at Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The report was considered in conjunction with the associated applications at items 5 and 6 of the agenda.

Details of the representations received in respect of this application and the associated planning applications are reported in the Minute to Item 5.

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

**8. Chorley Borough: application number LCC/2015/0014  
Extension to the area of phased extraction of sand and gravel and  
infilling with inert waste for restoration purposes, back to  
agriculture and conservation at Sandons Farm, Sandy Lane,  
Adlington, Chorley**

A report was presented on an application for the extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation at Sandons Farm, Sandy Lane, Adlington, Chorley.

The report included the views of Chorley Borough Council, Adlington Town Council, Coppull Parish Council, the Environment Agency, Natural England, the Ramblers' Association and details of 5 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 side sections of the site and the restoration contours together with photographs of the site.

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

**9. Lancaster City: Application No. LCC/2015/0025  
Two storey, eight bedroom detached Children's Residential Home to  
replace the existing home at 234 Bowerham Road, together with a 7  
space car park, private garden amenity space and separate vehicle  
and pedestrian accesses from Bowerham Road. Land adjacent to  
234 Bowerham Road, Lancaster.**

A report was presented on an application for a two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, Lancaster together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road on land adjacent to 234 Bowerham Road, Lancaster.

The report included the views of Lancaster City Council, the Environment Agency, the County Council's Developer Support (Highways) and Specialist Advisor (Ecology), and details of 5 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 site layout plan and the elevations of the proposed building together with photographs of the site.

The Officer reported orally that it was proposed to change Condition 2 b) Submitted Plans and Documents, by adding the following:

Drawing No. A-01 – Site & Location Plans



The officer responded to questions raised by the committee with regard to the location of the 12" diameter high pressure gas main.

**Resolved:** That planning permission be **Granted** subject to the conditions set out in the report to the committee and the inclusion of the amended condition as set out above.

**10. Planning Applications determined by the Head of Service Planning and 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 8 April, 2015 eleven planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

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

**11. West Lancashire Borough: Application No. LCC/2015/0026  
Retrospective change of use of land and buildings from general industrial use to the recycling of non-hazardous waste plastics, and an extension to the existing warehouse building for the storage of materials associated with the plastics recycling business and for the provision of an office block and staff welfare facilities. Mulberry Waste Limited, Unit 1, Station Yard Factory, Station Road, Rufford.**

It was noted that the report on planning application LCC/2015/0026 would be presented to a future meeting of the committee.

**12. Urgent Business**

There were no items of urgent business.

**13. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Tuesday 23 June, 2015.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston