

**Lancashire County Council**

**Development Control Committee**

**Virtual meeting - Wednesday, 20th January, 2021 at 10.30 am**

**Part I (Open to Press and Public)**

**No. Item**

**1. Apologies for absence**

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

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

**3. Minutes of the last meeting held on 9 December 2020** (Pages 1 - 6)

The Committee are asked to agree that the Minutes of the last meeting held on 9<sup>th</sup> December 2020 be confirmed and signed by the Chair.

**4. Update Sheet**

The Update Sheet will be considered as part of each related agenda report.

**5. West Lancashire Borough: Application number. LCC/2020/0030** (Pages 7 - 24)  
**Application for the retention of 3 no. silos. Whitemoss Landfill Site, White Moss Road South, Skelmersdale**

**6. Chorley Borough: Application number LCC/2020/0052** (Pages 25 - 54)  
**Erection of recycling wash plant to process selected wastes at Common Bank Works, Common Bank Lane, Chorley**

7. **Preston City: Application number. LCC/2020/0053** (Pages 55 - 72)  
**Change of use of land and buildings to a sui generis waste recycling use for the recycling and storage of plastic contained in waste electronic and electrical equipment at Unit 21-22 Roman Way, Longridge Road, Preston.**
8. **West Lancashire Borough: application number. LCC/2020/0062** (Pages 73 - 94)  
**Erection of a new wash plant facility for processing of reclaimed aggregates.  
Tower House, Stopgate Lane, Simonswood**
9. **Rossendale Borough: Application number LCC/2020/0064** (Pages 95 - 112)  
**Installation of new and replacement 2.4m and 3m high fences and gates to enclose school site.  
Construction of pedestrian walkway, with new entrance path. Haslingden High School, Broadway, Haslingden.**
10. **Decisions taken on Development Control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 113 - 114)
11. **Urgent Business**  
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
12. **Date of Next Meeting**  
The next meeting of the Development Control Committee will be held on Wednesday 3 March 2021 at 10.30 a.m.

L Sales  
Director of Corporate Services

County Hall  
Preston





# Agenda Item 3

## Lancashire County Council

### Development Control Committee

Minutes of the Meeting held on Wednesday, 9th December, 2020 at 10.30 am in Virtual meeting

#### Present:

County Councillor Barrie Yates (Chair)

#### County Councillors

S Clarke	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton BEM	P Rigby
K Ellard	A Schofield
D Foxcroft	

County Councillor A Schofield replaced County Councillor C Towneley on the Committee.

#### 1. Apologies for absence

None received.

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

None declared.

#### 3. Minutes of the meetings held on 21 October and 4 November 2020

**Resolved:** That the Minutes of the meetings held on 21 October and 4 November 2020 be confirmed as a correct record.

#### 4. Update Sheet

The Update Sheet was circulated prior to the meeting and attached as a supplementary agenda item.

#### 5. Ribble Valley Borough: application number. LCC/2018/0060 Continuation of mining operations until 31 December 2033 and completion of restoration by 31 December 2035. Bankfield Quarry, Clitheroe.

A report was presented on an application for the continuation of mining operations until 31 December 2033 and completion of restoration by 31 December 2035 at Bankfield Quarry, Clitheroe.

The report included the views of Ribble Valley Borough Council, Jacobs UK Ltd (Ecology), the Environment Agency, LCC Highways Development Control, Natural England, the Lead Local Flood Authority, Network Rail and details of 3 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 access roads and the site from various viewpoints together with the outfall to Chatburn Brook.

Officers responded to questions raised by the Members with regard to the location of the mobile crushing plant in relation to residential properties and the limit on the vibration from blasting.

Following further debate it was:

**Resolved:** That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject first to the signing of a Section 106 agreement relating to the extension of the aftercare period, planning permission be granted subject to the conditions set out in the report to the committee.

- 6. Chorley Borough: application number LCC/2020/0003 To vary condition 2 of planning permissions 09/05/0018, 09/13/0133, LCC/2015/0014, LCC/2016/0059 to allow for the continuation of phased extraction of sand and gravel and infilling of inert wastes for restoration purposes back to agriculture and conservation until 31 December 2030 and for recycling operations to continue until 31 December 2029 at Sandons Farm Quarry, Sandy Lane, Adlington, Chorley**

A report was presented on an application to vary condition 2 of planning permissions 09/05/0018, 09/13/0133, LCC/2015/0014 and LCC/2016/0059 to allow for the continued extraction of sand and gravel and infilling of inert wastes for restoration purposes back to agriculture and conservation until 31 December 2030 and for recycling operations to continue until 31 December 2029 at Sandons Farm Quarry, Sandy Lane, Adlington, Chorley.

The report included the views of Chorley Borough Council, Adlington Town Council, Lancashire County Council's Landscape Service, Ecology Service and Highways Development Control, the Environment Agency, the Canal and River Trust and details of 10 letters of representation received objecting to the

proposal. These included letters from County Councillor Kim Snape, and Chorley Borough Councillors Peter Wilson, Graham Dunn and June Molyneaux.

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 illustrations of the restoration plan and the culvert plan together with photographs of the site and access roads from various viewpoints.

The officer advised of an amendment to page 55 of the advice section of the report and that the date given for the completion of the culvert and manhole works should read 31<sup>st</sup> December 2021 to match with the date stated in condition 28.

The Committee was reminded that as a result of the Covid-19 outbreak, members of the public who had formally requested to speak at the committee meeting and who met the criteria, had been invited to give their views in the form of a written statement to be read out in full by officers at the meeting. An officer therefore read out a written statement on behalf of Mr KM, a local resident, and County Councillor Kim Snape (copy set out at Annex A to the Update Sheet). The local resident also provided a number of photographs with his written submission.

Officers responded to questions raised by the Members with regard to the concerns raised in the report and written submissions with regard to the time extension, the impact on residential amenity and flooding issues.

Following further debate with regard to the flooding issues and impact of the quarrying operations on culvert number 133 that passes under the canal and into the site, it was Moved and Seconded that:

"The application be deferred pending the submission of a scheme and programme for a technical investigation to assess whether it is feasible and necessary for the proposed culvert to be increased to 900mm."

On being put to the vote the Motion was Lost.

Following further debate, it was Moved and Seconded that:

"The application be approved subject to an amendment to Condition 28 to require the submission of a scheme and programme for a technical investigation to assess whether it is feasible and necessary for the proposed culvert to be increased not only from 650mm to 750mm but to 900mm."

On being put to the vote, the Motion was Carried. A condition to reflect the motion passed by the Committee has been drafted by officers and is currently being discussed with the applicant.

**Resolved:** That subject to the amendment to condition 28 as outlined above and to the applicant first entering into a Section 106 Agreement for an updated aftercare management plan including landscaping, habitats and public access for a period of 15 years, planning permission be **granted** subject to conditions set out in the report to the committee.

**7. Wyre Borough: application number. LCC/2020/0039  
The infilling of a lake and change of use of land to allow the siting of  
40 static caravan pitches for holiday use and associated  
infrastructure. Highfield Farm Fisheries, Gants Lane, Hambleton.**

A report was presented on the infilling of a lake and change of use of land to allow the siting of 40 static caravan pitches for holiday use and associated infrastructure at Highfield Farm Fisheries, Gants Lane, Hambleton.

The report included the views of Wyre Borough Council, Lancashire County Council Ecology Service, the Environment Agency, Lancashire County Council Highways Development Control and details of 3 letters of representation received objecting to the development.

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 a site layout plan and photographs of the existing fishing lakes.

Officers responded to questions raised by the Members with regard to impact of the additional vehicle movements on the A585 during the construction phase and drew attention to Condition 12 of the proposed planning permission which requires that the accommodation units shall be used for the purposes of holiday accommodation only and not as a permanent residence.

Following further debate regarding the additional vehicle movements, it was Moved and Seconded that:

"The application be approved, subject to following amendment to condition 8b to read:

b) The hours of operation that will apply to HGVs importing fill materials to the site which shall not be outside the hours of 09.00 and 16.00 Mondays to Fridays."

On being put to the vote the amendment was Carried. It was therefore:

**Resolved:** That subject to the amendment to Condition 8b as set out above, planning permission be **granted** subject to conditions set out in the report to the committee.



**8. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation**

It was reported that since the last ordinary meeting of the Committee on 21 October 2020, sixteen 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

**9. Urgent Business**

None.

**10. Date of Next Meeting**

**Resolved:** That the next virtual meeting of the Committee be held on Wednesday 20 January, 2021 at 10.30am.

L Sales  
Director of Corporate Services

County Hall  
Preston



## Development Control Committee

Meeting to be held on 20<sup>th</sup> January 2021

Electoral Division affected: Skelmersdale West
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### **West Lancashire Borough: Application number. LCC/2020/0030 Application for the retention of 3 no. silos. Whitemoss Landfill Site, White Moss Road South, Skelmersdale**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### **Executive Summary**

Application - Application for the retention of 3 no. silos. Whitemoss Landfill Site, White Moss Road South, Skelmersdale

#### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour of elevations and dust controls.

#### **Applicant's Proposal**

The application is for the retention of three silos. Each silo measures 12.1 metres in height with a diameter of 3.1 metres and are green in colour. The silos are used for the storage of imported waste materials prior to them being deposited in the applicant's adjacent landfill facility. The types of waste stored include air pollution control residues, fly ash and other similar materials that arise from the operation of energy from waste facilities.

#### **Description and Location of Site**

The silos are located within the operational area of Whitemoss Landfill site, located off Whitemoss Road South, 500 metres south of Skelmersdale. The silos are located adjacent to the access road running between the site entrance and the landfill area.

To the north of the landfill beyond Whitemoss Road South and the M58 are various industrial estates and residential areas immediately north of the motorway. To the south and west is the applicant's landfill site whilst land to the east is open land beyond which is the West Lancashire Investment Centre Business Park. There are a small number of residential properties located off Whitemoss Road South, the closest of which is 150 metres to the north west of the silos.

The site is located within the Green Belt.

## **Background**

### History

Whitemoss Landfill site has a long planning history associated with waste management operations. In 2015 a Development Consent Order was made by the Secretary of State for Communities and Local Government for a westerly extension of the landfill site.

## **Planning Policy**

National Planning Policy Framework: The following paragraphs are relevant to this proposal: - 8- 11 (achieving and definition of sustainable development), 127 (design), 143 – 146 (Green Belts), 180 – 181 (noise and air quality) and 182 (relationship with pollution control regime)

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

West Lancashire Local Plan

Policy GN3 – Criteria for Sustainable Development

## **Consultations**

West Lancashire Borough Council: No objection.

Environment Agency: No objection. The operations at the landfill site are regulated by the Environment Agency under the Environmental Permitting Regulations. The Environment Agency are aware that the silos have been in use for some time without any issues arising.

LCC Highways Development Control: No comments received.

Lathom South Parish Council: Object to the application. The Parish Council are concerned about the air pollution impacts as the ash being stored consists of fine particles and contains multiple pollutants including heavy metals that can result in many lung and immune disorders. The Parish Council are concerned that the application is retrospective and does not have any supporting documents from the Health and Safety Executive or any COSHH risk assessment. They also consider that the ash materials could be recycled.

Bickerstaffe Parish Council: Question why they have not been consulted on the application.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations have been received objecting to the application on the following grounds:-

- Large plumes of black smoke have been circulating in the area with implications for the health of local residents. The proposal is a breach of the rights of residents to live in a clean and safe environment.
- The application was made during lockdown which reduced effective consultation.
- Fly ash consists of fine particles containing toxic metals and soluble salts which are corrosive and abrasive which will be harmful if inhaled. Dust issues from the loose tipping of ash have been an issue on this site in the past. The ash must be wetted and contained in sealed bags or containers before it is tipped in the landfill.
- The ash and dust materials could be recycled.
- The silos should have been planned for as part of the larger landfill project. The retrospective application demonstrates a lack of control and management by the Company.
- What is the transfer method and how will it affect air quality?
- There is a lack of information and the applicant should submit a fly ash management plan. Whitemoss is windy location and there are residential and business uses and agricultural land being used to grow vegetables down wind of the site. Ash contamination would be harmful to public health.
- The delivery of ash materials to the site is resulting in releases of dust.

The CPRE West Lancashire Branch consider that the County Council does not have the authority to make changes to the scope of works associated with a Development Consent Order and that the application should be made to the Secretary of State. The CPRE consider that the proposal represents a material change to the Development Consent Order as it is a proposal that would require the Environmental Statement that supported the original Development Consent Order to be revisited. The CPRE also draw attention to the impacts of tipping loose hazardous dust materials at the landfill but consider that the unsheltered roadside location for the silos is unsuitable as there is no sheltering bunding or covering building.

A letter has also been received from Borough Councillors Pryce – Roberts, Cummins and West objecting to the application. The Councillors state that they have been contacted by a number of residents who are concerned about the impacts of the silos. It is acknowledged that the silos were installed before the present applicant acquired control of the site but their due diligence should have revealed the absence of any permission and the fact that they have remained in situ and operational for 18 months despite visits from the Environment Agency and the County Council is a cause for concern. The councillors are also concerned about the lack of comment from the Environment Agency and that silos would result in dust emissions which have serious health implications. The councillors consider that the application should be refused and that the health and safety of residents is the priority.

County Councillor Julie Gibson raises objection on the grounds that the applicant has not conformed to the terms set out in the Development Consent Order for this site and that there has been inadequate monitoring of the site by LCC leading to the applicant being able to develop the site without obtaining the necessary consents. The applicant should be respectful of their duty to the local community.

## Advice

Whitemoss Landfill Site is an established landfill facility and operates specifically for the disposal of hazardous wastes. In 2015 a Development Consent Order was made by the Secretary of State for a westerly extension of the site. The extension area covers an area of around 16 hectares which would be developed over the period until 2035 at an input rate of up to 150,000 tonnes per annum. The application for the extension area was the subject of a Development Consent Order rather than a planning application to the county council as landfill proposals for hazardous waste are one of the development types that are identified as a nationally significant infrastructure project within the Planning Act 2008, therefore requiring a Development Consent Order application. The extension of the site under the terms of the Development Consent Order commenced in 2018.

The main waste types that are accepted at the site are contaminated soils and also dust and ash materials which are generated by energy from waste sites including the residues that arise from the air pollution control equipment that is used at such sites. These ash and dust materials contain metals and other contaminants which mean that they are classed as hazardous wastes and therefore must be disposed of at landfill facilities which are specifically permitted to accept such materials.

Whitemoss has accepted these materials for a considerable period of time and were transported to the site by tanker and tipped in the open on the tipping face. These waste streams are likely to increase in future as more household waste is managed through energy from waste facilities rather than by landfill.

In 2019 the silos subject to this application were installed. They were installed by the previous operators of the landfill site. Their presence on the site and the need to obtain planning permission was identified during a site monitoring visit undertaken by the County Council in July 2019 and the new operators have therefore applied to regularise the situation. Section 73A of the Town and Country Planning Act 1990 provides for an application to be made for development that has already been carried out.

The silos are used to handle the finer ash and dust materials that are imported to the site. Some of the bottom ashes which are imported to site are heavier and therefore less likely to cause dust impacts are transported direct to the landfill area. The fine ashes and dusts are transferred into the silos from tankers using sealed pipework. The ash / dust is then transferred into large bags (similar to those used to hold stone and sand for building uses) from the base of the silo via an auger. The bags have a neck which allows them to be clamped onto the feed pipe from the auger and ensures a tight fit with no dust leakage during filling. The bag is then tied off and transported to the landfill where they are used as fill or placed above the landfill liner to act as a protection layer prior to other more angular materials being tipped.

Although the concerns regarding dust emissions and associated health impacts are acknowledged, the use of the silos allows these materials to be contained within sealed containers and reduces the potential for dust emissions compared to the loose tipping that was previously lawfully undertaken. The health impacts arising from the tipping of hazardous waste at this site were investigated as part of the Development

Consent Order for the extension of the site and no overriding health impacts were identified, provided that mitigation measures to reduce dust impacts are employed. The use of the silos is one such method of mitigation.

In one of the representations, photographs have been produced showing dust emissions from one of the silos during the filling process. The applicant has reported that a problem occurred on a pressure relief valve on silo 1 during the spring 2020 lockdown. The equipment was repaired but then developed a further fault so was taken out of use on 10<sup>th</sup> December. The faulty equipment was then replaced on 21<sup>st</sup> December. This issue does not appear to have occurred on the other two silos and there is no reason to conclude that there is a fundamental design issue that cannot be overcome. The silos are sealed containers and there is no need to erect bunds or have a building over the silos to provide further dust mitigation. Subject to a condition requiring dust mitigation measures to be fitted to the silos and maintained in operational condition, it is considered that dust can be controlled to acceptable levels.

The silos are located within the Green Belt. Paragraph 144 of the National Planning Policy Framework states that inappropriate development (which includes most new buildings including the proposed silos) is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In this case, the silos are located within a landfill site which itself is located within the Green Belt and for which very special circumstances were considered by the Secretary of State to be demonstrated. The silos are only used in association with the operation of the landfill and help to reduce dust emissions from some of the waste materials that are deposited at this site. The silos therefore have some environmental benefits and it is considered that very special circumstances exist for their retention in the Green Belt.

The silos are located close to the site entrance from where limited views can be gained from Whitemoss Road South. However, the boundaries of the site are generally comprised of trees and hedgerows which provide effective screening for the silos. The visual impacts of the silos are therefore acceptable. A condition should be attached to any permission requiring their removal following the cessation of landfill operations at the site.

The silos are sufficiently distant from the nearest properties that noise impacts should not occur at the nearest properties. The Development Consent Order contains controls on the hours of operation for the landfill site as a whole and which would apply to operations associated with the silos.

The CPRE have questioned whether this proposal represents a modification of the original Development Consent Order proposal which would have to be the subject of a further application to the Secretary of State rather than a planning application to the County Council. Section 14 of the Planning Act 2008 designates the 'construction or alteration' of a hazardous waste facility as being a Nationally Significant Infrastructure Project. The construction of a hazardous waste facility is defined in Section 30(1) and the meaning of an alteration of a facility is defined in Section 30(3) as, among other requirements, having the effect of increasing, by more than 100,000 tonnes per year, the capacity of the facility (where the facility is a landfill or deep storage facility). The application will have no such effect and therefore does not constitute the construction or alteration of a hazardous waste facility. Instead, the application is only for ancillary

infrastructure associated with that process and therefore it is appropriate for the County Council to determine the planning application.

With regard to the recycling of ash and dust residues, it is the case that these materials can sometimes be used in the manufacture of concrete. However, reuse depends on the chemistry of the ash and the end use of the concrete. The chemistry of some ash and dust materials from energy from waste facilities is such that they would not normally be suitable or in demand for the manufacture of concrete and therefore landfill is the best option for these materials.

With regards to other issues raised in the representations, the application was advertised between 17<sup>th</sup> June and 8<sup>th</sup> July by newspaper advertisement, site notice and by letter to local residents which exceeds the publicity requirements set out in legislation and in the relaxations which were introduced due to COVID 19. In relation to the comments from Bickerstaff Parish Council, the site is not located within any parish council area and therefore no formal consultations were undertaken with any parish council. Following the enquiry from Bickerstaff PC, they were advised of the ability to make comments but no further communication was received.

In conclusion, the use of the silos assists in reducing dust emissions arising from the disposal of certain waste materials at this site. The silos do not have any unacceptable impacts on local amenity or the Green Belt and therefore their retention should be supported.

In view of the scale, location or nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The silos shall be removed from the site by not later than 31st December 2035 or within 12 months from the cessation of landfilling operations as defined in this permission, whichever is the earlier.

*Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

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

- a) The Planning Application received by the County Planning Authority on 28th April 2020

- b) Submitted Plans and documents:

Drawing WL/WL/04-20/21720 - Layout



*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy GN3 of the West Lancashire Local Plan.*

3. The external elevations and supporting framework of the silos shall be painted olive green (RAL colour code 6003) and retained in that colour throughout the duration of the development.

*Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

4. Measures shall be taken to minimise dust impacts during the filling and emptying of the silos including the regular inspection, maintenance or replacement of all pressure relief valves, hose connection points and emptying pipes to prevent unregulated emissions of dust.

*Reason: In the interests of local amenities and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy GN3 of the West Lancashire Local Plan.*

## **Definitions**

Cessation of Landfill operations: The date when landfill operations cease under the terms of the Development Consent Order made on 19<sup>th</sup> June 2015 or any successor consent or permission to that Order.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

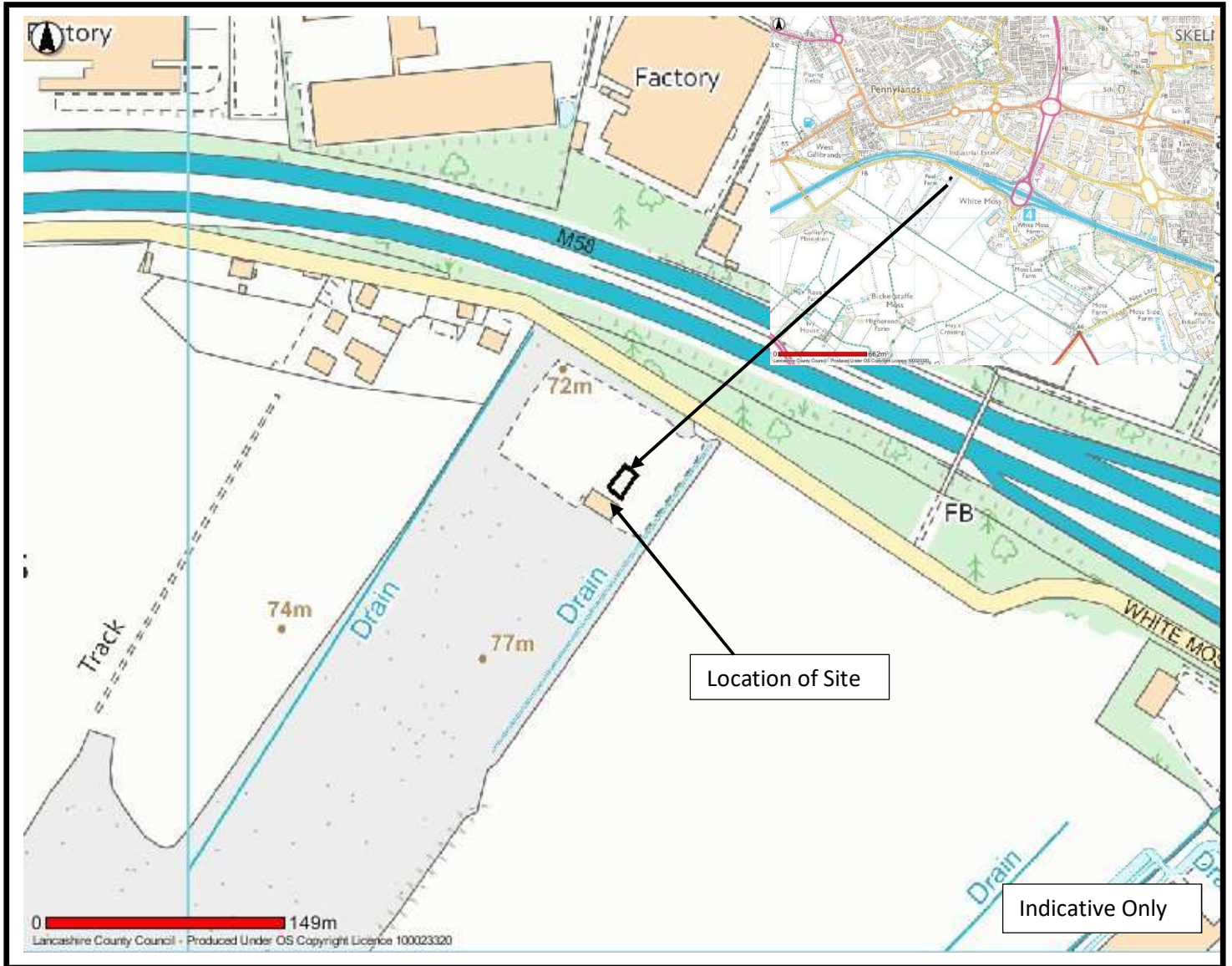
None

## **Reason for Inclusion in Part II, if appropriate**

N/A



**APPLICATION LCC/2020/0030 RETROSPECTIVE APPLICATION FOR THE RETENTION OF 3NO. SILOS AT WHITEMOSS LANDFILL SITE, WHITE MOSS ROAD SOUTH, SKELMERSDALE**



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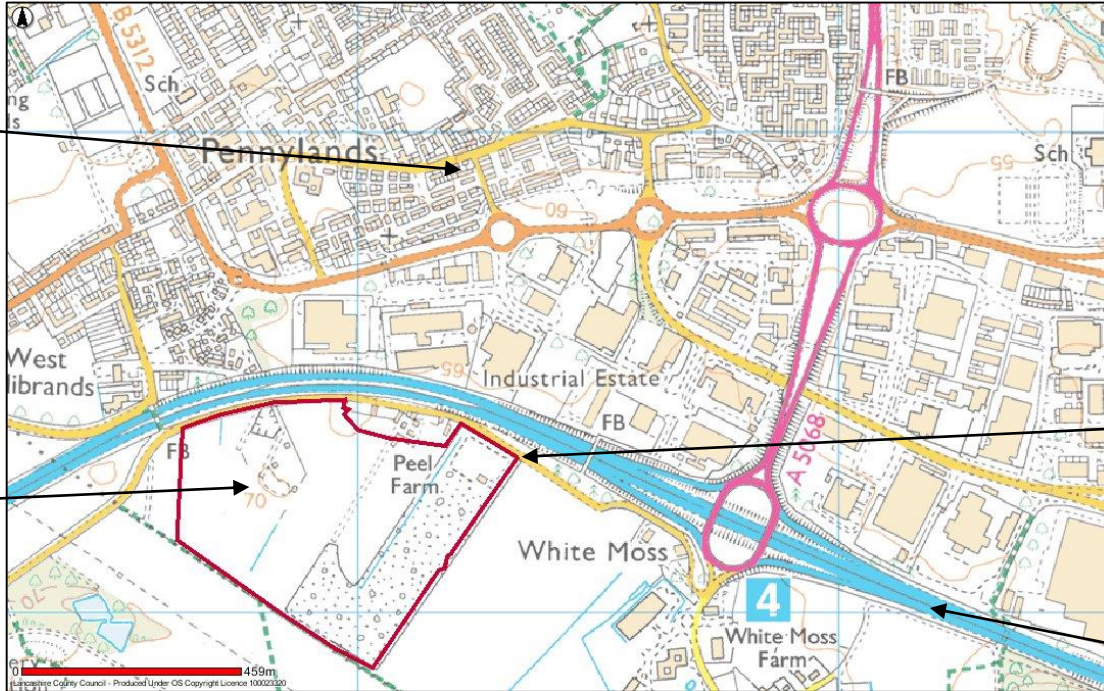
# Planning Application LCC/2020/0030

**Retention of 3 no. silos**

**Whitemoss Landfill Site, Whitemoss Road South,  
Skelmersdale**

# Planning application LCC/2020/0030

Skelmersdale



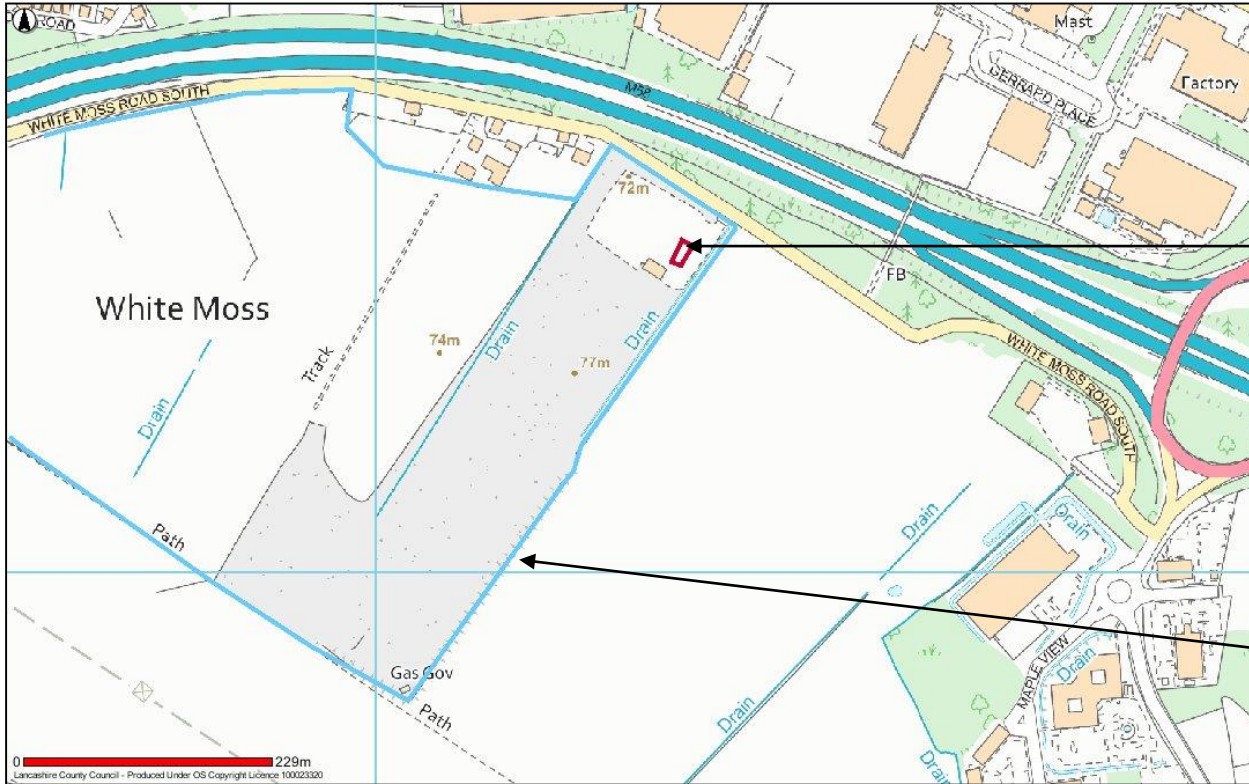
Site access  
off Whitemoss  
Road South

M58

Whitemoss  
Landfill site  
(Development  
Consent Order  
Boundary)



# Planning application LCC/2020/0030



Silos location

DCO boundary



# Planning application LCC/2020/0030



Landfill  
Extension  
Area (blue line  
is DCO area)

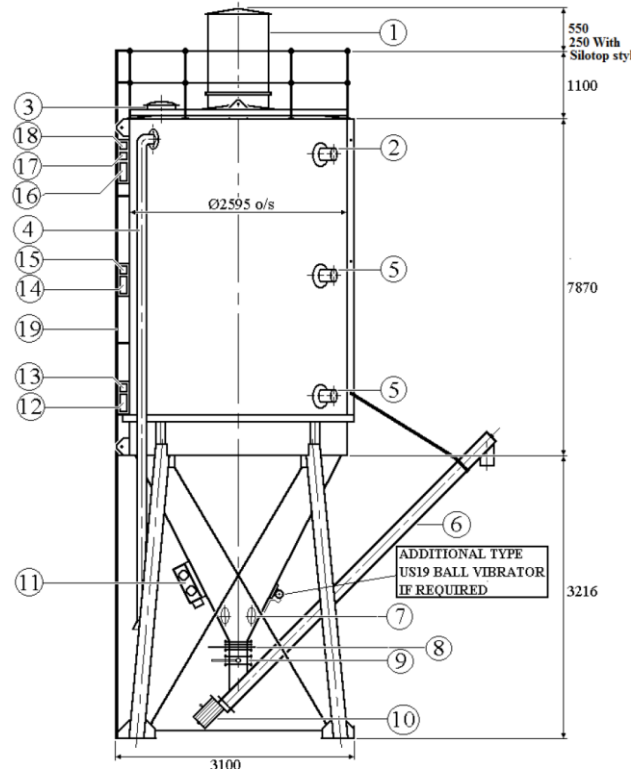
Site access

Silos

Page 20



# Planning application LCC/2020/0030 – Elevations of Silos



# Planning application LCC/2020/0030 – View from site access



Silos

# Planning application LCC/2020/0030 – View across landfill cell



Active  
Landfill  
cell

Other wastes  
being tipped  
above bags of dust/ ash

Bags of dust / ash  
being used above liner



# Agenda Item 6

## Development Control Committee

Meeting to be held on 20th January 2021

Electoral Division affected: Chorley Central
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### Chorley Borough: Application number LCC/2020/0052

### Erection of recycling wash plant to process selected wastes at Common Bank Works, Common Bank Lane, Chorley

Contact for further information:

Robert Hope, 01772 534159

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Application – Erection of recycling wash plant to process selected wastes at Common Bank Works, Common Bank Lane, Chorley.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of working, reversing alarms, lighting and landscaping.

#### Applicant's Proposal

This application is for a wash plant for the processing of inert waste material. The plant includes a number of components such as a primary feeder, feed conveyer, filter press and enclosure, stockpile conveyors, water tank, aquacycle, floccstation, galvanised steel steps, handrails and walkways. The plant is sat on a new concrete pad that covers an area of approximately 69m by 47m with the filter press enclosure the highest section at 13m high. The majority of the conveyor system is coloured blue and white, and the filter enclosure is grey. The wash plant will be a closed-system requiring no water discharge and will be topped-up, when required, from the on-site surface water lagoons.

#### Description and Location of Site

The application site relates to an area of approximately 3440m<sup>2</sup> on within land within an existing construction, demolition, and excavation waste management site. The wider site covers an area of approximately 2 hectares and includes large areas of stockpiled waste, a wheel bath, a site office and surface water storage ponds. The perimeter of the site is secured by a mixture of waste stockpiles, earth bunds of varying heights between approximately 1-5 metres and green weldmesh fencing.

The site is located at the end of Common Bank Lane, the majority of which is a privately maintained road owned by Chorley Borough Council. The road also provides access to Chorley Wastewater Treatment Works and there are a number of residential properties towards the junction with Ackhurst Road. Common Bank Lane is also a public footpath (number 8), which links through to German Lane via a footbridge across the River Yarrow.

Immediately north of the site boundary is public footpath number 1, which runs through Wallets Wood Biological Heritage Site. The woodland rises to the north to a yard area owned by the applicant and other areas of the Ackhurst Road Industrial Estate. To the north, close to the site entrance, is a collection of properties including Clayton Brook Garage and Common Bank Farm. The River Yarrow flows to the south and west of the site in area of mixed woodland and grassland. Woodland and meadow to the north west is designated as Blanche Meadows and Woodland Biological Heritage Site. A dormant sand quarry is located to the west in woodland across the river and there are a number of residential properties at higher elevations some 250-300m away from the site.

## **Background**

### History

The site was formerly occupied by a bleach works until operations ceased and buildings were demolished in the 1990s. The site then lay disused for a number of years. On 3<sup>rd</sup> November 1999, Chorley Borough Council granted a lawful development certificate in respect of the continuation of the B2 use under the provisions of section 192 of the Town and Country Planning Act 1990. The site has been used to varying degrees for the recycling and processing of construction, demolition, and excavation waste under the terms of the lawful development certificate as these operations are a B2 use. The site operates under an Environmental Permit issued by the Environment Agency, which allows the importation of up to 250,000 tonnes of waste per year for the production of soil, soil substitute and aggregate.

## **Planning Policy**

*National Planning Policy Framework*

*Planning Practice Guidance* accompanying the National Planning Policy Framework

*Waste Management Plan for England*

*National Planning Policy for Waste*

*Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources*

Policy CS2	Minimising the need for mineral extraction
Policy CS3	Meeting the demand for new minerals
Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste

*Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part One*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management

*Central Lancashire Adopted Core Strategy*

Policy 29	Water Management
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*Chorley Local Plan 2012-2026*

Policy V1	Model Policy
Policy V2	Settlement Areas
Policy BNE1	Design Criteria for New Development

**Consultations**

Chorley Borough Council – It is acknowledged that the application site has a lawful Class B2 use and so it can be lawfully used for an industrial activity and there are no restrictive planning conditions in relation to this use. The access to the application site is via Common Bank Lane which is a narrow unadopted road serving the application site, a waste-water treatment plant and a small number of commercial and residential uses. The lane is also a public footpath. The proposal has the potential to generate additional levels of traffic that would be detrimental to highway safety and for all users of Common Bank Lane, including pedestrians. This would also likely generate unacceptable levels of noise and disturbance to the occupiers of dwellings on Common Bank Lane. The objection is made on the grounds that Chorley Council consider that the proposal would prejudice highway and pedestrian safety and would cause an unacceptable degree of noise disturbance to surrounding land uses contrary to the provisions of policy BNE1 of the Chorley Local Plan 2012 – 2026.

Charnock Richard Parish Council – The Parish Council object very strongly to the proposals in this application. A number of residents living close to the site, on the Charnock Richard side of the river, have contacted the Parish Council with their objections and notifying the Council that these works started back in March and that that heavy construction is still underway, all being undertaken without planning permission.

The applicant submitted an application for water abstraction, subsequently withdrawn, to abstract 20,160 cubic metres of water from the river Yarrow per year (80 cubic metres per day). However, the Council now understands that a licence was granted to abstract 20,160 cubic metres of water per year, at a rate of 80 cubic metres per day, 10 cubic metres per hour and 2.8 litres per second for mineral washing purposes from the River Yarrow at Old Bleach Works between grid reference SD 56360 17188 and SD 56435 17186 back in July 2020, the filtered water to be either lost in production or returned to a lagoon to be used again, not back in the river. It is also understood that

Ruttle Plant have made an application to vary their waste licence to incorporate the washing of waste on site, which is yet to be determined. None of this information, licences or permissions were ever notified to the Parish Council.

The Parish Council object to the fact that:

1. Footings & building work are well underway which gives no room for residents who will be affected to have the site moved west of its current location due to there being a natural bank which would afford more protection from excessive noise and light pollution (the existing site for crushing & screening is already extremely noisy). This will increase for longer periods of time to feed the new recycling plant.
2. The application states it cannot be seen from paths. However, the whole site next to the river is surrounded by paths and can most certainly be seen and heard (A Parish Councillor having walked the path in the rain reported that she could actually hear the men talking let alone the machinery).
3. One resident's main concern is around the erecting and maintaining the 10 metre bund – particularly around heavy noise emitting plant, (especially crushers) which will be in more constant use on site to provide the new process plant with feedstock.
4. The immediate surrounding area is Green Belt and also forms part of Chorley Yarrow Valley Park which is extensively used by residents of West Chorley for recreation. Therefore, the site is in full view of a number of footpaths including the famous Chorley Circular Route & the access gate to the site passes directly across. There also appear to be newly constructed roads, which again are not on the planning application.
5. Most importantly, the environmental impact of the proposals gives serious cause for concern. This area of the river has been extensively nurtured and restored to a clear flowing river, with an abundance of wildlife, Herons, Kingfishers, Deer to name a few. There is no mention of what the wash recycling plant will put back to pollute the river itself such as sand, silt, rock, concrete, washing solvents and chemicals, The Parish Council do not believe this recycling site has to be located here. The applicant has a big enough site to have it well away from the river embankments. The Parish Council cannot imagine how much inert waste they will create with a recycling plant producing up to 250,000 tonnes per year, 8 hours a day, 6 days a week and how dealing with that waste will impact on the local roads and infrastructure around Charnock Richard and neighbouring Parishes.

The Parish Council are totally opposed to these proposals and feel there are more appropriate locations, both in the Borough and even on the applicant's site itself where these could be located.

Coal Authority – No comments to make.

Environment Agency – Provided initial comments on the first version of the noise assessment and included a general comment that it is understood that the site is currently allowed to operate 0700-1800 Mon-Sat, and that there are no additional restrictions on operation of specific activities or machinery. Given the scale of the installation being proposed and the possibility of exacerbating existing noise impacts



reported by local residents, it is suggested that the County Council considers restricted hours of operation for the proposed machinery, in particular early mornings and Saturdays, which are especially sensitive periods.

Following the submission of a revised noise assessment the Environment Agency provided the following additional comments:

The noise impact assessment for the proposed activity (wash plant and peripherals) indicates that this particular activity is likely to have an adverse noise impact (up to +8dB above background at noise sensitive receptors). The applicant attempts to justify this adverse impact by stating that existing operations are already having an adverse noise impact (up to +10dB above background). However, as the existing activities will continue to operate alongside the proposed wash plant, then the contribution from the wash plant will only increase the total noise from the site, possibly increasing the rating level over background to >10dB, which indicates a significant adverse impact according to BS4142. The report separates the proposed activities from the existing activities and individual BS4142 assessments are undertaken on each. To understand the noise impact from the site when both proposed and existing activities are operating together then the BS4142 assessment must consider the contribution from all activities. With regard to the potential impacts on the four main residential receptors, there are various background noise sources in the area, which are likely to impact on the noise sensitive receptors (NSRs) 1&4 differently to NSR 2&3. We would advise the authority requests more robust justification that the measurement at MP1 is representative of all of these noise sensitive receptor locations.

We remain concerned at the decision to use the lowest possible correction factors for the likely acoustic features of the proposed activities. Because this is subjective, then others, i.e. residents or nearby office workers, may feel that the tones/impulses are clearly or highly perceptible. We would reiterate to the authority that we continue to receive noise complaints from residents living in the noise sensitive receptor locations.

It is emphasized that background levels should be measured when the entire site is not operating. The key concern for residents and other receptors will be whether the proposed combination of activities on site causes an adverse or significant adverse impact, therefore individual site activities should not be separated. Whilst the applicant has now stated that the background levels previously presented were measured when the site was not operating, they have also said that site preparation works were underway for installing the wash plant. No detail is provided on the type of work being undertaken, however any site noise is likely to have been measured in the background level therefore artificially raising this.

We would advise that the authority seeks further justification for the assertion that the ongoing site activity/preparation works did not contribute to the measured background level.

The Environment Agency has also provided comments in relation to surface water management arrangements. Many of the comments relate to the existing wider site rather than the application site. Other comments highlight errors within the storage calculations and also query the water use of the wash plant.

Lancashire County Council Lead Local Flood Authority – No comments received.

Lancashire County Council Highways Development Control - The site is an existing waste recycling facility located at the end of the un-adopted section of Common Bank Lane which is a Public Right of Way (PROW – FP1 and FP8). Access to the site is via the Public Rights of Way and the proposal as described above is to install a recycling wash plant. The proposal is likely to have minimal transport impacts, therefore, no objection is raised.

United Utilities - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended accordingly.

Representations – The application has been advertised in the local newspaper and neighbouring residents have been informed by individual letter. 12 representations have been received objecting to the application for the following reasons:

- Noise impact of the current works can already be heard at distance. There are concerns that this proposal will make it worse. The development should not be permitted at night or at weekends.
- Environmental impact on the wildlife, birds, fish, fowl and amphibians which has been nurtured by the improvements done by Chorley Circle.
- Concerns with heavy goods vehicle traffic on Common Bank Lane including the noise, vibration and damage to the road surface. What will the traffic impacts be with the new development?
- The access road along Common Bank Lane is unsuitable given it is a single track with no pavement or streetlights.
- Access should be made via the applicant's existing yard on Ackhurst Industrial Estate.
- The wash plant is already being built.
- The wash plant has an unacceptable visual impact on the Yarrow Valley Country Park and on local amenity.
- The site is in the flood plain.
- The site is within 20 metres of the River Yarrow.
- The site is adjacent to Blanche Meadows and Woodland Biological Heritage Site.
- The original noise assessment made an assumption of a 10m high screening bund, which is not there. There are also concerns regarding the assessment of representative background noise.
- Large numbers of heavy goods vehicle movements will be unacceptable given the local footpath network in and around Common Bank Lane.
- Could the bunding be planted with trees?
- The wash plant should be relocated further away from residents.
- Concern about potential light pollution.
- Measures should be put in place to protect local wildlife.
- The surrounding area is Green Belt.
- The conditions of the Environmental Permit should be met and adequately policed along with a satisfactory noise management plan.

- The footpath to the north of the site is already affected by flooding due to the impact of the adjoining stockpile areas. This proposal will make it worse.
- Increased likelihood of air pollution.

Objections have also been received from Chorley Borough Cllr Beaver, summarised as follows:

- It is not disputed that the site has existing rights of use, the site has historically been used for commercial purposes. However, it is questioned why Chorley Council gave permission for the site to be used to process selected waste given that Common Bank Lane is little more than a dirt track for most of its length and is totally unsuitable for HGV movements, some of which are Class 1 articulated plant transporter vehicles weighing over 80 tonnes, which is borne out by damage caused to the track.
- The development could contaminate the River Yarrow.
- Could access be taken via Ackhurst Road Industrial Estate?
- Damage to Common Bank Lane is damaging tree roots and hedgerows.
- The applicant states that the site is not in a flood risk area but this is incorrect.
- The site is within 20m of a watercourse.
- The development will affect flooding elsewhere.
- No storage or collection of waste.
- The applicant states that there is no proposal to carry out industrial or commercial processes. Yet this is what the application is for.
- The application says the development will not be seen from local footpaths. This is incorrect.

## **Advice**

This application is at an existing construction, demolition and excavation waste recycling and processing site on land that was previously occupied by a bleach works. The existing activities at this site operate with the benefit of a lawful development certificate for B2 'General Industrial' use granted in 1999 and are not subject to any planning controls. Therefore, there are no restrictions on the hours of working or the number of vehicles that can visit the site each day. The site is subject to an Environmental Permit issued by the Environment Agency and this requires the standard of operations at the site to minimise pollution. The permit allows for the importation of up to 250,000 tonnes of waste per year for the production of soil, soil substitute and aggregate.

The site currently operates a range of mobile crushing, sorting and screening plant and equipment which is used to dry screen imported inert waste. The wash plant would be used as an alternative way of processing the waste material in order to produce a higher quality of end product. The applicant states that with the proposed operations there would be the wash plant, a loading vehicle, a vehicle for stockpiling material and a crusher. The latter being used for approximately 2 days per month. The applicant envisages that the wash plant would be capable of separating and screening material to produce higher quality aggregate products and to increase recycling capabilities. The proposal would therefore helping to minimise demand for primary quarried

materials and minimising the need for landfill as set out in Policies CS2, CS3, CS7 and CS8 of the Lancashire Minerals and Waste Core Strategy.

The applicant has chosen to commence with the development prior to securing planning permission. However, this option is provided for under section 73A of the Town and Country Planning Act 1990 and therefore it is recommended that no negative prejudice should be applied in the decision making process. It is at the applicant's own risk in following this approach.

The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy V1 of the Chorley Local Plan is an overarching model policy, which advises that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It advises that the Council will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

The site falls within the Chorley 'Settlement Area', under Policy V2 of the Chorley Local Plan. This policy states that there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and other policies and proposals within the Local Plan. Commentary that accompanies the policy states that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. However, in this case the site is already established as a general industrial site and the planning application relates to plant and machinery associated with the existing use.

Policy V2 continues by adding that development proposals will be judged by their compatibility with existing surrounding development and their ability to satisfy material planning criteria. This includes factors such as access, parking, servicing, design and amenity, which includes an assessment of noise, emissions, disturbance because of anti-social hours of operation, and traffic generation. The impact on the character and distinctiveness of the area including visual intrusion for existing residents is also an important factor.

In determining planning applications paragraph 127 of the National Planning Policy Framework requires the decision maker to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change. Developments should function

well and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. Paragraph 180 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The applicant has submitted a noise assessment that considers local ambient noise levels and predicted noise levels from the operation of the new wash plant. This is also compared with operations that have been typical at the site. The assessment concludes that the employment of the wash plant and ancillary operations would be likely to be 2dB lower than the typical current situation. However, the Environment Agency has raised a number of concerns regarding the methodology of the noise assessment and seeks clarification on the type of extent of operations should the wash plant be given approval. The site operates under the provisions of an Environmental Permit and the Environment Agency currently has responsibility for ensuring that noise levels from the site as a whole are acceptable. Further noise assessments and scrutiny will be required as part of an application to vary the Environmental Permit to account for the wash plant.

Paragraph 183 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The existing waste operations at this site are already subject to an Environmental Permit, which specifies acceptable waste types and sets standards for the control of noise, water quality and air emissions.

It appears that the wash plant is unlikely to generate significantly higher levels of noise or dust than the existing waste processing activities and therefore the wash plant is considered acceptable in planning terms in this respect. However, this is on the basis that operations do not intensify across the site through the use of additional mobile crushing and screening plant. For this reason a condition is recommended such that

only one crusher plant and the wash plant, along with loading vehicles and excavators would be permitted and a condition is recommended for further details of the crusher plant and its location at the site. It is also recommended that planning conditions be imposed to control hours of working across the whole site including tighter restrictions for the wash plant and crushing plant, and that no operations be permitted on Sundays or bank holidays. This would represent a major planning gain on a currently uncontrolled site. Furthermore, a condition is recommended in relation to white noise reversing alarms to reduce the likelihood of tonal noise disturbance at neighbouring properties.

The proposed wash plant, and in particular the filter enclosure, has generated a new visual presence at the site for users of the local footpath network and from residential properties further afield. However, this should be considered in the context of the existing use of the site and location of other neighbouring industrial premises to the north. The presence of the wash plant is considered to be typical of plant, equipment and/or buildings that could be seen on any general industrial site and is considered acceptable. Nevertheless, it is considered that the visual impact of the site on the surrounding woodland environment could be reduced through the introduction of peripheral tree and shrub planting. A condition is recommended accordingly. No lighting is proposed for the wash plant and a condition is recommended in that respect.

### *Highways*

Paragraph 108 of the National Planning Policy Framework states that planning applications should be assessed to ensure that appropriate opportunities have been taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The policies of the Development Plan in particular DM2 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure that proposals for minerals and waste development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

The development is at an existing waste management site that has an established and unrestricted access via Common Bank Lane, which also serves as a public footpath. There are currently no controls on vehicle movements and traffic varies depending on site activity. The wash plant is a system to improve the processing and separation of waste materials and does not change the overall use of the site. Waste inputs are restricted to 250,000 tonnes per year by the Environmental Permit and this would not change with the wash plant. Lancashire County Council's Development Control Highways raises no objection.

It has been suggested that the site could be accessed via a new link from within the Ackhurst Road Industrial Estate to avoid the top end of Common Bank Lane at its junction with Ackhurst Road. That may be something the site operator could pursue

in future but at this time this does not form part of the planning application and there would be no basis to require construction of an alternative access.

### *Water management*

Paragraph 163 of the National Planning Policy Framework states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the Lead Local Flood Authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Planning Practice Guidance accompanying the National Planning Policy Framework promotes the employment of sustainable drainage systems that are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable. Firstly, into the ground (infiltration); secondly, to a surface water body then to a surface water sewer, highway drain, or another drainage system and finally to a combined sewer. Particular types of sustainable drainage systems may not be practicable in all locations.

Policy 29 of the Central Lancashire Core Strategy aims to improve water quality, water management and risk of flooding by, amongst other things, appraising, managing and reducing flood risk in all new developments, managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity, encouraging the adoption of sustainable drainage systems and by seeking to maximise the potential of green infrastructure to contribute to flood relief.

The wash plant and associated development would be located on a concrete pad within the confines of the much larger waste management site that is already subject to water containment controls. The concrete pad would introduce an impermeable surface at the site, which is already largely impermeable due to the underlying surface. The site is not within flood risk area 2 or 3 and is located within a contained and bunded area.

The site current has a land drainage network made up of an open and culverted land drain that takes run-off generated on-site into two man-made surface water settlement ponds where surface water is attenuated. The existing ponds discharge surface water run-off from the wider site (including the proposed development area) into the River Yarrow at a restricted rate of 7.0 litres per second as controlled through the Environmental Permit. The application area would need to allow for 64.5m<sup>3</sup> of storm flow based on a 1 in 100yr storm event plus climate change allowance.

The applicant advises that the total storage capacity of the settlement ponds is 298m<sup>3</sup>, which provides more than sufficient capacity for the 173m<sup>3</sup> total surface water storage requirement for the wider site including the 64.5m<sup>3</sup> specifically calculated for the wash plant concrete platform. The Environment Agency has provided comments in relation to surface water management arrangements but many of the comments relate to the

existing wider site rather than the application site and are not relevant to the determination of this application. Other comments highlight errors within the storage calculations, which have been addressed by the applicant and also query the water use of the wash plant, which would have no significant effect on the surface water management arrangements at the site. In this respect it is considered that the water management arrangements would be acceptable for the purposes of this application.

### *Human Rights*

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights bearing in mind the existing use of the site. It is considered that any potential impacts could be controlled by conditions.

### *Conclusion*

This is an application for a wash plant to sort and process construction, demolition and excavation waste and efficiently retrieve materials that may otherwise end up being landfilled. The plant would be located at an existing waste materials management facility on established general industrial land that has no planning controls. General activities and pollution controls are regulated through an Environmental Permit issued by the Environment Agency but this does not control hours of working or the arrangement of activities on site. Given the activities that can take place under the existing authorised use for the site, the principle of the use of a wash plant is considered acceptable. It is unlikely that there would be any unacceptable impact on local amenity, the highway network or the environment over and above the current situation and subject to recommended conditions. Conditions relating to the control of hours of working, restrictions on site activities, and landscaping in relation to the whole site, would provide significant planning gain as a benefit of planning permission. Overall, it is considered that, subject to conditions, the development complies with the policies of the development plan and the policies of the National Planning Policy Framework and should be supported.

### **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Working Programme**

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) Submitted Plans and documents:



Drawing no. 305/6-1, rev 1.0 - Location Plan  
Drawing no. 305/6-2, rev 3.0 - Layout Plan  
Drawing no. C466225, rev B - C&D Recycling Wash Plant  
Details Document 'Ruttle Plant - Project ref: 4476, dated 14 Nov 2019

- b) All details approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies V2 and BNE1 of the Chorley Local Plan and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

2. No heavy goods vehicle movements and/or general waste management operations within the site edged green on drawing no 305/6-1, rev 1.0 shall take place outside the hours of 0700 to 1800 hours Mondays to Fridays (excluding Public Holidays) and 0700 to 1600 hours on Saturdays.

No crushing or wash plant operations within the site edged green on drawing no 305/6-1, rev 1.0 shall take place outside the hours of 0800 to 1800 hours Monday to Fridays (excluding public holidays) and 0800 to 1600 on Saturdays.

No waste management operations 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

3. No crushing operations shall take place until details of the type of crusher to be operated and its location on the site to the north east of the wash plant enclosure have been submitted to and approved in writing by the County Planning Authority.

Thereafter, crushing operations shall take place in accordance with the approved details.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

4. No mobile plant shall be used on the site edged green on drawing no 305/6-1, rev 1.0 while the wash plant is in use, except for one crushing plant and the wash plant subject of this permission. This condition excludes loading vehicles and excavator machinery.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

5. All mobile plant on the site shall be fitted with broadband/non-audible reversing systems, which shall be employed during the operation of the mobile plant.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. No lighting shall be used to illuminate any part of the wash plant subject of this permission.

*Reason: To avoid light pollution and comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

7. Within 3 months of the date of this permission, a landscaping establishment and management plan within the boundaries of the site edged green on drawing no. 305/6-1, rev 1.0 shall be submitted to the County Planning Authority for approval in writing.

The submitted details shall include:

- a) The nature and depth of any soil making materials.
- b) Native tree/shrub planting and seed specification.
- c) The ongoing maintenance and management of the landscaping at the site while the materials and waste management facility remains operational.

Thereafter, the approved landscaping establishment and management plan shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) following the approval of the details.

*Reason: To ensure satisfactory landscaping of the site boundaries and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

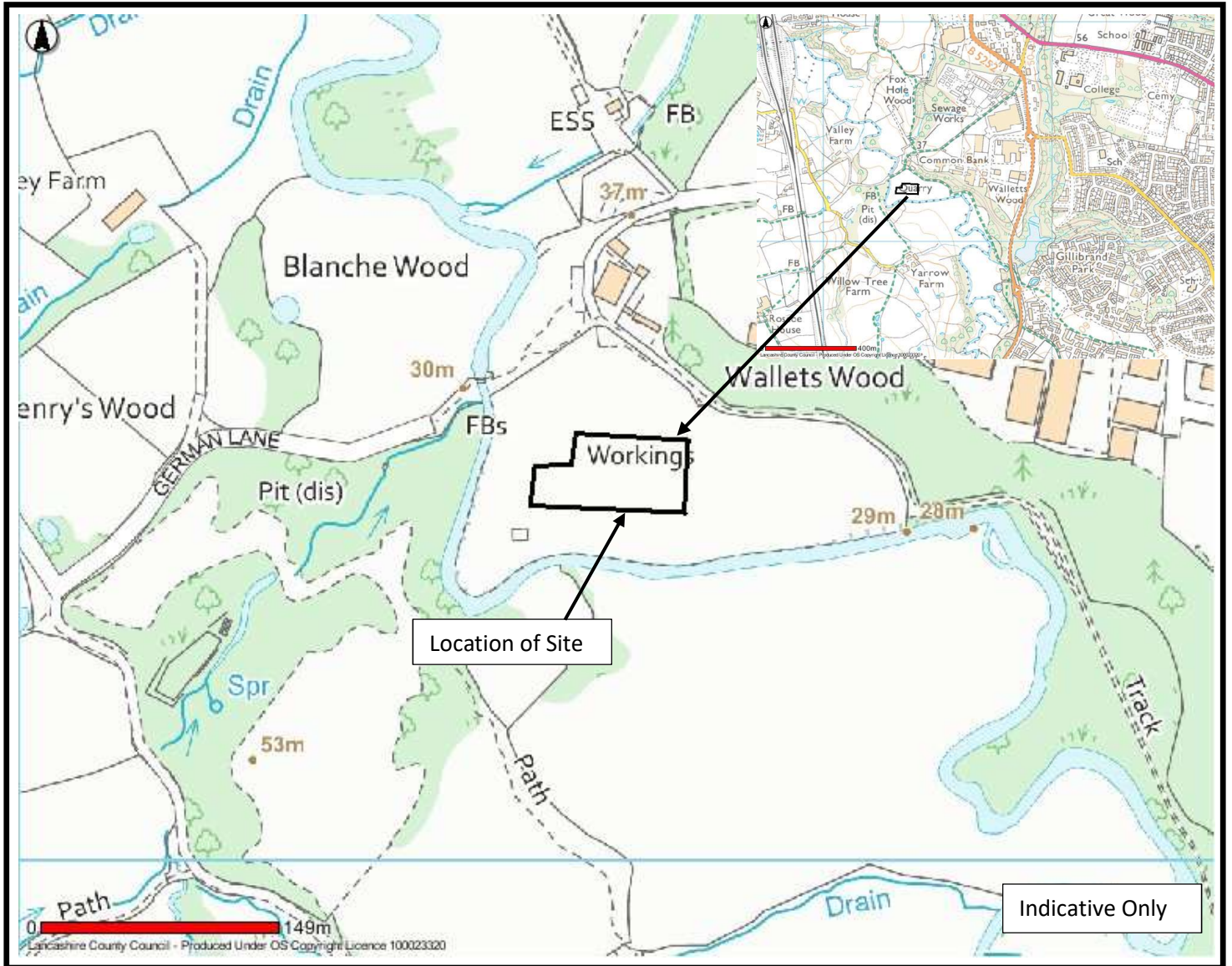
## **Local Government (Access to Information) Act 1985 List of Background Papers**

None

## **Reason for Inclusion in Part II, if appropriate**

N/A

**APPLICATION LCC/2020/0052 ERECTION OF RECYCLING WASH PLANT TO PROCESS SELECTED WASTES AT COMMON BANK WORKS, COMMON BANK LANE, CHORLEY**



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# Planning application LCC/2020/0052

## Erection of recycling wash plant to process selected wastes at Common Bank Works, Common Bank Lane, Chorley

Page 41

# Planning application LCC/2020/0052

## Location plan



Properties

Wastewater  
treatment  
works

Common  
Bank Lane

Industrial  
estate

Existing  
site edged  
blue

Application  
site (edged  
red)

Properties

River  
Yarrow

# Planning application LCC/2020/0052

## Aerial view (June 2016)



Wastewater  
Treatment  
works

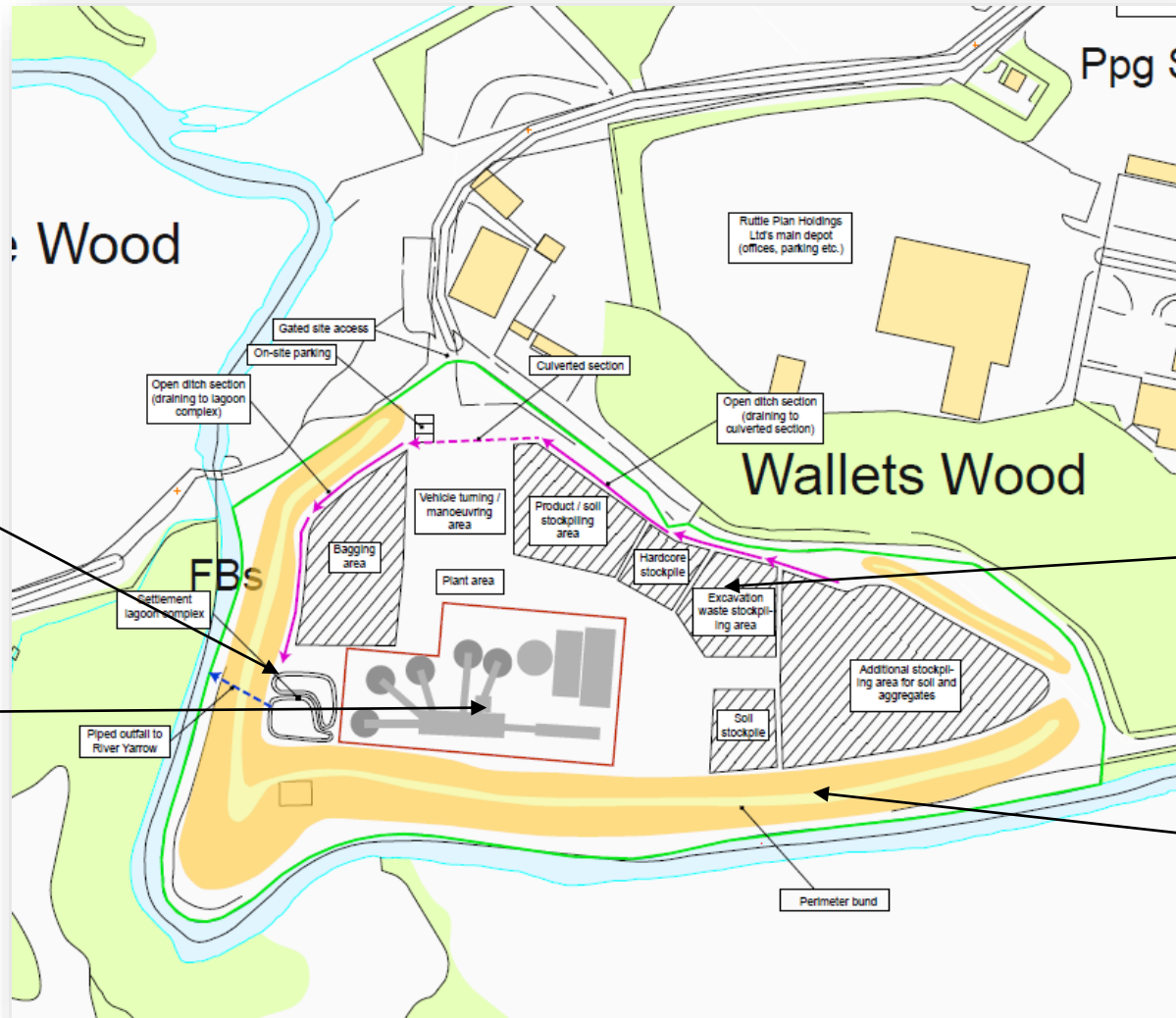
Industrial  
Estate

Existing site  
(edged  
blue)

Application site  
(edged red)

Dormant  
German Lane  
sand quarry

# Planning application LCC/2020/0052



Surface water ponds  
Page 44

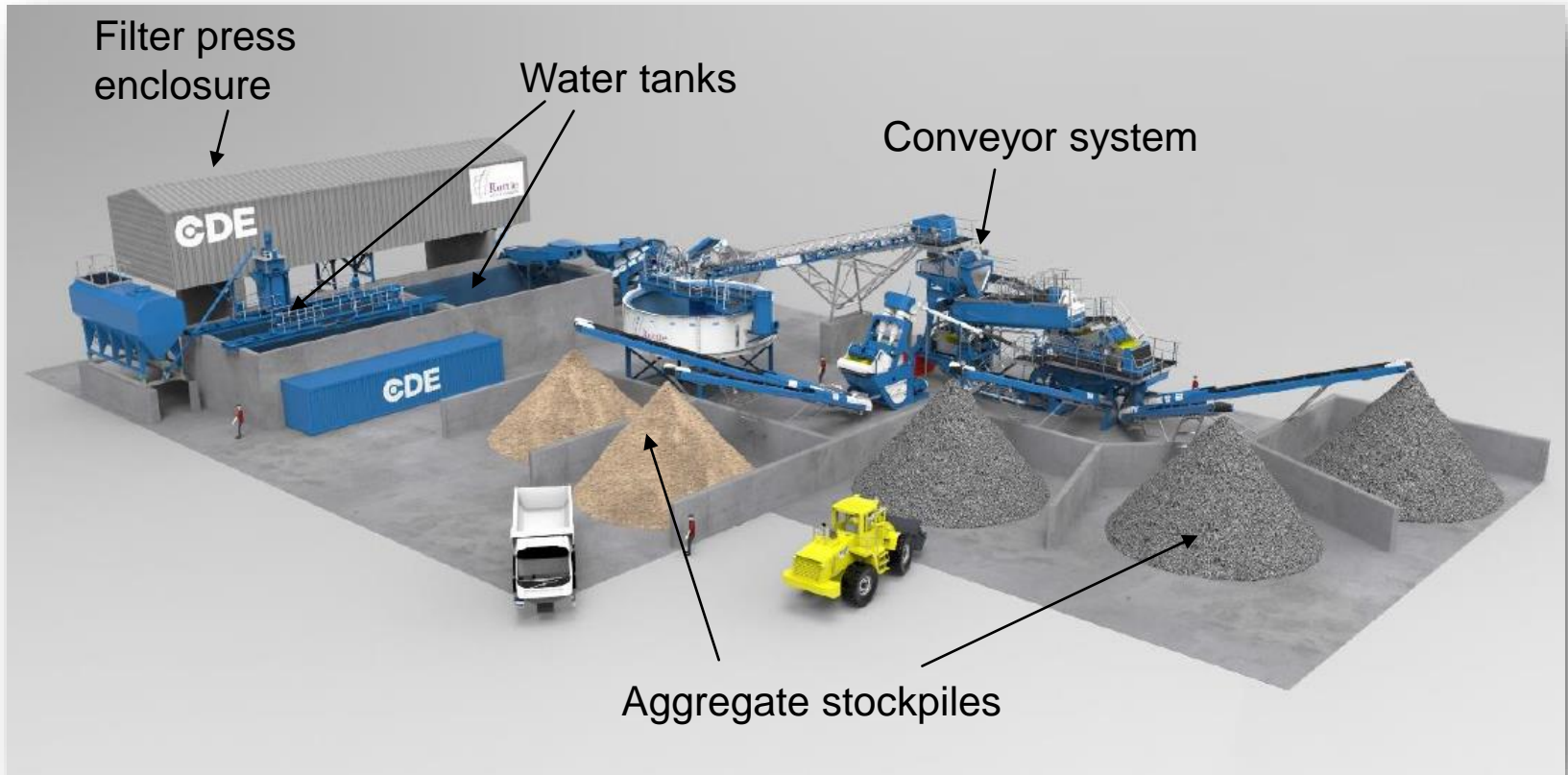
Wash Plant

Stockpiles

Perimeter bund



# Planning application LCC/2020/0052



Wash plant components

# Planning application LCC/2020/0052



Wash plant as built

# Planning application LCC/2020/0052



Southern bund

# Planning application LCC/2020/0052



View from site bund  
looking south

# Planning application LCC/2020/0052



Page 49

# Planning application LCC/2020/0052



Footpath to the north of the site

# Planning application LCC/2020/0052



Common Bank Lane

# Planning application LCC/2020/0052



Common Bank Lane



# Planning application LCC/2020/0052



Common Bank Lane towards the  
junction with Ackhurst Road



## Development Control Committee

Meeting to be held on 20th January 2021

Electoral Division affected: Preston East
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### Preston City: Application number. LCC/2020/0053

**Change of use of land and buildings to a sui generis waste recycling use for the recycling and storage of plastic contained in waste electronic and electrical equipment at Unit 21-22 Roman Way, Longridge Road, Preston.**

Contact for further information:

Susan Hurst, 01772 534181

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Application – Change of use of land and building to a sui generis waste recycling use for the recycling and storage of plastic contained in waste electronic and electrical equipment.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of operation and site operations.

#### Applicant's Proposal

Planning permission is sought for the change of use of land and building to a sui generis waste recycling use for the recycling and storage of plastic contained in waste electronic and electrical equipment. The existing building is to be utilised and no new buildings are proposed. The external yard area is for the receipt of waste only, no waste will be stored on the external yard area. The existing attached offices would be retained as offices and ancillary accommodation.

The proposal would involve the separation of different types of plastic that are contained in waste electrical and electronic equipment. The equipment to be installed within the building would allow plastic containing POPs (Persistent Organic Pollutants) to be separated from plastic that does not contain POPs using a density separation process.

The high temperature destruction process required on the POPs contaminated plastic would not be completed on this site; such material would be sent to a dedicated facility off site for incineration and which does not form part of this application.

It is proposed to operate the separation plant on a 24 hour basis on Monday to Friday and on Saturdays from 00.00 to 18.00 with no working on Sundays and Bank Holidays. Deliveries to the site would be between the hours of 07.00 to 23.00 Monday to Friday and on Saturdays from 07.00 to 18.00 with no deliveries on Sundays and Bank Holidays.

## **Description and Location of Site**

The site is located on Roman Way within Units 21 /22 Roman Way Industrial Estate and extends over an area of approximately 5871 sq.m. Roman Way is a large established Industrial Estate off Longridge Road, Preston approximately 1km south of Grimsargh and 1.4km west of the M6 junction 31a. To the west of the site is Rough Hey Industrial Estate and to the south of the site is Red Scar Industrial Estate. The estate includes various general industrial units, including food production, warehousing and manufacturing as well as Astra Business Centre with a number of offices. The nearest residential properties are north of the site on Longridge Road approximately 350 metres away. Roman Road Farm is situated to the east approximately 380 metres away.

The application site consists of a large warehouse and external yard area. Adjoining the yard area, the site comprises a single storey office along the south façade. The site is generally level and predominately covered with a concrete apron, with a grassed area from the edge of the kerbing rising to the pavement along Roman Way on the southern and eastern boundary. The site contains an existing car parking area to the south but there are no changes to the car parking or office area with this application. Vehicular access is via an existing entrance off Roman Way to the north corner of the site.

## **Background**

The proposal is located at an established Industrial Estate. There is no relevant planning history for the site but the applicant has advised that it was previously used as a storage building and yard for FX Carpets. The site in the last 12-18 months has been used by the applicant to store waste plastic arising from household waste collections. The Environment Agency did grant a temporary licence for this use but no planning permission was in place for this activity.

## **Planning Policy**

National Planning Policy Framework

Paragraphs 11 – 14, 80 – 82, 124 – 132, 180 and 183 are relevant with regard to the requirement for sustainable development, building a strong and competitive economy, achieving well designed places, controlling noise impacts and the relationship between planning and pollution control.

National Planning Policy for Waste – Section 7 is relevant in relation to the determination of planning applications.

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF)

Policy CS7 – Managing Our Waste as a Resource

Policy CS8 – Identifying capacity for managing our waste

Policy CS9 – Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan- Site Allocation and Development management Policies – Part One (LMWLP)

Policy NPPF1 – Presumption in favour of sustainable development

Policy DM2 – Development Management

Preston Local Plan

Policy V1 – Model Policy

Policy EP2 – Protection of Existing Employment Areas

Policy EN9 – Design of New Development

## **Consultations**

Preston City Council – No objection.

Preston City Council Environmental Health Officer – Initially raised concerns over noise levels and requested a Noise Impact Assessment. On receipt of the assessment, the Environmental Health Officer was satisfied with findings of the report subject to conditions requiring any roller shutter doors to be closed during operation and restricted delivery/collections times.

Ecology Service – No objection.

Environment Agency – Concerns over potential noise levels and suggested a Noise Impact Assessment to be submitted. The Environment Agency also recommend specifying suitable hours of operation to avoid impact on local residents and businesses. The applicant is applying for an Environmental Permit.

LCC Highways Development Control – No objection.

SUDS – No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations have been received from neighbouring businesses, which raise the following concerns:

- Increase in HGV movements and lack of parking spaces will cause roadside parking.
- Concerns over incineration taking place on proposed site.
- Unsightly waste being stored on site.
- Potential dust issues.

- Don't want a re occurrence of the problems which have happened over the last 12-18 months with plastic waste being stored on the site, waste being blown over roads and grassed areas and issues with flies around the estate from smelly waste being stored.
- Increase in noise and vibration levels.

## **Advice**

Planning permission is sought for the change of use of land and building to a sui generis waste recycling use for the recycling and storage of plastics from waste electronic and electrical equipment (WEEE).

In June 2020 the Environment Agency released guidance on the reclassification of plastics from waste electronic and electrical equipment. If the electronic or electrical item was manufactured prior to 2009 the plastic may contain Persistent Organic Pollutants (POPs). POP's are used as flame retardants in such equipment. If the plastic contains levels of POPs over a certain limit, this plastic has to be destroyed by high temperature incineration. It is common for waste electronic and electrical equipment materials to arise from equipment manufactured both pre and post 2009 and therefore, without separation, all plastic from mixed sources has to be treated as hazardous waste and destroyed by incineration. The process included in this planning application is for the installation of equipment which separates the non-POPs and POPs contaminated plastic allowing for some waste electronic and electrical equipment plastic to continue on a recycling route rather than all waste electronic and electrical equipment plastic having to be destroyed in high temperature incineration.

The main issues associated with the application are the acceptability of the site to be used for this purpose, visual impact, noise/pollution, hours of operation and potential increase in heavy goods vehicles that the use of the site may generate.

The site is an existing unit located within the Roman Way Industrial Estate which is designated as an Existing Employment Area for the purposes of Policy EP2 of the Preston Local Plan, and is an acceptable location for the proposal.

National Policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy' and only disposing of waste as a last resort. The equipment that is proposed to be installed would allow an increase in the volume of waste plastics that can be recycled rather than it all being incinerated. The proposal would therefore allow the management of certain waste electronic and electrical equipment plastic at a higher level in the waste hierarchy and therefore contributes towards meeting the objectives of Government policy and Policy CS7 and CS8 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy.

In terms of environmental impacts, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan states that development for waste operations will be supported where it can demonstrate that all material impacts can be eliminated or reduced to acceptable levels.

Five representations have been received concerned that the impacts that have occurred on site over the previous 12-18 months will re-occur. The applicant was issued with a temporary waste license to store waste plastic on the site and in the building, although no planning permission was ever granted for such a use. The waste plastics that were stored originated from household waste collections and there were issues with flies, odours and waste blowing over roads and grassed areas. These problems have now been resolved with the waste stored in the external yards being removed. Under the new proposal no general waste plastic would be stored on site and only waste electronic and electrical equipment plastic would be accepted all of which would be stored and processed in the building; no storage of waste in the yard is proposed. A bespoke Environment Agency permit will be required for the proposed use.

In relation to noise and dust, the applicant has advised that the separation plant would be located inside the building. The density separation process does not cause dust as it uses floatation and a centrifuge process to separate the different types of plastic. The waste electronic and electrical equipment plastic is not odorous and thus odour issues would not arise. A noise assessment submitted with the application has demonstrated no likely unacceptable noise impact and given that the site would be subject to an Environment Agency permit which would control noise levels, the impact on local amenity would be acceptable. To ensure that the development would not have any noise impacts on the amenities of the nearest residential properties a condition is proposed requiring the roller shutter doors to be closed at all times during operation other than when a delivery or collection is taking place.

Given the distance to the nearest residential properties, it is considered that the impacts of the site could be adequately controlled through the imposition of planning conditions in relation to the hours of working, no storage of waste on the forecourt and only allowing for the management of electrical waste

In relation to traffic impacts, the site is an established industrial location and therefore the site/building could be used for a range of storage and distribution uses without the requirement for any further permission. LCC Highways have no objection to the application. The development would generate approximately 16 HGV traffic movements per day and there is already provision for vehicle parking spaces within the site, which would ensure that the proposal would not create any highway problems both within the industrial estate or on the wider public highway and would have very similar traffic impacts to any other use for the site.

Overall it is considered that the proposed development would be an acceptable use for the site and complies with the policies of the National Planning Policy Framework and the development plan.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

## Time Limits

1. The development shall commence not later than 3years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

## Working Programme

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

- a) The Planning Application received by the County Planning Authority on 25 August 2020

- b) Submitted Plans received by the County Planning Authority on 25 August 2020

Drawing No. 01P - Location Plan

Drawing No. 02P - Site Plan

Drawing No. 03P - Plant Design Plan

Drawing No. 06 - Material Storage Plan

Drawing No. 07 - Drainage Plan

- c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies NPPF 1, DM1, DM2, WM1, WM2 and WM4 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies V1, EP2 and EN9 of the Preston Local Plan.*

## Hours of Working

3. No waste processing activities shall take place outside the hours of:

00.00 to 23.59 hours Monday to Friday (except Public Holidays)

00.00 to 18.00 hours Saturdays

No delivery of waste, collection of waste or separated plastics or servicing of the premises shall be undertaken outside the hours of:

07.00 to 23.00 hours Monday to Friday (except Public Holidays)

07.00 to 18.00 hours Saturdays



No waste sorting operations, deliveries or collections of waste or recycled materials shall take place 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.*

### **Site Operations**

4. No waste other than plastics originating from waste electronic and electrical equipment shall be processed at the site.

*Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.*

5. All waste management operations and storage of materials shall be undertaken within the building. No materials shall be stored anywhere in the external yard area

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.*

6. The roller shutter doors to the external elevations of the building shall remain closed at all times except to allow the access and egress of delivery vehicles into the premises.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.*

### **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency

### **Local Government (Access to Information) Act 1985 List of Background Papers**

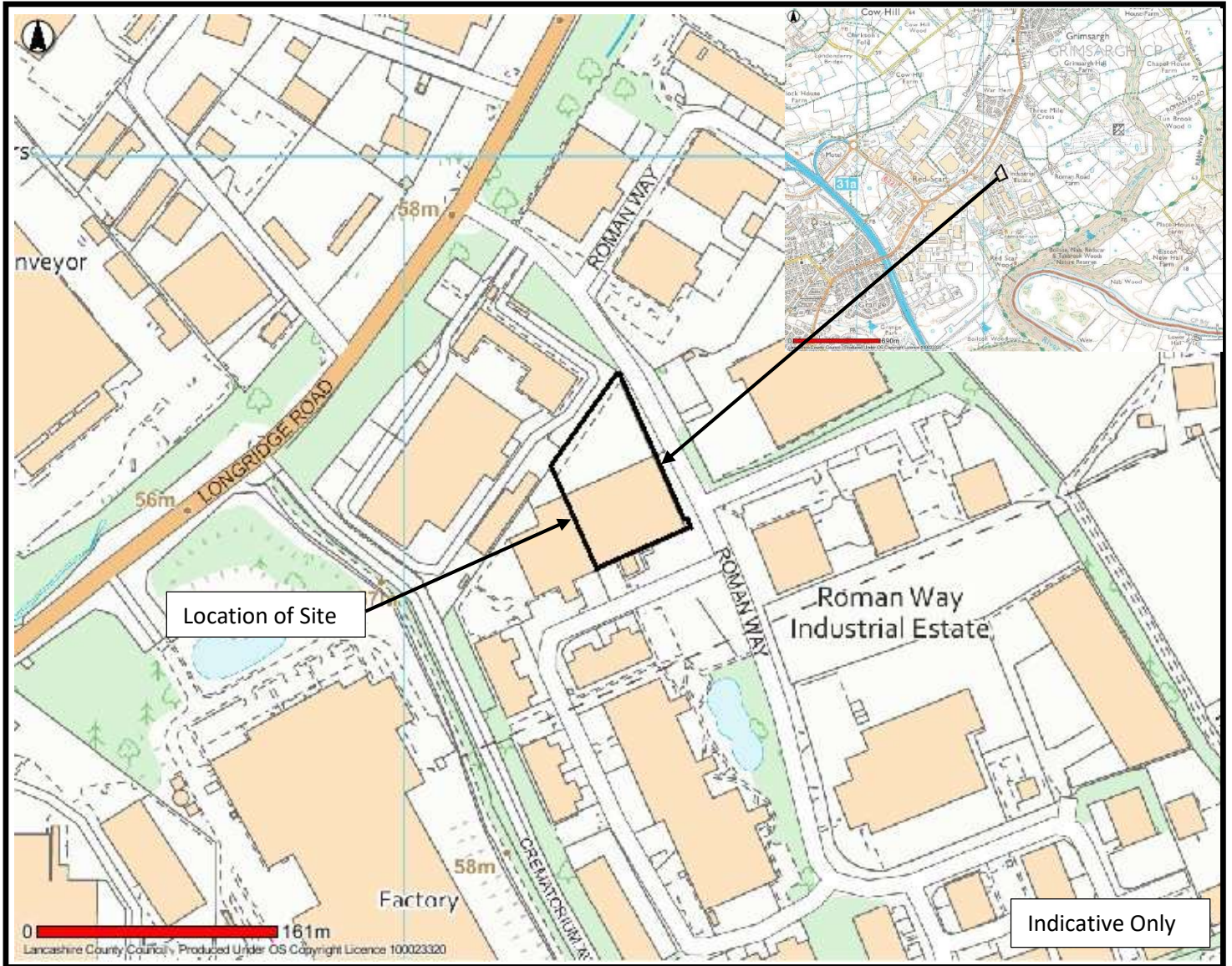
None

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2020/0053 CHANGE OF USE OF LAND AND BUILDINGS TO A SUI GENERIS WASTE RECYCLING USE FOR THE RECYCLING AND STORAGE OF WASTE ELECTRONIC AND ELECTRICAL EQUIPMENT PLASTIC. AT UNIT 21-22 ROMAN WAY LONGRIDGE ROAD PRESTON**



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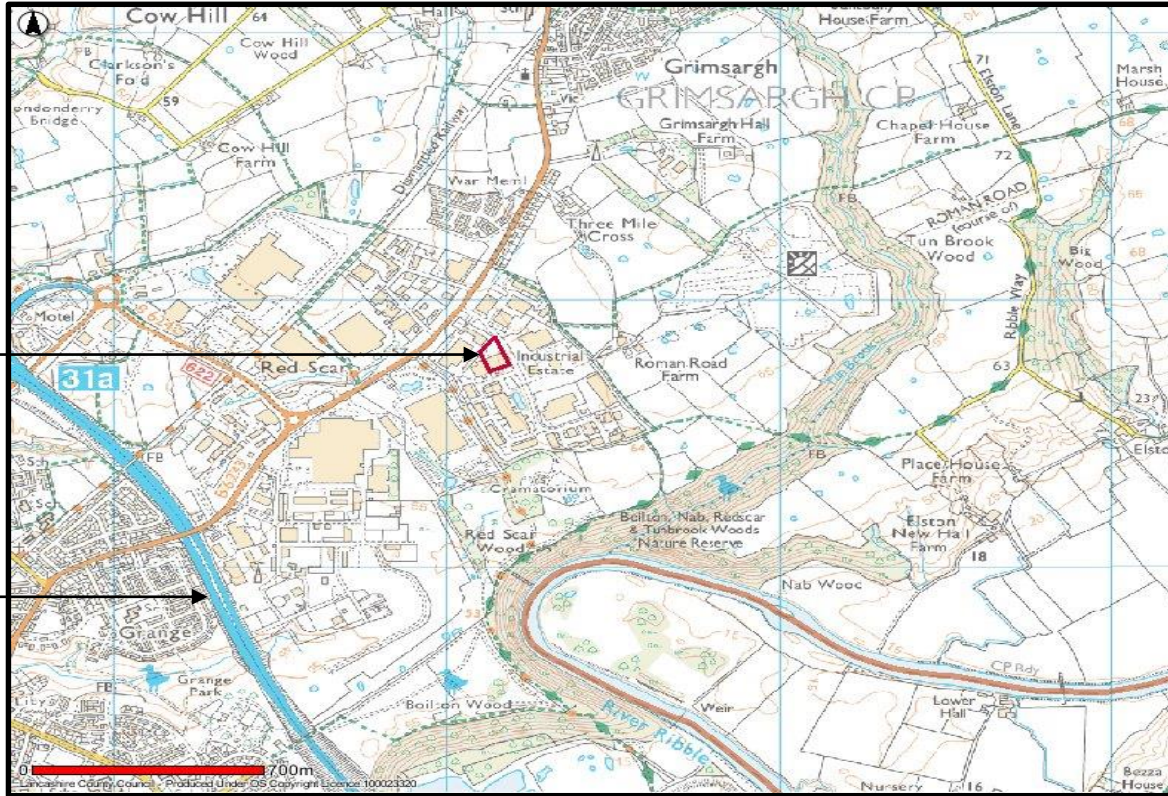
# Planning application LCC/2020/0053

**Change of use of land and buildings to a sui generis waste recycling use for the recycling and storage of plastic contained in waste electronic and electrical equipment**

**Unit 21-22, Roman Way, Longridge Road, Preston**

# Planning application LCC/2020/0053

## Site Location Plan



Red edge of application site

M6

Page 66

# Planning application LCC/2020/0053

## Aerial View



Proposed change of use of land and buildings

Existing offices and car parking area

Page 67

# Planning application LCC/2020/0053

## View of offices and car parking area – south elevation





# Planning application LCC/2020/0053

## View of buildings and storage yard – north elevation

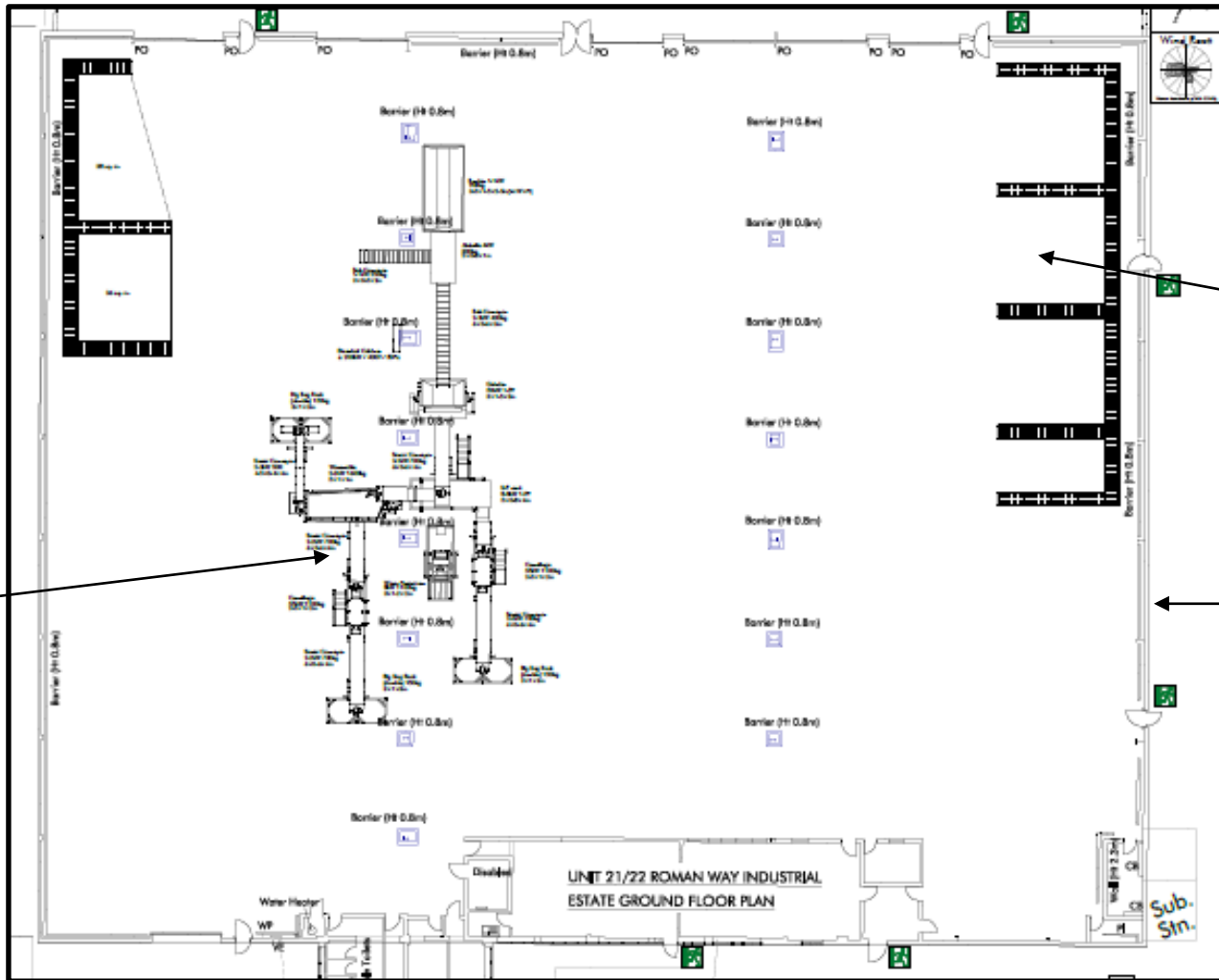


# Planning application LCC/2020/0053

## View of site entrance



# Planning application LCC/2020/0053 – Layout of plant



Materials storage bays

Walls of building

Plastics processing plant

Page 71



# Agenda Item 8

## Development Control Committee

Meeting to be held on 20<sup>th</sup> January 2021

Electoral Division affected: West Lancashire East
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**West Lancashire Borough: application number. LCC/2020/0062**  
**Erection of a new wash plant facility for processing of reclaimed aggregates.**  
**Tower House, Stopgate Lane, Simonswood.**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application - Erection of a new wash plant facility for processing of reclaimed aggregates. Tower House, Stopgate Lane, Simonswood.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, base levels of plant, stockpiles, water controls, lighting, noise and dust.

### Applicant's Proposal

The application is for the installation of a new processing plant for the processing and washing of inert wastes to produce a range of aggregate materials.

The plant would have maximum dimensions of 108 metres by 80 metres and would consist of a feed hopper supplying various processing equipment which would supply conveyors forming a variety of stockpiles between 80 – 2mm aggregate size. The plant would also include 6no steel tanks which would hold the water used for washing the aggregates and also a filter press which would be used to extract the fine material from the washing water. The maximum height of the washing plant would be approximately 15 metres. Most of the plant would have a height of around 11 metres.

The new plant would be constructed on a concrete slab with an area of around 2850 sq metres.

### Description and Location of Site

The proposed wash plant would be located at an existing waste transfer station on the Simonswood Industrial Estate off Stopgate Lane approximately 3km north east of Kirkby in Merseyside. Simonswood Industrial Estate is comprised of a large number

of industrial uses including waste transfer operations, timber and container storage and haulage.

To the immediate west of the application site are other areas of the applicant's waste processing activities including stockpiles of inert waste and a building used for the sorting of skip waste. To the east is another waste processing business used for the production of soils. To the north are agricultural fields whilst to the south is the Kirkby to Wigan railway line beyond which is further agricultural land. The land to the north and south of the industrial estate is in the Green Belt.

The nearest residential properties are located on Sidings Lane approximately 300 metres to the north west of the site.

## **Background**

### History

Planning permission for waste transfer activities on the application site was granted by Knowsley Metropolitan Borough in 1993 ref K/APP/14826.

The applicant's adjacent waste transfer station benefits from many permissions granted by Lancashire County Council for the processing of inert waste and similar activities. These include a permission granted in 2019 (ref LCC/2018/0050) for a similar wash plant to that currently proposed.

## **Planning Policy**

### National Planning Policy Framework

The following paragraphs are relevant to the proposal: Paragraphs 8-11 (definition and presumption in favour of sustainable development), 80 (building a strong and competitive economy), 127 (design), 180 (pollution), 183 (relationship between planning and pollution control) and 204 (contribution towards supply of minerals from recyclable materials).

### National Planning Policy for Waste

Section 7 is relevant regarding the determination of planning applications

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

Policy CS2 Minimising the need for mineral extraction

Policy CS3 Meeting the demand for new minerals

Policy CS7 Managing our waste as a resource

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Local Plan

Policy SP1 A sustainable development framework for West Lancashire  
Policy GN3 Criteria for Sustainable Development  
Policy EC1 The Economy and Employment Land

## Consultations

West Lancashire Borough Council: No observations received.

Simonswood Parish Council: No observations received.

Environment Agency: No objection. The existing site operations are regulated by the Environment Agency through the Environmental permitting regime. The current permit authorises storage, sorting, crushing and screening of waste at input rates of up to 360,000 tonnes of material per year. The EA have also included comments about the collection of rain water and that any proposal to discharge dirty washing water to the watercourse would require further treatment and a permit for the discharge.

United Utilities: Are currently reviewing the application to understand in more detail the potential impacts on water infrastructure. UU request that the application is not determined until their formal response has been issued.

LCC Highways Development Control: No objection.

Knowsley Metropolitan Borough Council: No objection in principle but raise a number of questions:

- What mitigation is provided to prevent debris being tracked onto the local highway network? Does the site offer any roadsweeping?
- Is there any proposal for controlling the flow of traffic to prevent peaks in traffic and potential queuing?
- It is stated that the traffic volumes will be unchanged - how many vehicles does this equate to? Are there maximum daily limits that would be set?

Knowsley MBC consider that a clearer understanding of the traffic impacts is required for full support to be offered.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising the following issues:

- Residents already suffer from large numbers of HGV movements that pass properties some of which are in breach of the 7.5 tonne weight limit on Stopgate Lane and there is concern that further development on the industrial estate will exacerbate these problems. The weight limit is routinely ignored and the police are unable to enforce.
- The lack of objection from LCC Highways is surprising as residents have been in correspondence with them about the local traffic issues and Highways could

at least have drawn attention to the need to manage HGV access through the planning process.

- The means of access to the site needs to be clarified as there is conflicting information within the planning application.
- A traffic management plan condition was attached to a similar development on the current applicants other site which appears to have been successful in preventing the applicant's own vehicles from breaching the weight restriction.
- Conditions on opening and processing hours should be imposed to protect resident's amenity.

## **Advice**

The applicant operates a large waste transfer station at a site called Tower House on the Simonswood Industrial Estate. This site includes a large inert waste washing plant similar to that proposed in the current planning application that was approved by the County Council in 2019 ref LCC/2018/0050.

The applicant has recently acquired ownership of a further 1.4 hectare area of land immediately to the east of the Tower House site. This area benefits from a planning permission granted by Knowsley Borough Council in 1993 for use as a construction materials recycling centre. The site is currently occupied by stockpiles of inert waste such as demolition rubble and excavation waste.

At present inert wastes on the application site are dry screened using mobile crushing and screening plant. In order to produce a higher quality of finished product, the applicant wishes to install a fixed processing and washing plant. This plant would use water to remove the fine material from the waste leaving only larger sizes of clean aggregate materials which can be used for a much wider range of building and construction applications compared to the dry screened material. The washing water would be passed through a press leaving a clay / soil material which can be sold or sent for final disposal.

Paragraph 204 of the National Planning Policy Framework states that planning policies for the sustainable supply of minerals should take account of the contribution that recycled materials would make to the supply of construction materials. Policy CS3 of the Lancashire Minerals and Waste Core Strategy sets out the provision for extraction of aggregate materials but aims to maximise the contribution from recycled sources. Policy CS7 sets targets for the recycling of construction and demolition waste. The proposal would allow higher quality aggregate products to be produced from inert waste which would better compete with primary (quarried) materials and would also reduce the amount of construction and demolition waste sent to landfill securing a move up the waste hierarchy for these materials. The proposal therefore meets with the objectives of Government and local policy regarding the supply of construction materials and management of waste.

Simonswood Industrial Estate is allocated for B2 (general industrial) uses in Policy EC1 of the West Lancashire Local Plan. The application site also already benefits from a planning permission for the recycling of construction wastes and therefore the principle of the development on this site is acceptable.



In relation to local environmental impacts, Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for minerals or waste management operations will be supported where it can be demonstrated that all environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy GN3 sets out that development proposals will be assessed against a number of criteria including design, retaining reasonable levels of amenity, landscape impact and minimising impacts on air quality and all types of pollution.

The nearest residential properties to the proposed plant are located approximately 300 metres to the north west on Sidings Lane. The recycling activities which have historically been undertaken on the site have utilised mobile crushing and screening plant to process the inert waste materials that have been imported and therefore the environmental impacts of the proposed plant in terms of noise, dust and traffic have to be seen in that context.

In terms of noise, there is already a permission for a wash plant on the applicant's nearby Tower House site (permission LCC/2018/0050). Both plants could operate at the same time and therefore the cumulative noise impacts have to be considered. A noise assessment was submitted with application LCC/2018/0050 which concluded that the resultant noise level at the nearest properties would be considerably below the background noise. The proposed wash plant would be located approximately 120 metres further from the properties and would benefit from the 5.5 metre high landscape mounding that is present along the northern side of the site. Whilst there may be some further noise if both plants were to operate at the same time it is unlikely that this would be substantially greater than the noise that would be generated from the Tower House wash plant operating in tandem with mobile crushing and screening plants on the application site. Provided that conditions are imposed regarding noise levels and the use of white noise reversing alarms, it is considered that the noise impacts would be acceptable. The 1993 planning permission for this site already includes a condition limiting hours of operation and it is considered that the same hours of operation should be applied to the proposed wash plant.

In terms of dust, the plant would use water to wash the inert waste materials and therefore the outputs from the plant would be wet and would be very unlikely to generate substantial quantities of dust. Some dust impacts might be possible from the initial loading of raw materials into the plant but it is considered that the plant should produce a considerable reduction in dust emissions compared to the existing situation where all materials are dry screened. A condition can be imposed requiring general dust mitigation measures to be employed.

The site is generally well screened by the landscaped screening mounds to the north of the site. The majority of the elements of the plant would be considerably below the level of the landscaping and the nearest viewpoint from Stopgate Lane to the north is a considerable distance from the site. Provided that a condition is attached relating to the base levels of the plant, it is considered that the visual impacts would be acceptable.

Knowsley Borough Council and a local resident have raised several issues in relation to traffic impacts. In relation to traffic volumes and wheel cleaning, the existing permission for this site does not include any limitation on the numbers of HGVs that

can access the site. The site is accessed via an internal road within the industrial estate with a distance of around 1km between the public highway at Stopgate Lane and the site itself giving more than adequate queuing capacity. The site does include wheel cleaning measures and the considerable length of surfaced internal road within the industrial estate provides scope for any residual debris or dirty water to be removed from HGVs before they reach Stopgate Lane.

The issues raised by the local resident regarding HGVs breaching the traffic regulation order on Stopgate Lane are acknowledged. However during inspections by officers, it has been noted that the applicant's own vehicles do generally turn west from the industrial estate access and travel via the North Perimeter Road which is not subject to any weight restriction. Legally enforceable measures already exist in the form of weight restrictions to ensure that HGV traffic from this industrial estate use suitable roads and therefore further planning conditions to cover this issue should not be necessary. However on a recent planning application for an additional stockpiling area on the applicant's Tower House site, a condition regarding traffic management was imposed requiring all hauliers to be issued with a notification advising them of the approved routes and details of the action that would be taken should hauliers not follow the approved routes. It is considered that such a condition has some merit in ensuring that all drivers are advised of the correct routes to follow and of the consequences that would follow should they be observed using other roads. On that basis and subject also to conditions relating to HGV sheeting, the highway impacts are considered acceptable.

With regard to the comments from United Utilities, no objections were raised on the original application for waste transfer activities on this site in relation to impacts on water infrastructure. The further comments of United Utilities will be reported via the update sheet.

In conclusion, this proposal would allow inert waste materials to be recycled into a range of high quality construction products which would reduce demand on primary quarried materials and would also increase rates of waste recycling. The proposal would be on a site that already benefits from a planning permission for inert waste recycling and subject to the application of conditions, the proposed development would not have any unacceptable impacts. The proposal is therefore acceptable in relation to the policies of the Development Plan.

In view of the scale, location and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

## **Working Programme**

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

a) The Planning Application received by the County Planning Authority on 12th February 2020

b) Submitted Plans and documents:

Plan 200 Rev B - Location

Plan 202 Rev D - Proposed site plan

Plan 203 Rev A - Proposed Plan

Plan 204 Rev D - Existing and proposed site sections

Plan 205 Rev A - Proposed drainage plan

c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy GN3 of the West Lancashire Local Plan.*

3. The base levels (top of the concrete base) of the processing and washing plant shall not exceed 39.6 m AOD.

*Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

4. Measures shall be taken at all times to minimise the generation of dust from the processing and washing plant. Such measures shall include the fitting of dust suppression equipment to the feed hopper and conveyor outfall points and the watering of all stockpiles of aggregate materials in dry weather conditions.

*Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

5. Stockpiles of raw and processed material associated with the operation of the wash plant shall not exceed 5.5 metres in height.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy GN3 of the West Lancashire Local Plan.*

6. All mobile plant utilised in the operation of the processing and washing plant shall be fitted with and utilised white noise reversing alarms. No reversing beepers shall be used on such plant.

*Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

7. The wash plant facility shall not be used outside the hours of:

0730 to 1800 hours, Mondays to Fridays  
0730 to 1200 hours, Saturdays

The wash plant shall not be used at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

8. All rain water collected from the wash plant facility shall be discharged to the existing drainage system as shown on drawing P270.3 -205A or collected for use in the washing plant. No surface water shall be allowed to discharge either directly or indirectly into the public sewer.

*Reason: In the interests of safeguarding local water courses and drainages to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

9. No external lighting and floodlighting shall be erected to illuminate the processing and wash plant unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The location and design of any lighting columns
- b) The number, power and orientation of lighting units
- c) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

## Highway Matters

10. All vehicles transporting recycled aggregate materials from the site shall be securely sheeted.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

11. The wheel cleaning measures installed within the area of planning permission ref K/APP/14826 shall be used by all HGVs leaving the site to ensure that no mud, dust or other debris is deposited on the public highway by HGVs leaving the site.

*Reason : In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

12. The traffic management measures contained in the scheme and programme approved under condition 13 of planning permission LCC/2020/0007 shall apply to all HGV movements associated with the transportation of recycled aggregate materials produced by the proposed processing and washing plant.

*Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.*

## Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

## Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## Local Government (Access to Information) Act 1985

### List of Background Papers

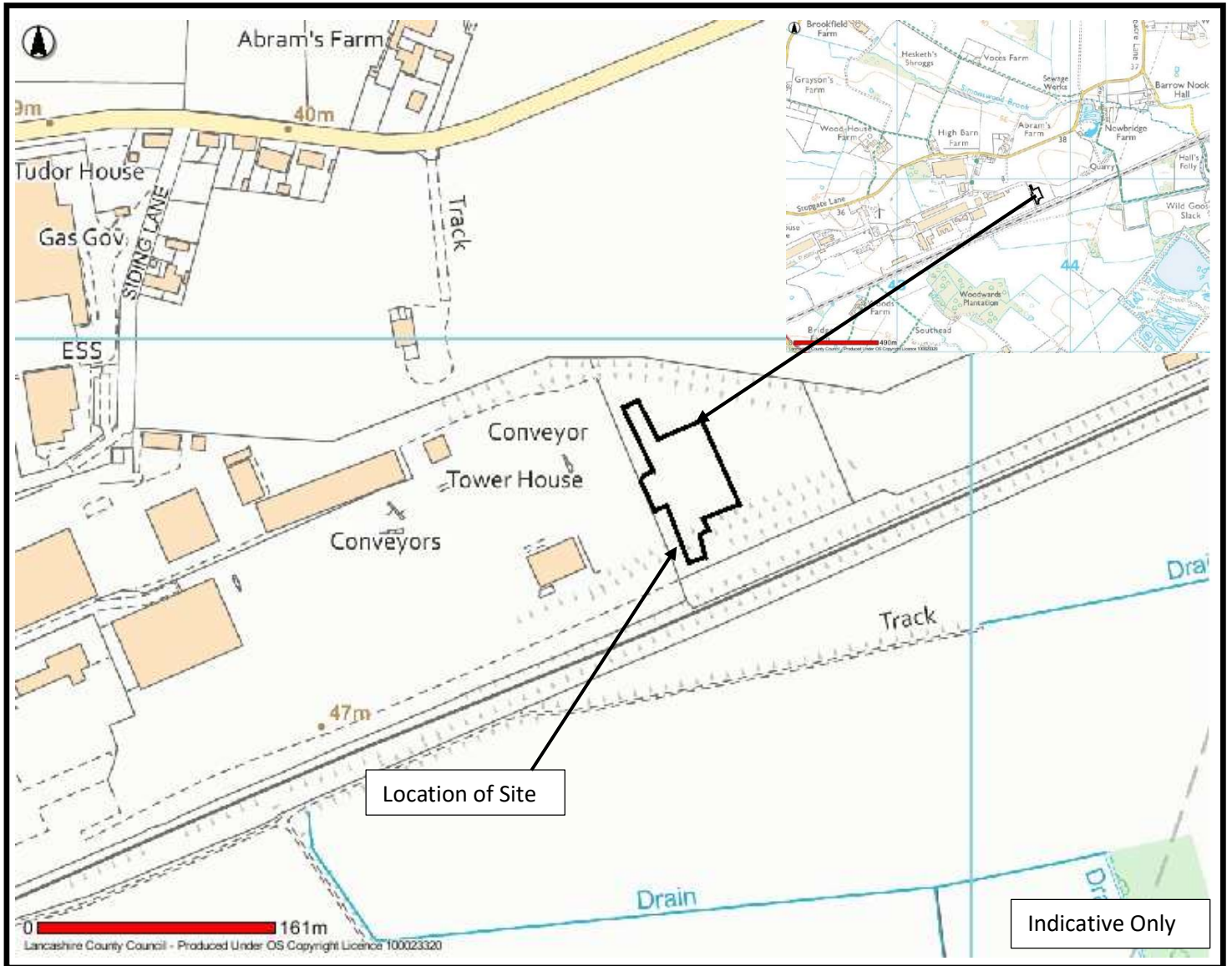
None

### Reason for Inclusion in Part II, if appropriate:

N/A



**APPLICATION LCC/2020/0062 ERECTION OF A NEW WASH PLANT FACILITY FOR PROCESSING OF RECLAIMED AGGREGATES AT TOWER HOUSE STOPGATE LANE SIMONSWOOD**



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# Planning application LCC/2020/0062

**Erection of new wash plant facility for processing of reclaimed aggregates**

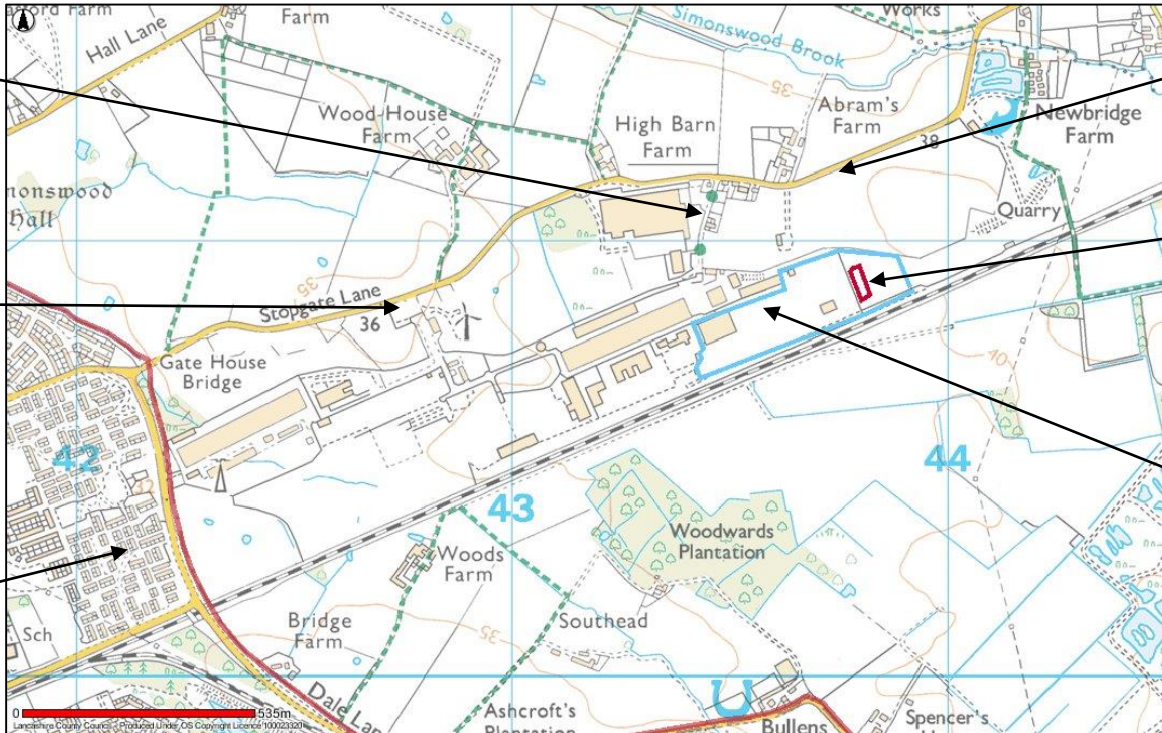
**Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**

# Planning application LCC/2020/062 - Site Location Plan

Nearest houses on Sidings Lane

Access to industrial estate

Kirkby



Stopgate Lane

Proposed wash plant

Applicant's Waste transfer station (blue line)

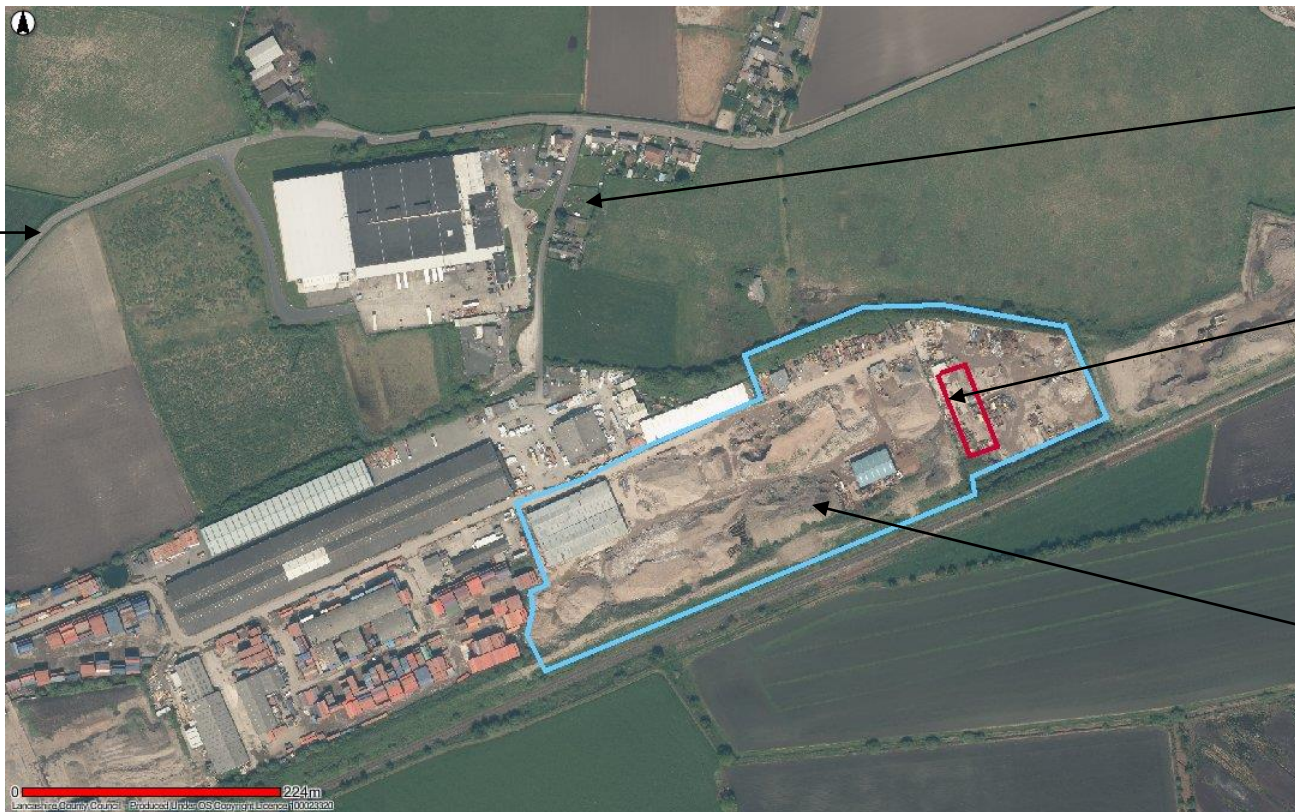
# Planning application LCC/2020/0062 - Aerial View

Stopgate Lane

Nearest properties on Sidings Lane

Proposed wash plant

Applicant's waste transfer station



# Planning application LCC/2020/0062

Landscaped  
screen mounds

Proposed  
Wash plant

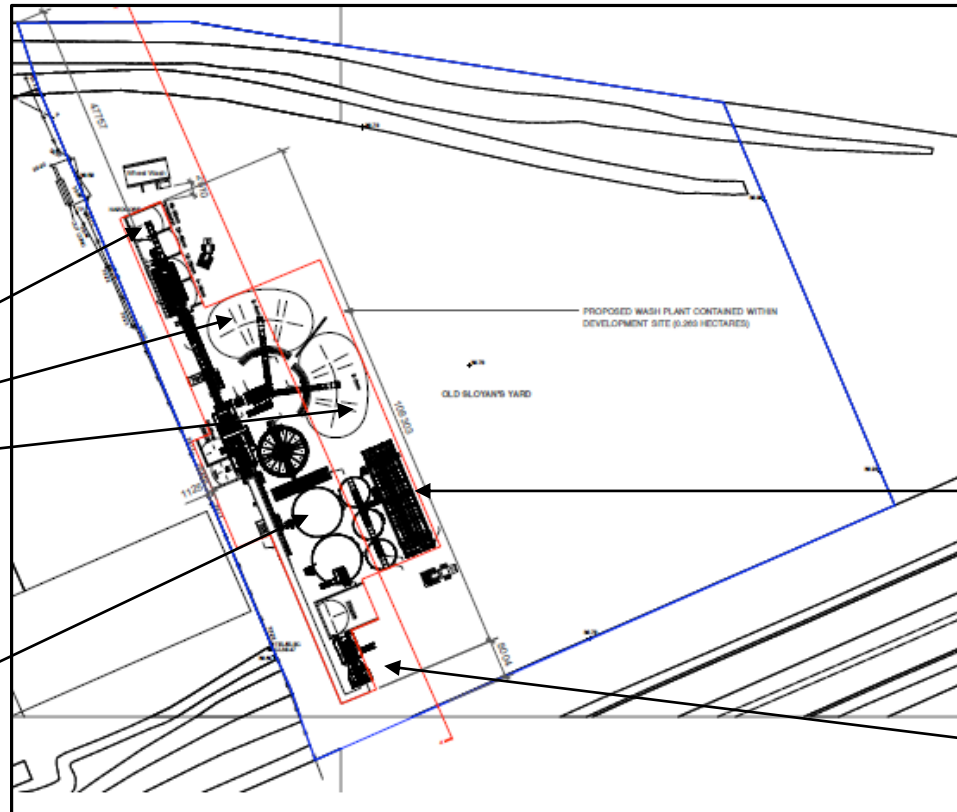
Applicant's  
adjacent  
waste transfer  
station



Plant used  
for crushing and  
screening  
inert wastes

Boundary of  
1993 permission

# Application LCC/2020/0062 - Simonswood Industrial Estate – plan of proposed wash plant



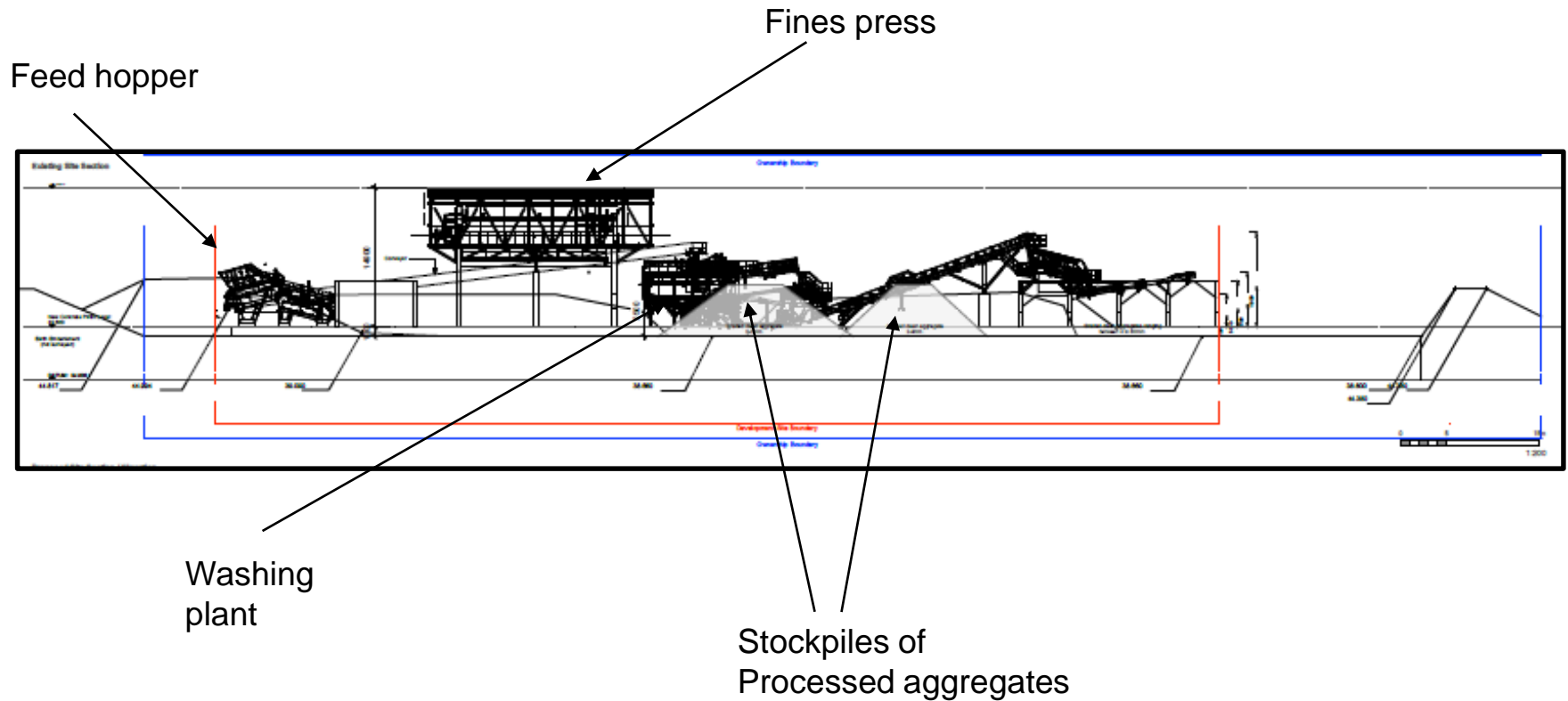
Processed aggregates

Wash water tanks

Fines press  
(for removing  
fines from washing  
water)

Feed hopper

# Application LCC/2020/0007 – Simonswood Industrial Estate – Elevations of proposed wash plant



Page 90

# Planning application LCC/2020/0063 – View across application site looking south



Location for proposed waste plant

# Planning application LCC/2020/0063 – View across site looking east



Stockpiles of inert waste



# Planning application LCC/2020/0063 – View across applicants main site





## Development Control Committee

Meeting to be held on 20<sup>th</sup> January 2021

Electoral Division affected: Rossendale South
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### **Rossendale Borough: application number LCC/2020/0064**

**Installation of new and replacement 2.4m and 3m high fences and gates to enclose school site. Construction of pedestrian walkway, with new entrance path. Haslingden High School, Broadway, Haslingden.**

Contact for further information:

Pauline Kelly, 01772 531929

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Installation of new and replacement 2.4m and 3m high fences and gates to enclose school site. Construction of pedestrian walkway, with new entrance path. Haslingden High School, Broadway, Haslingden.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling working programme, fencing colour and landscaping.

### **Applicant's Proposal**

The application is for the installation of approximately 520m of 2.4m high weld mesh fencing and approximately 125m of 3m high ball stop fencing. It is also proposed to replace the existing pedestrian and vehicular gates to match the proposed fencing at a height of 1.4m and create a new pedestrian walkway with gate at the entrance to the school leading to the reception area on Greens Lane.

### **Description and Location of Site**

Haslingden High School is located off Greens Lane in Helmshore approximately 2km south of the centre of Haslingden. The northern boundary of the site is formed by Broadway and playing fields which continue to the east of the main building beyond the car parks and access road. The site falls within the Green Belt.

The nearest residential properties to the application site are located on Horncliffe View approximately 10m from the western boundary of the school site. To the south of Greens Lane is Rossendale Golf Course.

The proposed 2.4 metre fencing would be along part of the school perimeter on Greens Lane, around the eastern and part of the northern side of the main school building and the main car park linking to the fencing around the existing multi use games area and also along part of the frontage with Broadway. The replacement 3m high ball stop fencing would be to the north western side of the tennis courts with a further short length of 2.4m high fencing linking the multi-use games area with the western school boundary. A new pedestrian access with gates would be created on Greens Lane leading to the school reception.

## **Background**

### History

The site is an established education facility. The following permissions are relevant:-

LCC/2020/0048 – Retention of a modular building

LCC/2015/0072 - Installation of a modular building

14/13/0508 - Installation of temporary buildings to create four additional classrooms

## **Planning Policy**

National Planning Policy Framework (NPPF)

Section 8: Promoting Healthy Communities

Section 9: Protecting Green Belt Land

Section 12: Achieving well designed places

Rossendale Core Strategy

Policy 1 General Development Locations and Principles

Policy 17 Rossendale's Green Infrastructure

Policy 24 Planning Application Requirements

## **Consultations**

Rossendale Borough Council- No comments received.

Coal Authority: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority.

LCC Highways Development Control – No objection.

Lead Local Flood Authority - No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been

received objecting to the application on the basis that the 8-10ft fence alongside Broadway will drastically change the look and feel of the road and will make the school look like a prison. There are high fences at Camfil (a nearby industrial site) but these are covered by planted conifers. The aesthetics must be in keeping with the road.

## **Advice**

Haslingden High School is a large educational establishment for approximately 1600 pupils and 200 staff and is the largest school in the area. The school consider that there is a need to improve the security of the grounds as the existing perimeter fencing and gates are only approximately 1.5m high. It is proposed to replace some fencing and add additional fencing to create an internal secure area around the school buildings using 2.4m high weld mesh fencing and gates together with 3m high ball stop fencing around part of the existing tennis courts. Paths would be created to join up with existing walkways so pupils have full access to the buildings, multi use games area (MUGA) and tennis courts creating a safe haven for pupils at the school. This increase in fence height and gates would deter pupils from leaving the site during school hours and stop people entering the site other than through the proposed new pedestrian access to the main reception area on Greens Lane. The proposal would improve security at the school. The majority of the school playing field would fall outside of the proposed fenced area.

Proposed replacement fencing around the tennis courts would be 3m highball stop fencing to match that around the existing multi use games area. The existing fencing around the playing fields and the bow top railings along Broadway are to remain.

The new 2.4m high perimeter fencing to the north west, north and east of the school buildings would be coloured green. The fencing to the south of the school building facing Greens Lane would be coloured blue which is a close match to the existing fencing to the school.

One representation has been received concerned that the fencing would give the school a prison like appearance and the look and feel of Broadway would be drastically changed. It is acknowledged that the fencing on this boundary would have a visual impact particularly from the houses on the northern side of Broadway that face the school. However, there is an existing hedgerow and occasional small trees on this boundary of the school which would help to mitigate the visual impacts of the new fencing. The applicant is agreeable to a condition requiring a scheme of landscaping along the Broadway frontage to infill gaps in the existing hedge and extend it to the north west. On this basis the development would not have any unacceptable visual impacts and is considered acceptable in relation to policy 24 of the Rossendale Core Strategy.

The impact of the fencing on the Green Belt is insignificant as the fencing is located close to the existing buildings and does not extend into the wider playing field area. Given the location of the fencing it is considered that it would not be inappropriate development in the Green Belt and therefore it is not necessary for the applicant to demonstrate very special circumstances.

Overall it is considered that the proposal complies with the policies of the National Planning Policy Framework and the Rossendale Core Strategy.

In view of the scale, design and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

### **Working Programme**

2. The development shall be carried out in accordance with the following documents:

- a) The Planning Application and supporting statement received by the County Planning Authority on 16th November 2020.

- b) Submitted Plans and documents:

Plan PL01 Location plan  
Plan PL02 Site Plan  
Plan PL03 Plan of Works  
Plan TD06 Gate details

- c) All schemes and programmes approved in accordance with this permission.

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Section 9 of the NPPF and Policy 17 of the Rossendale Core Strategy.*

### **Building Materials**

3. The fencing and gates shall be coloured in accordance with the details shown on drawing PL03 and shall thereafter be retained in those colours

*Reason: In the interests of the visual amenities of the area and to conform with Policy 17 of the Rossendale Core Strategy.*

4. Within three months of the date of this planning permission, a scheme and programme of landscaping for the Broadway frontage of the school site shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall contain details of the following:
- a) Details of the areas to be planted to include the infilling of the gaps in the existing hedgerow and an extension of the existing hedgerow in a north westerly direction.
  - b) Details of the planting including numbers, types and sizes of species, spacings, planting techniques and protection measures.

The approved planting scheme shall be implemented in the first available planting season following the construction of the fencing and shall thereafter be maintained for a period of five years including weed control, replacement of failed plants and maintenance of protection measures.

*Reason: In the interests of the visual amenities of the area and to conform with Policy 17 of the Rossendale Core Strategy.*

#### **Notes**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature are encountered during development, they should be reported immediately to the Coal Authority on 0345 762 6848.

#### **Local Government (Access to Information) Act 1985 List of Background Papers**

None

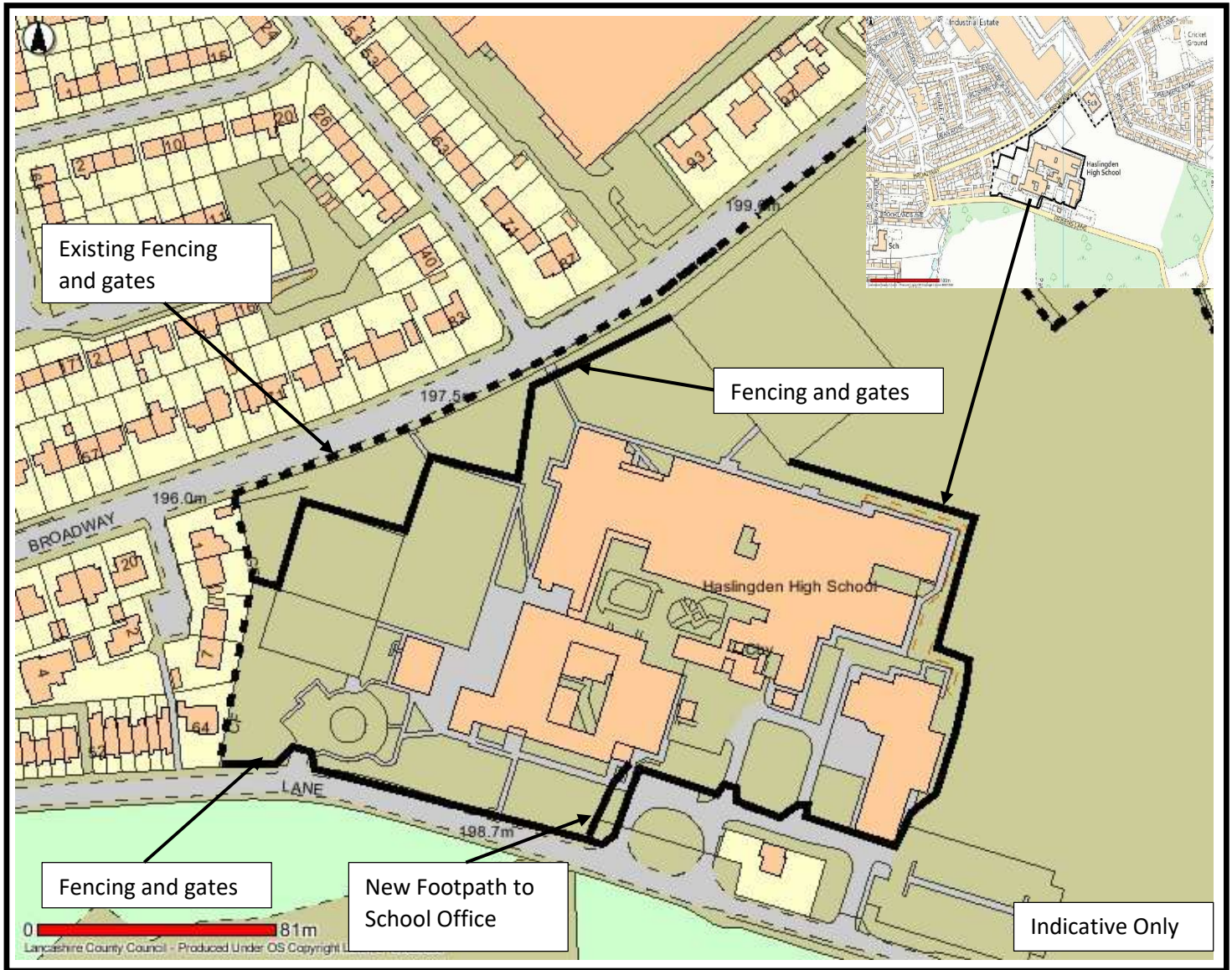
Reason for part II

N/A





**APPLICATION LCC/2020/0064 INSTALLATION OF NEW AND REPLACEMENT 2.4M AND 3M HIGH FENCES AND GATES TO ENCLOSE SCHOOL SITE. CONSTRUCTION OF FOOTPATH, WITH NEW ENTRANCE PATH AT HASLINGDEN HIGH SCHOOL BROADWAY HASLINGDEN**



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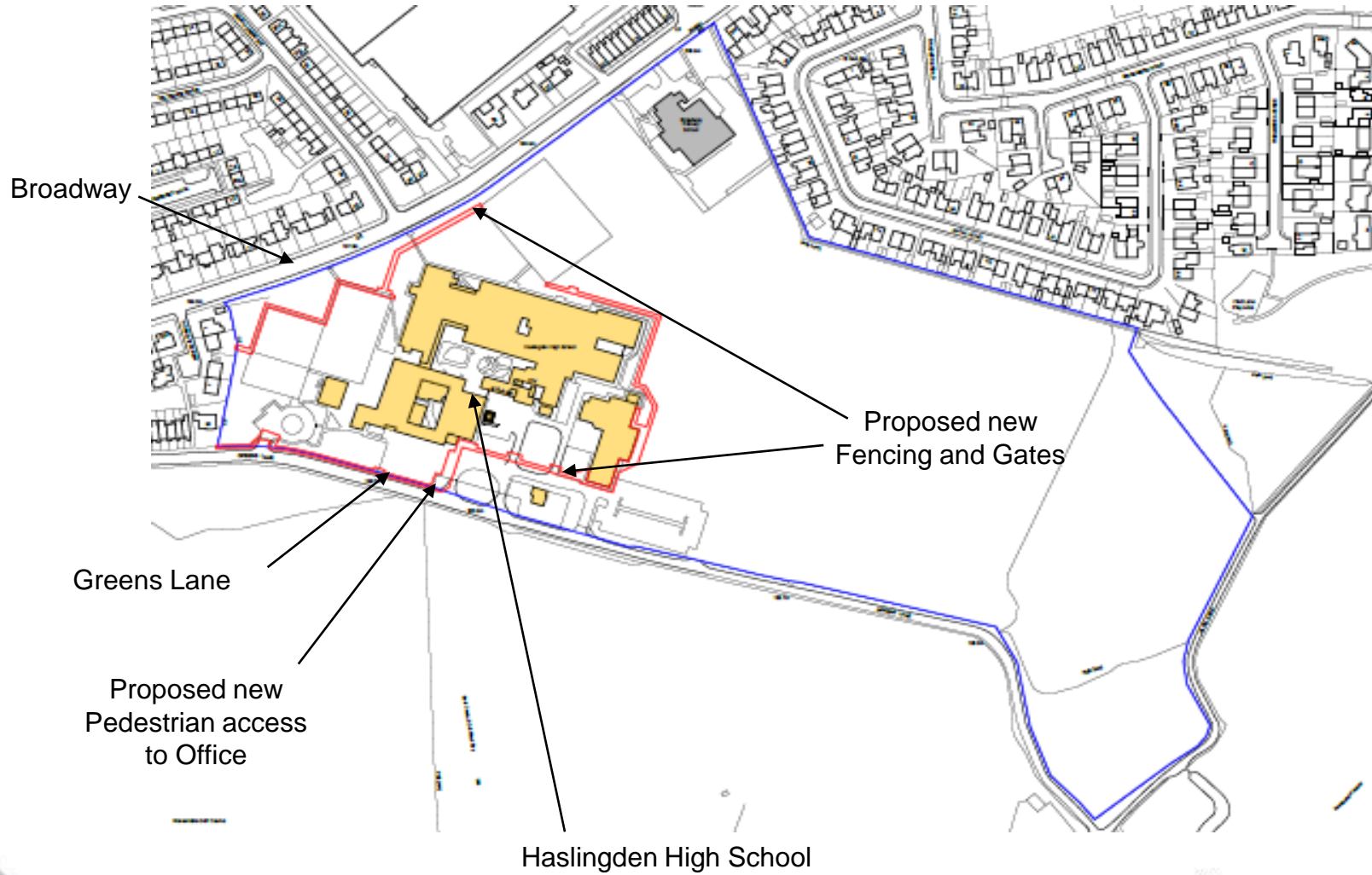


# Planning Application LCC/2020/0065

**Application installation of new and replacement 2.4m and 3m high fences and gates to enclose school site, construction of footpath, with new entrance path**

**Haslingden High School, Broadway, Haslingden**

## Site Location Plan



Page 104

# Planning Application LCC/2019/0064 - Air photograph

Broadway

Proposed new  
Fencing  
and Gates

Haslingden High  
School

Greens Lane

Proposed new  
Fencing  
and Gates

Proposed  
New Pedestrian  
Entrance



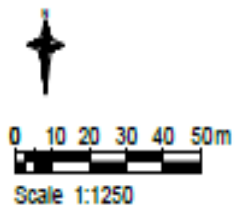
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# Planning Application LCC/2020/0064 Fencing Heights and Locations

Page 106

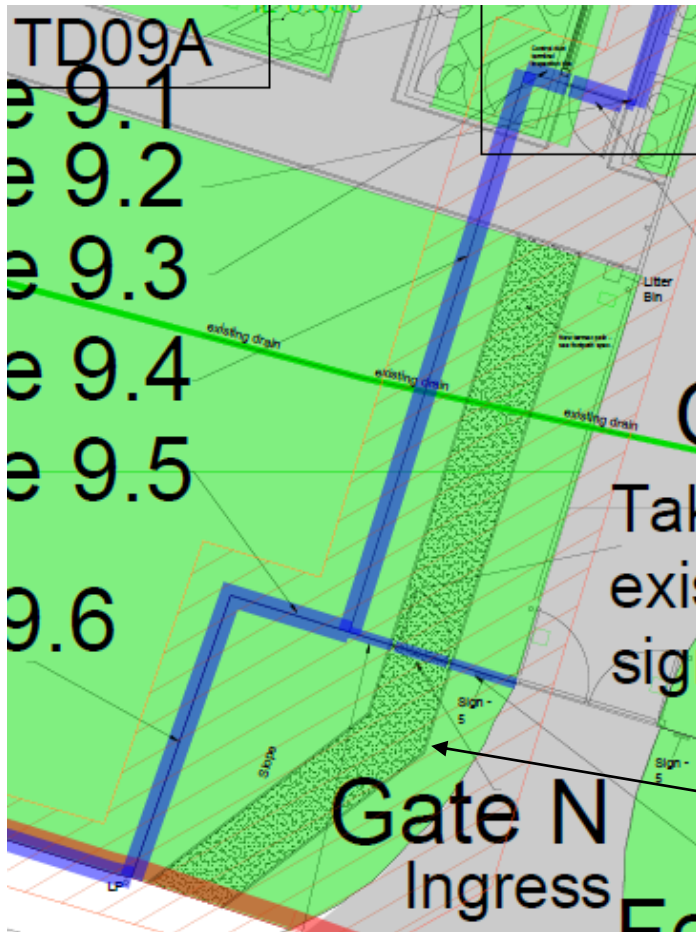


- 2.4m Fence - colour Green
- 2.4m Fence - colour Blue
- 3.0m Fence - colour Black
- Areas of proposed new tarmac - path
- TD00 Reference to drawing - detail of path and car park works



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# Planning Application LCC/2020/0064 New Pedestrian Access Greens Lane



Proposed new Pedestrian  
Access

# Planning Application LCC/2020/0064

## Existing Fencing and Gates to be replaced on Greens Lane





# Planning Application LCC/2020/0064

## Line of Fencing and gates Within School Grounds



Photos showing the line of the proposed fencing within the school site



# Planning Application LCC/2020/0064

## Line of Fencing and gates Within School Grounds



Existing MUGA Fencing



School field outside fencing area

# Planning Application LCC/2020/0064

## Line of Fencing along Broadway





## Development Control Committee

Meeting to be held on 20th January 2021

Electoral Division Affected: All
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### Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:

Susan Hurst 01772 534181

[devcon@lancashire.gov.uk](mailto:devcon@lancashire.gov.uk)

#### Executive Summary

Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

#### Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 9 December 2020, the following decisions have been taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation:

#### Chorley

Application: No. LCC/2020/0063

Garstang House Farm, Chapel Lane, Heapey.

Retrospective application for the retention of imported spoil in association with planning approval LCC/2017/0039.

#### Hyndburn

Application: No. LCC/2019/0063

Land east Of Tottleworth Road, Rishton.

Ground re-profiling, access road and erection of a pressure relief column in association with the construction of a new below ground storm water storage tank and associated pipe work.

Application: No. LCC/2020/0026/1

North Cliffe Building, Blackburn Old Road, Great Harwood

Compliance with condition 8 of planning permission LCC/2020/0026 - surface water drainage scheme.

## **Burnley**

Application: No. LCC/2020/0050  
Easden Clough, Morse Street, Burnley  
Additional teaching accommodation for Unity College.

### **Recommendation**

That the report be noted.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

None.

### **Reason for Inclusion in Part II, if appropriate**

N/A