

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 14th November, 2018 at 2.00 pm in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

| | |
|------------|-------------|
| P Rigby | D Foxcroft |
| S Clarke | P Hayhurst |
| C Crompton | A Kay |
| B Dawson | M Pattison |
| J Eaton | A Schofield |
| K Ellard | |

County Councillor Bernard Dawson replaced County Councillor Munsif Dad on the committee.

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 5 as a member of Preston City Council.

County Councillor P Hayhurst declared a non-pecuniary interest in agenda items 4 and 5 as a member of Fylde Borough Council and as ward councillor for Fylde West.

The Chair invited County Councillor Hayhurst to comment on a representation received from the applicant's agent with regard to Westby Landfill Site, the subject of planning application LCC/2018/0019 at item 4 of the agenda

In response, County Councillor Hayhurst, denied having expressed a view with regard to the Westby Landfill Site and announced that it was his intention to determine the application.

3. Minutes of the last meeting held on 12 September 2018

Resolved: That the Minutes of the meeting held on 12 September 2018, be confirmed and signed by the Chair of the Committee.

**4. Fylde Borough: Application number LCC/2018/0019
Variation of condition 1 of planning permission 05/09/0152 to allow
the period for landfill/recycling/waste transfer operations to
continue until 01 June 2028.
Westby Landfill Site, south side of Anna's Road, Westby.**

A report was presented on an application for the variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 at Westby Landfill Site, south side of Anna's Road, Westby.

The report included the views of Fylde Borough Council the county council's Highways Development Control, the Environment Agency, the county council's Specialist Advisor (Ecology), Natural England, and details of 12 letters of representation received.

The 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 including the landfill cells, the soil production area, wheel wash and the site access.

The Officer reported orally that further representations had been received from an objector with regard to vibrations being experienced at properties near to the site and by the applicant in relation to the proposed conditions 13, 19 and 28.

Full details of the above together with the advice of the officers in relation to such, together with additional amendments to the conditions and the imposition of an additional condition in relation to wheel cleaning measures were set out in the Update Sheet circulated at the meeting. (Copy set out at Annex A to the Minutes).

Ms Hollowell, a local resident, addressed the committee objecting to the application. Ms Hollowell informed the committee that the field purchased by the applicant for land raising was being portrayed as a former clay pit to justify the recycling activities. However, the land raising was taking place in a field and not the quarry. Concern was also raised with regard to the mud and dust being tracked out of the site. Ms Hollowell called for an additional condition to be imposed to ensure the wheel wash was cleaned out every week to prevent silt being tracked out onto the roads.

Mr Raynor Porter, Site Manager of the Westby Landfill Site addressed the committee and made the following summarised points in support of the application:

- The site provided work for 25 employees and various contractors and helped to support the local economy.
- The recycling activities helped to divert waste away from landfill

- The importation of inert waste to the site would assist in restoring the land to the agreed levels.
- The site was well screened from the road.
- The application had attracted ten letters of support.
- Fylde Borough Council, the Environment Agency and the LCC's Highways had raised no objection to the application.

The applicant also mentioned that landfill cells 1 and 2 had already been completed and capped.

Following debate and questions to officers with regard to the time extension and the increased number of vehicle movements associated with the application, it was Moved and Seconded that:

"The Development Control Committee visit the site prior to determining the application".

On being put to the vote the Motion was Lost.

Following further discussion, the committee agreed that an additional condition be imposed requiring the existing wheel wash to be cleaned out on a weekly basis. It was also suggested that the local liaison committee be reconvened.

In response to the concerns raised with regard to the wheel wash, the officer explained that the applicant had been asked to review the wheel cleaning measures at the site. Whilst they considered that the existing wheel cleaning measures were adequate, the applicant had mentioned that if a further planning permission was forthcoming, they would undertake further improvements to the internal site roads including increasing the amount of surfaced road. It was considered that this would improve the cleanliness of vehicle wheels to the benefit of the local environment. It was therefore considered that the further condition as set out in the Update Sheet (Condition 12) would address the local resident's concerns.

Despite the additional measures outlined above and the advice of the officer, Members reaffirmed their wish for an additional condition to be imposed requiring the wheel wash on the site to be cleaned out on a weekly basis following which it was:

Resolved:- That subject to the amendments to conditions 2, 3, and 13, the deletion of condition 28, the inclusion of condition 12 as set out in the 'Update Sheet' and the imposition of an additional condition requiring the wheel wash on the site to be cleaned out on a weekly basis, planning permission for the variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 be **granted** as set out in the report to the committee.

5. Preston City and Fylde Borough: Application number. LCC/2016/0046

Development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road. The development includes a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses, a cattle creep and diversion of the Hodder Aqueduct. Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston

A report was presented on an application for the development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road on land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

The committee was reminded that at their meeting held on 4 October 2017, they had resolved to approve the application, subject to the signing of a section 106 agreement in relation to the provision and retention of off-site bat mitigation measures.

In the meantime, the applicant had undertaken further design work on the proposed highway and associated mitigation measures and proposed a number of amendments to the previously submitted scheme. These included a proposed diversion route for the Hodder Aqueduct, noise mitigation measures and details of the mitigation measures for bats.

The report included the views of the county council's Specialist Advisor (Ecology) and Natural England.

It was also reported that since the application was considered in October 2017, a landowner had served a pre action protocol letter on the county council giving details of their intention to apply to the High Court for a judicial review of the Preston Western Distributor Road scheme.

The council's response to the issues raised in the pre action protocol letter were set out in the committee report.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of each section of the proposed highway and the nearest residential properties. The committee was also shown illustrations of the proposed diversion route of the Hodder Aqueduct together with photographs of each section of the proposed highways.

The officer reported orally that since the report had been published two further letters of representation have been received from DPP, a consultant working on behalf of Tom Barron Farms Ltd, a land owner at the northern end of the scheme.

A summary of the issues and the response to the issues raised was set out in the 'Update Sheet' circulated at the meeting (Copy set out at Annex A to the Minutes)

Mr Purser of DPP Planning addressed the committee on behalf of his client. He advised that his client did not wish to frustrate the development provided that their land was not rendered inaccessible to the bypass. Their support for the scheme was conditional upon securing a direct roundabout access south of M55 Junction 2. They felt that such a roundabout would not only serve their land, but it would render the delivery of the scheme considerably cheaper and would furthermore facilitate a future expansion of North West Preston as a strategic development site. Mr Purser also reiterated the issues set out in the pre action protocol letter in relation to his client's view that the scheme should be promoted through a Development Consent Order rather than a planning application. It was also felt that the county council should undertake a revised screening assessment of the project in the light of recent case law regarding the impacts of developments on European wildlife sites.

The officers reiterated their response to the above issues as set out in the committee report. The officers also advised that the county council's response had been confirmed by the legal advice from their own Counsel and therefore the landowners view was not supported. In response to requests for clarification from members, officers explained that a judicial review application had been lodged by Tom Barron Farms Ltd but that even if the committee approved the planning application today, it would be some time before commencement of development which would allow time for the matters in dispute to be determined by the courts. It was also explained that there may in the future be an opportunity to construct a further roundabout to facilitate additional development as proposed by Tom Barron Farms Ltd but this would need to take the normal course of an application to Preston City Council.

Officers responded to questions raised by the members with regard to the impact of the scheme on the Guild Wheel, following which it was:

Resolved: That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and subject to a section 106 agreement relating to the provision and retention of off-site bat mitigation measures, planning permission be **granted** subject to the conditions set out in the report to the committee.

6. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

It was reported that since the last meeting of the Committee on 12 September 2018, thirteen 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

7. Urgent Business

There were no items of urgent business.

8. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 12 December 2018 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston