

Lancashire County Council

Development Control Committee

Wednesday, 8th September, 2021 at 10.30 am in Committee Room 'A' - The Tudor Room, County Hall, Preston

Agenda

Part 1 (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 21 July 2021** (Pages 1 - 14)

The committee are asked to agree that the Minutes of the last meeting held on 21 July 2021 be confirmed and signed by the Chair.
4. **Update Sheet** (To Follow)

The Update Sheet will be considered as part of each related agenda report.
5. **Wyre Borough: application number LCC/2020/0061** (Pages 15 - 44)

Erection of new composting building and continuation of use of existing composting site subject to a condition restricting the export of compost to five heavy goods vehicles (HGVs) per day, Iron House Farm, Lancaster Road, Out Rawcliffe, Preston
6. **Lancaster City Council: application number LCC/2021/0023** (Pages 45 - 60)

Proposed classroom extension including replacement and relocation of existing fencing and relocation of two car parking spaces, Loyne Specialist School, Sefton Drive, Lancaster

7. South Ribble Borough: application number LCC/2021/0029 Creation of a new car park with 2.4m high security fencing and gates, Lever House County Primary School, Bristol Avenue, Farington (Pages 61 - 78)

8. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation (Pages 79 - 80)

9. 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.

10. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday, 20 October 2021 at 10.30 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 21st July, 2021 at 10.30 am in the Council Chamber, County Hall, Preston

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	G Mirfin
L Cox	M Pattison
A Cullens	J Potter
A Hindle	E Pope
S Clarke	B Yates
H Khan	

1. Apologies for absence

None received.

Temporary changes

County Councillor Hindle replaced County Councillor Dad.

County Councillor Clarke replaced County Councillor Kay.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 16 June 2021

Resolved: That the minutes of the last meeting held on Wednesday 16 June 2021 be confirmed and signed by the Chair.

4. Update Sheet

The Update Sheet and Addendum Update Sheet were circulated prior to the meeting (copies attached).

**5. West Lancashire Borough: application number LCC/2021/0027
Construction of a new access track to provide safe access to water
area East Quarry, Appley Lane North, Appley Bridge, Wigan**

A report was presented on an application for the construction of a new access track to provide safe access to the water area at East Quarry, a disused sandstone quarry off Appley Lane North, Appley Bridge, Wigan.

It was reported that mineral extraction operations had been completed in the late 1980's but that the quarry had since flooded to a considerable depth. Although the quarry had security fencing around the majority of its boundary to prevent unauthorised access, it had become attractive to trespassers as a location for swimming and 'tombstoning', especially during warmer periods in the summer.

The construction of the track was required so that the landowner could pump the water out of the quarry in order to address the public safety and amenity issues in the local area. The current ramp was very steep and narrow and the access route was considered by the applicant to be unsuitable for purpose under the Health and Safety at Work Act.

Committee noted that the application raised a number of issues including the requirement for the ramp and the local environmental impacts arising from its construction including ecology, highways and residential amenity.

The report included the views of Ecology Advice (Jacobs Ltd), LCC Highways Development Control, Lancashire Fire and Rescue (Skelmersdale Fire Station) and details of 42 representations received comprising 30 objections and 12 letters of support.

The Development Management Officer presented a Powerpoint presentation showing an aerial view of the site, site access and the location of the proposed ramp and illustrations of the applicant's proposals.

The Officer drew attention to the Update Sheet which contained consultation responses from West Lancashire Borough Council (objecting to the application), the Environment Agency (no objection to the application) and Shevington Parish Council who had requested a deferment in order to allow them more time to consider the application. In addition, the Update Sheet contained details of a further 106 representations objecting to the application, a further 3 letters of support and a letter from County Councillors Bailey and Fillis and Borough Councillor Jukes.

The Addendum Update Sheet provided details of further consultation responses and representations including 24 further objections.

Councillor Katie Jukes, West Lancashire Borough Council addressed the Committee and disclosed a declaration of interest as she was currently in a legal dispute with Maybrook Investments. Councillor Jukes made the following points:

- the application should have been heard by West Lancashire Borough Council.
- the problems with the quarry were dividing the community as a result of false promises within the application.
- No application for an Environmental permit had been made and clarification was sought on this.
- The application stated that the proposed ramp would reach the existing track; Councillor Juckes said there was no evidence to support this.
- A further investigation was required as detailed in West Lancashire Borough Council's response, prior to a decision being made.
- Councillor Juckes accepted that the quarry presented a real danger and suggested this could be resolved by the applicant providing a secure fence around the perimeter whilst further information was being gathered.

Mr Julian Chambers, a local resident addressed the Committee. Mr Chambers had circulated a presentation to Committee Members in advance of the meeting highlighting residents' concerns. Mr Chambers made the following points:

- the application contained out of date information in relation to the bat habitat assessment, preliminary agricultural assessment, preliminary ecological appraisal and the survey scoping appraisal.
- concerns around desk-based studies being carried out.
- The only site inspection was in 2019 and had taken place on one side of the quarry, away from where the majority of the wildlife was based.
- The building of the ramp and destruction of trees would have a great impact on the habitat. The bat habitat on the site had changed over the past 11 years but no bat habitat survey had been commissioned or performed on site. Residents had video evidence of a high number of bats being present on the site, in addition to video evidence of several other legally protected species being present.
- Applicant says report is only valid until March 2021 after which it would need to be reviewed – this has not taken place.
- No planning permission should be granted until a full physical survey has been undertaken over a period of 2 seasons.

Anne Fletcher, a local resident addressed the Committee. Ms Fletcher made the following points:

- the photographs displayed on the Powerpoint presentation were not a true reflection of how busy the area was. Ms Fletcher had witnessed several accidents at the junction of Skull House Lane and Appley Lane North and these would only increase should the application be accepted.
- There was a huge volume of traffic on a daily basis on Appley Lane North and a traffic survey had shown 4,000 vehicle movements between 05.00 and 19.00 with the highest numbers being recorded between 7.30-9.30 and 15.30-17.30. If the proposed works took place, the increase in vehicle movements and parking issues would pose an increased danger to pedestrians and cyclists due to pathways being further restricted.
- Residents' loss of amenity would increase if the application was approved.

- The application does not take into account the empty lorries leaving the site which would double the numbers on the roads.
- The ramp would not fulfil its purpose.

Roger Alexander, a local resident, addressed the Committee. Mr Alexander made the following points:

- different diagrams had been sent to Lancashire County Council and the Environment Agency by the applicant. The diagram sent to the Environment Agency showed the track was more than double the length and size of that being presented today. The emergency services had not requested this work to be carried out as the existing tracks were sufficient.
- The application was incomplete as it showed less than half of the total roadway that was required.
- The applicant required an Environmental permit.

Mr Mark Tamlin, a local resident, addressed the Committee. Mr Tamlin made the following points:

- There had been a significant increase in trespassing/anti-social activity on the quarry site in the last 2 years.
- The photographs of the perimeter fence on the presentation had been taken of the opposite side of the quarry and did not show that many parts of the fence were damaged.
- Disagrees that Maybrook Investments had kept the site safe. No repairs had been made to the perimeter fence and no security staff had been seen.
- The gate to the north had been left unlocked, allowing full access to the site. Another emergency access gate to the north east had been breached during the Dispersal Order in June 2021. A resident had reported this to the police and had made temporary repairs to the fence but no permanent repairs had been carried out.
- Breaches of the fence were left to residents to monitor and report trespassers to the police. Bars in the fence had been levered open and remained unfixed.
- The proposed ramp would potentially increase the numbers of people gathering on the site and would provide easier access to the water.
- No life buoys or emergency contacts were provided on site and the boundary needed to be secured.

Mr David Connor, a local resident addressed the Committee. Mr Connor made the following points:

- Maybrook Investments had announced on social media on Friday 16th July, that they had had a meeting with the Police and Lancashire Fire and Rescue to ensure the perimeter was secure. It had also been advertised that there would be a Dispersal Order in place with additional Police presence. A film had also been published discouraging children to enter the quarry. Soon after, children had been seen swimming in the quarry and they remained unchallenged, despite a Police drone flying around the quarry.

- A large number of swimmers also arrived on Saturday 17th July, again breaching the perimeter. A resident witnessed people with crates of alcohol waiting to access the quarry and in the early evening, youths had climbed over garden walls at Dawber Delph damaging the emergency access gate to the quarry. When questioned by the resident, they continued to force their way into the site with persistent and wilful disregard of residents properties. At the same time, the Police were filming from the other side of the quarry. Residents were having to inform people about the Dispersal Order in place but many ignored this. Disturbances in the quarry had been noted until midnight on Saturday 17th July.
- On Sunday 18th July, several more swimmers were seen near the Maybrook office but nothing was done.
- The fence had been shoddily repaired on Monday 19th July but youths smashed it open with concrete. Damage to the fence was a regular occurrence. Incidents had been reported to Maybrook Investments via email as no emergency telephone number was available.

Mrs Jane Corner, a local resident, addressed the Committee. Mrs Corner made the following points:

- Appley Bridge had been built around three quarries and there was a lack of monitoring and management of the quarries which had an impact on residents.
- the presentation shown did not include mention of the other 2 quarries which also generated HGV movements and all vehicles used the same road for access to the sites.
- The presentation did not show a true picture of the area and the village amenities, in particular the school and the village hall which was used for daily activities.
- Parents dropped off and picked up children from the school which was on a bend on a steep hill. The Headteacher had reported that the increase in traffic would impact on the safety of children and their families.
- The increase in traffic was not conducive to the narrow, winding section of Appley Lane North.
- The work would not be completed by the end of the school summer holidays.
- The proposed works would result in an increase of accidents in the area.

Ms Sally Edmondson, a local resident, addressed the Committee. Ms Edmondson made the following points:

- The application contained misleading quotes of support.
- Neither of the 2 police officers who patrolled the area supported the application and had asked further questions in relation to the fence and security.
- Lancashire Fire and Rescue had said the current access to the site was sufficient and that no access to the waterside was required at this stage.
- The Health and Safety Executive had said the Quarries Regulations 1999 did not apply in this case, nor was there any relevance to COMA.

- The need for the emergency services to access the site had increased exponentially under the current owner, Maybrook Investments.
- The picture of the fence on the presentation was misleading as it did not show the parts of the fence which were damaged.
- Debris was left around the area and not cleared away, and was used to gain access to the quarry.
- The proposed works would encourage more swimmers as it would provide easier access to the water.

Ms Kerry Elstone, a local resident, addressed the Committee. Ms Elstone made the following points:

- Maybrook Developments had obtained a de-watering licence to remove 70% of the water and fill the quarry with clay. The construction phase plan completed by Russell Group in June 2020 referred to the existing area being re-inforced to ensure wagons making deliveries did not slip down the bank towards the quarry. This clearly stated the reason was not to improve access for emergency vehicles but for filling the quarry with clay.
- The report stated there had been 2 fatalities in 1999 and 2015 – no effort had been made to provide access for emergency vehicles in the meantime.
- If approval for the new ramp was granted for emergency access purposes but was then used to facilitate the dumping of clay, who would ensure that Maybrook complied with its granted use.
- Dangerous equipment had been left on site despite Wigan Council's instruction to remove it.
- The traffic assessment had still not been carried out.
- Relevant consultees had not been contacted.
- More evidence was required as to what safety grounds were currently in breach.
- Contradictory information provided - Lancashire County Council had confirmed the works would be short term but Maybrook Investments had stated it could take 10 years to complete.
- The application should be disregarded until further information had been provided.

Mr Stuart Thorn, a local resident addressed the Committee. Mr Thorn made the following points:

- This application was not about safety but about the applicant wanting to fill the quarry.
- The new ramp would make it easier for trespassers to access the water.
- There would be a loss of amenities for residents. More HGVs would cause further congestion and danger. Commuters using the railway station already parked all along Appley Lane North and the road network was unsuitable for any increase in traffic, especially lorries.
- The increase in HGV movements would cause noise, dust and pollution to local residents.

- Planning Officers had failed to consult Appley Bridge residents on the proposal.
- If the quarry was such a liability, it should be donated to The Wildlife Trust who could access grants to maintain the existing wildlife.

County Councillor Fillis addressed the Committee. CC Fillis stated that he had initially asked Committee to reject the application due to it appearing to accept that the site would become a landfill, without any consideration of the impacts on the environment or local community. Officers had advised CC Fillis that the application was only for the construction of an access ramp and not for landfilling the whole site, and that it must be determined on that basis.

County Councillor Fillis referred to consultation responses both for and against the proposal and made the following points:

- the importance of emergency vehicles needing to access the site easily.
- the design and construction was all down to HGVs and landfill.
- the best way to judge this application was for Committee to undertake a site visit, in order to assess whether the application was for temporary access, or whether it was the beginning of a major landfill site.
- If the site was going to be developed, this should be done as a whole rather than piecemeal.

James Shahhet, Health & Safety Executive - Soteria (UK) Limited, addressed the Committee on behalf of the applicant. Mr Shahhet made the following points:

- This application was a case of safety first.
- The current access ramp was not fit for purpose due to the gradient and width, not just for operatives working on the site but for emergency services access.
- All objections to the application had been listened to but appropriate emergency preparedness and response was of paramount importance for the quarry site.

County Councillor Pope seconded CC Fillis' proposal for Committee to undertake a site visit and requested further information on the application and sight of the full report from West Lancashire Borough Council, prior to a decision being made on the application.

County Councillor Yates expressed concern that there was no adequate fencing to secure the site or signs warning of the dangers and that these issues should have been enforced in the planning conditions. On listening to the residents concerns about the location of the school, CC Yates added that, should the application be approved, an appropriate travel plan needed to be in place stating that no HGV movements should take place during school drop off and pick up times. CC Yates also raised the issue of the applicant not having an Environmental Permit. In relation to the comments about the site becoming a

landfill site, CC Yates pointed out that the application needed to be considered as it was and not on what it may become in the future.

County Councillor Hindle asked why no life buoys were available on the site and why there was no update on the impact to wildlife if the water was emptied from the quarry and the trees were cut down.

County Councillor Cullens stated that a response to the consultation was required from either the Chief Constable or the Police and Crime Commissioner due to breaches of law on the site. CC Cullens added that signs were required to confirm that this was trespassing, not merely to inform people there was no swimming allowed. CC Cullens supported the suggestion for a site visit.

County Councillor Potter agreed that the application needed to be assessed solely on the proposed construction of the new access track. However, he stated that the ecology reports from the applicant could not be accepted. In relation to the width of the track, CC Potter asked whether it would mitigate other issues if 2 HGVs could pass each other easily and not 'spill' outside of the site. In relation to some of the points raised at the meeting, CC Potter stated that these were not matters for this Committee to make a decision on although he sympathised with residents' concerns.

County Councillor Mirfin stated that the full consultation response from Lancashire Fire and Rescue was required and clarification from the Health and Safety Executive on whether there was a Health and Safety at work issue on the site. Further information was requested on the impact of the HGV movements and how these would be managed, potential damage to the road and route and unresolved ecology issues. In relation to the safety of the site, CC Mirfin queried why CCTV cameras were not in place and why security staff were not monitoring the site.

Ross Hudson, Lawyer, and Jonathan Haine, Development Management Officer responded to the comments raised and provided further details on the following issues:

- West Lancashire Borough Council had provided comments on the application which had been included on the Update Sheet. They had indicated their contentment for Lancashire County Council to consider the application.
- Historic condition of fencing/insecurity of old site – as planning permission had originally been granted in the 1940s or 1950s, no controls had been placed on fencing or restoration after quarrying activity had stopped.
- Travel plan – comments were noted although it was reported it would be difficult to enforce this and control vehicle movements to avoid school drop off and pick up times. This would also extend the duration of the proposed works.
- Ecology reports – the protection that existed related specifically to bat roosts. If old trees and buildings were present on site, a full bat survey would be required but it was not considered necessary in this case as the impact to bats would be limited.

- Health and Safety at work – this would be determined once an incident had occurred. The Health & Safety Executive had made the applicant aware that they would need to take this into account.
- Damage to road – the HGVs were publically useable vehicles so this would be classed as ordinary use of a public highway.
- Environmental Permit - the applicant had requested an exemption for this due to this being a small scale construction and clean materials being used.
- Lack of life saving equipment on site – this was a large site with multiple access points so it would not be helpful to just have this equipment where the ramp was located.
- Requests for Site visit – Committee were reminded that site visits were the exception rather than the rule and that there must be an expectation of substantial benefit in order for one to be carried out.

After a discussion, CC Pope withdrew his seconding of the site visit proposal and it was Moved and Seconded that:

"the application be refused"

On being put to the vote, the Motion was Carried.

Committee requested officers to draft the specific reasons for refusal, which would be detailed in the minutes.

It was therefore:

Resolved: That planning permission be **refused** for the following reasons:

- (i) The importation of the inert fill materials to construct the ramp would generate volumes of HGV movements that would be harmful to the amenity of local residents, contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.
- (ii) The applicant has not satisfactorily demonstrated that the proposal would not have an adverse impact on bat species, contrary to the requirements of Policy EN2 of the West Lancashire Local Plan and Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. Pendle Borough: application number LCC/2021/0017 Construction of three buildings and three kiosks at Burnley Wastewater Treatment Works, off Barden Lane, Woodend Road, Burnley

A report was presented on an application for the construction of three buildings and three kiosks at Burnley Wastewater Treatment Works, off Barden Lane, Woodend Road, Burnley.

The proposed development was part of a wider programme of upgrading works that was necessary to enable compliance with an enhanced effluent discharge consent for phosphorous, as set by the Environment Agency, as well as to increase the treatment capacity of the works to cater for predicted population growth in the catchment area to 2035. Much of the upgrade work was to be carried out under sewerage undertaker permitted development rights and planning permission is only required for three buildings and three kiosks.

The report included the views of Reedley Hallows Parish Council, the Coal Authority, the Environment Agency and The Wildlife Trust for Lancashire, Manchester and North Merseyside and details of 7 objections.

The Development Management Officer presented a Powerpoint presentation showing an aerial view of the site and the nearest residential properties, site layout and the typical building design of a Biomag building. In addition, Committee were shown a diagram of where replacement woodland planting would be located and photographs of the location for the detention tank kiosk, the Biomag building, the Biomag complex and the sludge thickening building polymer dosing kiosk.

The Officer drew attention to the Update Sheet which provided further consultation responses and details of revisions to Conditions 2 and 4, following revised drawings being submitted by the applicant.

It was reported that, although the application site was located in the Green Belt, in this instance, there was clear justification to construct these buildings and kiosks within an existing wastewater treatment facility, as part of wider upgrading works. Furthermore, the aim of the proposed development was to be able to accommodate population growth and changes to local wastewater management, and to tighten final effluent standards to contribute towards improved river water quality. On this basis, it was considered that very special circumstances existed to justify the development within the Green Belt. Committee were informed there would be no extension to the boundary of the works and therefore no additional encroachment in the Green Belt.

County Councillor Potter asked whether the trees to be planted would provide adequate replacement screening. It was confirmed that the material generated from the works would be used to create mounds and that trees and shrubs would be planted on the mounds. Some of these would be saplings as these usually fared better than planting larger trees. There would be a management period to show the trees had reached maturity and contributed towards the landscape.

Resolved: That subject to the amendments to Conditions 2 and 4 as set out in the Update Sheet at Item 4 of the agenda, planning permission be **granted**, subject to conditions controlling working programme, building materials and construction working hours, as set out in the Committee report.

**7. West Lancashire Borough: application number LCC/2021/0022
Formation of a multi-use games area - West Lancashire Community
High School, School Lane, Chapel House, Skelmersdale**

A report was presented on an application for the formation of a multi-use games area at West Lancashire Community High School, School Lane, Chapel House, Skelmersdale.

It was reported that the proposed multi-use games area was required to address a short fall of hard play area, which limited the amount of outdoor physical education and sports/games that could take place. The playing fields could not be used for most of the year as they were waterlogged and took a long time to dry out to a usable standard. The multi-use games area would provide additional hard play area and encourage pupils to participate in more outdoor activities. The facility would also be available to neighbouring schools and the local community.

The report included the views of West Lancashire Borough Council, the Coal Authority, LCC Highways Development Control, Lead Local Flood Authority, Sport England and United Utilities, and details of 5 representations received comprising 4 objections and one letter of support.

The officer drew attention to the Update Sheet which contained confirmation from Sport England that their objection to the application had been withdrawn, following further information being submitted to them in relation to the need for the games area, the parking issues and the issues with the current playing field. Committee were informed that this would remove the requirement to refer the application to the Secretary of State.

The Development Management Officer presented a Powerpoint presentation showing an aerial view of the application site, the nearest residential properties and proposed multi-use games area, path and gates. The Committee were also shown photographs of the site, the view from the nearest houses on School Lane and the existing multi-use games area which was currently used as a car park.

County Councillor Cullens asked whether any mitigations would be put in place to camouflage the multi-use games area at each end in order to deflect noise to the local residential areas. It was reported that the current playing field was also used by the local community and that the multi-use games area would have fencing surrounding it to reduce noise levels and that it was a fair distance to the nearest residential properties.

In response to CC Cullens' question about the working hours, it was confirmed that the school had requested the specified opening hours. Sport England had asked for a Scheme to be submitted on how the site could be accessed and controlled including hours of use and how the school would control access out of school hours.

County Councillor Potter had noted that the games area would be open until 8.00pm but that no floodlighting had been proposed which would restrict use in the winter months. It was reported that the school wanted to maximise the use of the multi-use games area over the summer.

Resolved: That subject to the additions of Conditions 8 and 9 as set out in the Update Sheet at Item 4 of the agenda, planning permission be **granted**, subject to conditions controlling time limits, working programme, building materials and drainage, as set out in the Committee report.

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 meeting of the Committee on 16 June 2021, the following decisions had been taken by the Head of Planning and Environment, in accordance with the County Councils Scheme of Delegation to Chief Officers:

Lancaster

Ellel Quarry, Bay Horse Road, Lancaster - compliance with condition 27 - scheme of archaeological research.

South Ribble

Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury, Preston - compliance with condition 7 of permission LCC/2020/0016 - details and designs of the drainage ponds and associated drains ditches and outfalls.

Plot 3.3, Badger Road, Lancashire Business Park, Leyland - erection of new class B2/B8 industrial unit with ancillary class e first floor office/flexible use storage mezzanine and associated car parking, servicing areas, refuse storage, landscaping, vehicular access point and other private highway works.

Burnley

Brunshaw School, Morse Street, Burnley - two temporary single storey modular buildings consisting of two classrooms per unit with a connecting level landing between the buildings.

Deerplay Landfill Site, Bacup Road, Cliviger, Burnley - proposed netted tipping bay for the transfer of waste and the installation of two portacabins for the duration of landfilling and associated activities.

Resolved: That the report be noted.

9. Urgent Business

There were no items of Urgent Business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 8 September 2021 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 5

Development Control Committee

Meeting to be held on 8 September 2021

Electoral Division affected: Thornton and Hambleton
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Wyre Borough: Application Number. LCC/2020/0061

Erection of new composting building and continuation of use of existing composting site subject to a condition restricting the export of compost to five heavy goods vehicles (HGVs) per day, Iron House Farm, Lancaster Road, Out Rawcliffe, Preston

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of new composting building and continuation of use of existing composting site subject to a condition restricting the export of compost to five heavy goods vehicles (HGVs) per day, Iron House Farm, Lancaster Road, Out-Rawcliffe, Preston.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, materials, highways, landscaping, ecology, drainage, noise, and dust.

Applicant's Proposal

The application is for the erection of a multipurpose storage building at an existing composting facility at Iron House Farm, Lancaster Road, Out-Rawcliffe, Preston. The proposed building would measure 48m x 44m with two ridges to a maximum height of 8.2m (a total floor space of 2250m²). The building would be constructed with a steel portal frame with concrete blockwork at low level and prefabricated composite metal panels in a grey colour above.

The purpose of the building would be to contain part of the composting activity to minimise windblown plastic and litter on neighbouring land during the screening, shredding and storage processes. To provide functionality, the building would be open on the principal elevation which is to the east with a solid 'push' wall to the west. The application also incorporates associated landscaping that proposes the introduction of a hedgerow along the northern side of the building, fronting Hornby's Lane. The building would be accessed either via the existing composting site or via a new egress point directly off Hornby's Lane.

This planning application also proposes the continuation of the existing composting operation but subject to a modified condition controlling heavy goods vehicles (HGVs).

Condition 10 of the existing planning permission states:

No more than 5 heavy goods vehicles (HGVs), as defined in this permission, shall leave the site in any one day.

No more than 2 heavy goods vehicles (HGVs) shall leave the site between 12.00 - 17.00 hrs on a Saturday or at any time on Sunday or public holidays.

The applicant is proposing a condition which only restricts Heavy Goods Vehicles (HGVs) exporting compost from the site. The original planning permission at the site approved in 2010 (02/08/1116) included a condition restricting the number of Heavy Goods Vehicles (HGVs) exporting compost from the site. This condition was amended in March 2019 during the determination of an application to vary condition 8 to allow extended delivery hours of green waste up to 5pm on Saturdays, Sundays and bank holidays (LCC/2019/0001). The applicant wishes the condition to revert to the wording in the 2010 permission which restricts Heavy Goods Vehicles (HGVs) exporting compost to five loads per day.

On average the site currently accepts deliveries of green waste from 25 Heavy Goods Vehicles (HGVs) daily during the peak season (Spring / Summer) and approximately 10 Heavy Good Vehicles (HGVs) daily during the off-peak season (Autumn / Winter). The applicant states that the change is required due to the existing condition being in conflict with the existing contracts with local authority green waste services. The existing Environment Agency permit for the site allows the treatment of up to 75,000 tonnes of waste per year and the applicant has confirmed this amount would not be exceeded.

Description and Location of Site

The site is an existing green waste composting facility located off Lancaster Road in Out Rawcliffe approximately 7 km west of Garstang. The site is surrounded by arable farmland on all sides and is served via an access track (Hornby Lane) which links with Lancaster Road. The immediate and wider area is characterised by flat open agricultural land with few trees and hedgerows and a dense ditch network. Small pockets of woodland and occasional ponds occur in the vicinity of the site.

There is a single residential property at Moss Farm Cottage located 150 metres north east of the site.

The application site is used for the production of compost from waste wood, commercial biowastes and green wastes arising from local authority collections. The proposed building would be located on the western side of the site furthest from Lancaster Road on an existing hardstanding area. Currently the area is used to shred and compost green wastes.

Background

History - The site is an existing green waste composting facility.

Retrospective planning permission was granted in March 2010 for change of use to form a composting site (02/08/1116).

Planning permission was granted in February 2015 for the variation of condition 2 of permission (02/08/1116) to allow the importation and treatment of waste wood (02/13/0788).

Planning permission was granted in March 2016 for the variation of condition 2 planning permission (02/13/0788) to allow the wastes imported to the site to include green wastes, waste timber and sanitised compost from other waste management facilities (LCC/2015/0082).

Planning permission was granted in September 2017 for the installation of a biomass boiler and associated cladding of the host building (LCC/2017/0052).

Planning permission was granted in March 2019 for the variation of condition 8 of permission LCC/2015/0082 to allow extended delivery hours of green waste up to 5pm on Saturdays, Sundays and bank holidays (LCC/2019/0001).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 7 - 14, 55 - 58, 81 - 83, 84 - 85, 104 - 109, 110 - 113, 126 - 136, 179 – 182, 183 - 188 are relevant with regards to achieving sustainable development, planning conditions and obligations, building a strong competitive economy, supporting a prosperous rural economy, promoting sustainable transport, considering development proposals, achieving well designed places, habitats/biodiversity, ground conditions and pollution.

National Planning Policy for Waste

Section 7 is relevant with regards the determination of applications for waste development.

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

Policy CS7 - Managing waste as our resource

Policy CS8 - Identifying capacity for managing our waste

Policy CS9 - Achieving sustainable waste management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

NPPF1 - Presumption in favour of sustainable development.

Policy DM1 - Management of waste and extraction of minerals

Policy DM2 - Development Management

Policy WM3 - Local Built Waste Management Facilities

Wyre Borough Local Plan

Policy SP1 - Development Strategy
Policy SP2 - Sustainable Development
Policy SP4 - Countryside Areas
Policy SP13 - Development in the Countryside
Policy EP8 - Rural Economy
Policy EMP12 - Diversification of the Rural Economy
Policy ENV13 - Development and Flood Risk
Policy CDMP1 - Environmental Protection
Policy CDMP3 - Design
Policy CDMP4 - Environmental Assets

Consultations

Wyre Borough Council – Object to the application as the Borough Council consider that the building by reason of its scale, bulk and siting would be visually obtrusive in the landscape. The proposed building would be larger than the existing buildings at the site and inadequate information has been provided to demonstrate that the scale of the building is necessary contrary to policies SP4 and EP8 of the Wyre Local Plan.

Out Rawcliffe Parish Council - Objection raised as stockpiles at the site exceed the height level permitted by the existing planning permission. All operations on the site should cease until the stockpiling levels have been reduced to permitted levels. Also it is evident that the number of vehicle movements to and from the site far exceed those currently permitted. A large number of industrial size tractors and trailers access the site on Sundays, contrary to existing permissions. The moss roads in the area are in a dreadful state of repair and further development would make matters worse. The provision of the proposed building would, by its scale and nature, have an unacceptable visual impact on the environment.

The Parish Council understand the need for the recycling of this waste but question the suitability of this location. The Parish Council would support the relocation of the site to a less visually sensitive area where the road network is capable of withstanding the growing pressures. The Parish Council are also concerned that allowing the construction of this building will set a dangerous precedent for other industrial development in the area, particularly within a small industrial complex nearby.

Their objection to this proposal is also based on an increase in flood risk as well as the highly damaging environmental impact this development would have and the visual impact and road network. The building would require a concrete slab and footings or a ring beam to support it and the displacement of existing surface water caused by such a volume of concrete can only have a marked effect and the increased flood risk will be considerable.

Environment Agency - No objection - the proposed development is at site which operates under a waste permit regulated by the Environment Agency. Based on the information submitted, a permit variation would not be required for the proposed development and associated waste activities. The Environment Agency advise that it

may be beneficial if future operations are taken into consideration as part of the building design. The potential treatment of food waste, as alluded to in the Design and Access Statement, in a building may not in itself be sufficient for odour abatement. For instance, a building under negative pressure may be required.

Lancashire County Council Highways Development Control - Highways have no objection regarding the proposed storage building and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The proposed building at the western end of the site is for the compliance with permit regulations and the new access from Hornby Lane is acceptable. There is no increase in the staffing (there is a reduction to the proposed employees) and no increase to the production and processing of waste on site. There is no increase in vehicle movements to and from the site. Hornby Lane is a private access track with an established junction with Lancaster Road. Improvements such as widening the junction are outside of the red edge of the development and cannot be requested.

Lead Local Flood Authority - No observations received.

County Landscape Service - The submitted Landscape and Visual Impact Assessment does not consider the likely effects of the development proposals at various points in time, e.g. during construction, first day of operation, future year etc. The applicant has submitted photomontages for each of the selected viewpoints, but no details of the methodology used have been provided. Also in order to mitigate the effects of the proposed building on views from surrounding footpaths, mitigation measures should be required. The proposed building should be moved closer to the existing buildings to reduce the apparent 'visual width' of the overall development and maintain a more harmonious visual/functional relationship. The proposals should provide more native tree and hedgerow planting along the site boundaries.

County Ecology Service - A Habitats Regulations Assessment has been undertaken which includes an assessment of impacts on functionally linked land, water quality and surface water impacts and air pollution impacts. The Habitats Regulations Assessment includes the screening (all likely impacts screened out apart from disturbance to qualifying bird species from functionally linked land).

The assessment concludes that there would be no adverse effects on the integrity of the Special Protection Area subject to the appropriate mitigation being secured (i.e. timing the construction works to avoid the periods of the year when qualifying species may be present on land surrounding the application site). Planning conditions should be secured to control timing of the construction works. Also site clearance and ground preparation shall only take place during April to September inclusive.

Natural England (NE) - No objection- without appropriate mitigation the application would have an adverse effect on the integrity of Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay and Duddon Estuary Special Protection Area (SPA), and Morecambe Bay Ramsar. In order to mitigate these effects and make the development acceptable, mitigation measures should be secured to control construction to only take place during April to September inclusive, to avoid impacts on SPA bird species. Natural England (NE) advise that an appropriate planning

condition or obligation is attached to any planning permission to secure these measures.

County Councillor John Shedwick (Member for Thornton and Hambleton) - Concerns raised that vehicles servicing this operation are already exceeding the permitted numbers and the negative impact any extra vehicles would have on the highways and local area. The proposed new egress point proposed to be taken directly off Hornby's Lane would disrupt residential amenity.

Representations - The application has been advertised by press, site notice and neighbouring residents informed by individual letter. One objection has been received raising concerns which are summarised below:

The development is not in keeping with the rural area, due to the nature of the surrounding area. The access to the site is a major concern and planning permission for a recycling plant of this size with such poor infrastructure and access should not have been approved. Since the commencement of this contract there has been a huge increase in frequency and the number of Heavy Goods Vehicles (HGVs) accessing the site on a daily basis leading to a serious deterioration of all the access roads.

The local roads are not wide or structurally substantial enough to take the number of large vehicles using them on a daily basis. However, the immediate access to the recycling site is off Lancaster Road which is a much wider road and therefore the impact of these large recycling wagons is much less. It is the access to Lancaster Road which is the issue. Access from the A6 is via Longmoor Lane and Skitham Lane, which is a moss road and has serious subsidence issues, access from the A586 is via Cartford Bridge which has a weight limit and the access from the A588 is via small country lanes.

The route most of the lorries use to access the site is from the A588 and this has impacted on the country lanes with two vehicles being unable to pass one another without one vehicle leaving the carriageway and using the verge. This has led to the creation of countless large potholes and road collapse at the edge of the carriageway, which is a danger to vehicles, cyclists etc. There is also a marked deterioration in the general surfaces of these country lanes with damage to roadside grids and uneven surfaces leading to more water retention on the road surface. There are also drains beneath the roads which are being damaged and leading them to collapse. More concerning is the subsidence of the road near the bridge adjacent to the buildings at Tarn Brook. All these extra vehicles are increasing the amount of pollution and noise in the area.

Advice

The applicant has operated a green waste composting facility at Iron House Farm since 2010. The operator accepts green waste materials primarily from County Council household waste sites and also from district council household green waste collections (brown bins). Certain other materials are also accepted such as waste timber. These materials are then shredded and composted within outdoor windrows to produce a product that can be used as a soil enhancer/fertiliser on agricultural land. The application states the proposed building is to enable the operators to continue their

existing operations within the authorised limit of 75,000 tonnes with the Environment Agency permit.

The applicant states that the proposed building is required for two reasons. Firstly, the majority of the composting operation is currently undertaken outside in the open air and the proposed building would help keep the material dry during adverse weather conditions thereby reducing leachate production and possible water pollution issues. Secondly, green waste materials delivered to the site often contain plastic contamination which has to be removed during the initial shredding process. The applicant has confirmed they have previously used litter nets and picking lines to contain litter and whilst these measures have helped, they do not contain the material within the operational area adequately. Undertaking these operations within the building would mitigate environmental risk by preventing the wind blow of plastic contaminants onto other land surrounding the site.

The applicant has drawn attention to Environment Agency (EA) guidance on composting operations. The Environment Agency (EA) guidance (the quality protocol) is currently under review and one of the likely outcomes is to limit the release of plastic from waste sites into the local environment. The Environment Agency (EA) also state that although the permitting regime itself does not specifically require the erection of a building, a building would be considered good practice and an appropriate measure for minimising and managing windblown litter, from the screening, shredding and storage treatment processes.

Principal and Policy

Iron House Farm is an established waste management site and the proposed development would generally accord with the aims of the National Planning Policy for Waste document. This policy states that when determining planning applications, waste planning authorities should consider a number of factors including nature conservation and potential land use conflict. Also as the site is located within a rural area designated in the countryside and served by a network of minor roads, it is necessary to consider whether the development/changes to the permission are appropriate in its location and ensuring the protection of important landscapes in the area.

National Planning Policy for Waste requires that waste materials should be managed at the highest level possible within the waste hierarchy. The Waste Management Plan for England sets out Government policy to work towards a more sustainable and efficient approach to resource use and management. It also sets out that planning plays an important role in delivering these ambitions through delivery of modern waste infrastructure at the highest level in the waste hierarchy and helping to ensure the re-use, recovery or disposal of waste without endangering human health or harming the environment.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage waste as a resource, while Policy CS8 of the Core Strategy seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. In support of their application the applicant has stated the government has legislated to be a net zero carbon emission country by 2050 and

in order to achieve this aim, activities that reduce carbon emissions will play a significant role. The applicant states that every tonne of green waste that is composted at the site reduces carbon emissions (by diverting it from landfill and providing alternative fertilizer inputs for agricultural land) and due to the lack of other facilities in Lancashire accepting green waste and recycling it into a useful product, the Iron House Farm site helps to meet the government's strategy to reduce carbon emissions and address global climate change targets.

The building would not require a further extension of the site beyond its currently permitted boundaries. The area for the building is already hardstanding which is used for composting activities. It is considered that the building would help mitigate the risk of plastic contamination onto surrounding land and would help the operator to meet the requirements of the quality protocol review. Therefore in principle the development could be supported. The applicant has also confirmed the building would provide them with further covered storage space at the site which would assist them with their operations especially during the peak season where material would not have to be transferred off site for treatment elsewhere if the site is at capacity for space.

Design and Landscape

Policy CDMP3 of the Wyre Local Plan states that all development will be required to be of a high standard of design and appropriate to the end use. Also all development must be designed to respect or enhance the character of the area and minimise energy consumption having regard to a number of issues, including density, siting, layout, height, scale, massing, orientation, landscaping and use of materials. Also, policy SP4 of the local plan states that development which adversely impacts on the open and rural character of the countryside will not be permitted. Policy EP8 of the Wyre Local Plan states the expansion of existing businesses within countryside areas will be supported where it meets the requirements of the Core Development Management Policies and where it is demonstrated that the scale, nature of the activity is not detrimental to the rural character of the area and any new building and supporting infrastructure is necessary.

The design of the development has a major bearing on how successfully it can be integrated into the landscape and countryside. The National Planning Policy Framework (NPPF) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The proposed building would measure approximately 48m x 44m with a height of 8.2m. The scale and design of the building is similar to buildings at other agricultural complexes in the area. There are also other existing buildings at the site which are at a similar height as the proposed development. The applicant has confirmed that this building needs to be 8m high due to the height and scale of the machinery which is proposed to be used within the building. No vegetation or landscaping would need to be removed to construct the proposed building.

The proposed building is located in a relatively remote location and at least 600m from the nearest public viewpoint point which is from Lancaster Road. The applicant has provided 3D modelling drawings in combination with a local viewpoint assessment showing the development configuration and impact on the surrounding landscape from 9 different viewpoints around the site. These viewpoints are from within the operational

site and outside the site showing the ability of the building to be assimilated with the landscape. The landscape in this area is very flat with very few existing landscape features that would assist in screening the building. From the sensitive viewpoints from Lancaster Road, the building would be clearly visible but the degree of harm to the landscape is limited due to the distance from this viewpoint. The visual effects would be neutral for most visual receptors primarily due to the use of grey cladding on the building to assimilate it with the sky which can be white, grey or dark grey, in long views. Additionally, due to the flat landscape the proposed development appears as a small component in a wider panoramic view from a number of the viewpoints that have been assessed.

The applicant proposes to locate the building at the western end of the site on an existing hardstanding area. This area is used to currently store compost material in the open air. The County Landscape Service has advised the building should be located closer to the existing buildings to reduce the apparent visual impact of the overall development and maintain a more harmonious visual/functional relationship. In response the applicant has stated that a large building of this nature would be difficult to construct in close proximity to the existing buildings due to lack of space within that area. Also if it was located closer to the existing buildings it would be nearer to sensitive viewpoints on Lancaster Road.

To mitigate the impacts of the building the applicant has proposed new landscaping on an existing bund along the northern boundary of the site to integrate with the existing landscape character of the locality and help to mitigate the visual impacts of the proposed storage building. After assessing the submitted design, scale and mitigation measures with the inclusion of further landscaping, the landscape impacts of the new building are considered acceptable. Overall the development would have the general form and character of buildings that are generally found in rural areas. Conditions can be attached to any planning permission dealing with the final selection of building materials. In relation to landscaping works, further discussion has taken place with the applicant as it was not considered that the proposed landscaping along the northern side of the building would have been adequate. In response, the applicant has agreed to expand the scope of the landscape scheme to the western and southern edges of the site. At present there is no landscaping on these boundaries of the site and further hedge and tree planting works would assist in screening not only the proposed building but also the other existing parts of the site and would also facilitate a biodiversity enhancement. With these conditions the development can be controlled to mitigate the visual impacts of the development minimising harm to the countryside.

Ecology

The application site is located within 4.5km of Morecambe Bay Special Area of Conservation and Ramsar site, and Morecambe Bay and Duddon Estuary Special Protection Area. Policy 181 of the National Planning Policy Framework (NPPF) states when determining planning applications the following sites should be given the same protection as habitats sites:

- a) potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC)

- b) listed or proposed Ramsar sites
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas (SPA), possible Special Areas of Conservation (SAC), and listed or proposed Ramsar sites

Policy 182 of the National Planning Policy Framework (NPPF) states the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Land surrounding the application site may be functionally linked to Morecambe Bay and Duddon Estuary Special Protection Area (SPA) as it is used at certain times of the year by bird species for which the SPA is designated. For this reason a Habitats Regulations Assessment has been carried out for the proposed development including an assessment of impacts on functionally linked land, water quality/surface water impacts and air pollution impacts.

The Habitats Regulations Assessment concludes that the surrounding area is used for feeding by qualifying bird species of the designated sites during passage and over-wintering. There is potential for the disturbance of qualifying passage or over-wintering bird species that may forage on the surrounding land, due to noise, lighting or visual disturbance during the construction of the building. The applicant has confirmed the construction of the building would take approximately eight weeks and this could represent a good proportion of the period of the winter months when birds may be utilising adjacent fields. The Habitats Regulations Assessment concludes that there would be no adverse effects on the integrity of the Special Protection Area (SPA) provided that appropriate mitigation is secured by timing the construction works to avoid the periods of the year when qualifying species may be present on land surrounding the application site.

Planning conditions can be secured to control timing of the construction works and to ensure that any form of site clearance and ground preparation only take place during April to September. The County Ecologist confirmed any adverse effects on the integrity of the designated site can be avoided through timing of the construction works to avoid the periods of the year when qualifying species may be present on land surrounding the application site. It is concluded that there would be no adverse effects on the integrity of the Special Protection Area (SPA) subject to the appropriate mitigation being secured. Natural England (NE) have also raised no objection to the Habitats Regulations Assessment subject to appropriate mitigation being secured.

Highways

Condition 10 of the existing planning permission LCC/2019/0001 restricts the number of Heavy Goods Vehicles (HGVs) leaving the site to not more than 5 in any one day and 2 Heavy Goods Vehicles (HGVs) on Saturday afternoon or Sunday/bank holiday. The applicant states they can only control the export of finished compost material as the contracts with the local authorities require them to accept green waste at the rates that it is collected and that it cannot be held at another facility temporarily. They are

therefore concerned that condition 10 of the existing permission does not allow them to meet the terms of the contracts with the local authorities. The applicant proposes to amend the control on Heavy Goods Vehicles (HGVs) movements so that it reverts to the previous wording which restricted the export of finished compost to no more than 5 Heavy Goods Vehicles (HGVs) per day.

It should be noted that in order to generate 5 Heavy Goods Vehicles (HGVs) loads of finished compost, the numbers of Heavy Goods Vehicles (HGVs) importing green waste will be more than 5. This is because of the bulk reduction that occurs during the waste treatment process. The site is constrained under an Environmental Permitting Regulations licence to treat up to a maximum of 75,000 tons of material annually and the applicant has complied with this since 2009. This restricts or controls the number of vehicles entering the site and tipping material through a calendar year. The business is seasonal with imports being greater during the spring and summer months of the year when larger amounts of green waste are collected by local authorities.

The operator has provided records of Heavy Goods Vehicles (HGVs) visiting the site. In June 2017 there were 725 Heavy Goods Vehicles (HGVs) movements into the site at an average daily level of 29 and there were an additional 5 exports of compost per day. In June 2021 there were 425 movements into the site with a daily average of 22 (excluding half day Saturdays) and the daily maximum was 26. In December 2020 the site had 168 Heavy Goods Vehicles (HGVs) movements with an average daily level of less than 9 and a maximum of 11.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that proposals should only be 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.

When this development commenced in 2008, it was subject to a condition restricting the levels of Heavy Goods Vehicles (HGVs) exporting compost from the site. The condition attached to the 2019 permission restricting Heavy Goods Vehicles (HGVs) importing material to the site related to an application to extend working hours to include Saturday afternoons and Sundays. The limitation within that permission to 5 Heavy Goods Vehicles (HGVs) importing material to the site was intended to only relate to the Saturday afternoon and Sunday periods when there may be more amenity impacts arising from Heavy Goods Vehicle (HGV) movements. Unfortunately, the condition extended to the full operating period which appears to be an error in the wording of the condition, but which was never appealed by the applicant. Nevertheless, the applicant's current proposal to revert to the condition attached to the 2008 permission would mean that the limitations on Heavy Goods Vehicles (HGVs) would just reflect the levels that have historically applied to this site.

The proposed change to the condition would therefore not increase the number of Heavy Goods Vehicles (HGVs) accessing the site compared to the existing arrangement. During peak season the number of Heavy Goods Vehicle (HGV) movements accessing the site would be approximately two per hour and off-peak season would be approximately one per hour. This is not a significant number of Heavy Goods Vehicles (HGVs) and at these levels would not be detrimental to the surrounding highway network or local amenity.

Lancashire County Council Highways have been consulted on the application and have raised no objection and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have also commented that the application seeks to regularise the existing vehicle movements in relation to the previous conditions and there is no proposed increase to the current vehicle movements in relation to the facility.

The issues regarding local amenity and highway impacts as raised by the Parish Council and local resident are noted. The applicant maintains that the numbers of vehicles bringing green waste and other materials to the site cannot be controlled as they are contractually obliged to accept the waste. However, this argument is not accepted as it is tantamount to saying that the site should be able to generate unlimited amounts of waste as long as contracts are in place for that material. This argument does not take account of the environmental and highway impacts arising from the Heavy Goods Vehicles (HGVs) using local roads which in this case are C class roads. The 75,000 tonne limit imposed through the Environment Agency (EA) permit is also not for amenity and highway reasons. For this reason, it is considered that some changes should be made to the planning conditions in order to better control the highway impacts of this development going forwards. Firstly, the condition limiting the numbers of vehicles exporting compost from the site should extend to Heavy Goods Vehicles (HGVs) **and** to tractors and trailers. Secondly, it is considered that a condition should be imposed relating to the import of waste materials with an additional control on the numbers of such vehicles on a Saturday afternoon and Sunday.

With such conditions, the highway impacts are considered acceptable and comply with paragraph 109 of the National Planning Policy Framework (NPPF) and Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Other Matters

Paragraph 188 of the National Planning Policy Framework (NPPF) 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. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

The proposed development may cause some additional noise impacts from construction activities but due to the short-term nature of the construction these impacts would be negligible. A precautionary measure is recommended by way of a condition to control the majority of construction working operations to the typical working day. Subject to the recommended condition it is considered that it would be unlikely that construction activities would have any detrimental impact on neighbouring landowners or local residents. It is also considered that enclosing some of the composting activities within a building would mitigate some of the noise impacts of the shredding operations and may also have some beneficial impacts in relation to odours/bioaerosols.

The National Planning Policy Framework (NPPF) sets out the vulnerability to flooding of different land uses. It encourages development to be located away from areas at highest risk (whether existing or future), and states that where development is necessary in such areas, the development should be made safe for its lifetime. It also stresses the importance of preventing increases in flood risk offsite to the wider catchment area. The building and the majority of the site falls within a flood zone 1, the lowest probability area. The site is an existing hardstanding area and the development would not increase surface run off any more than the existing arrangement. There would also be an improvement of the quality of the surface water run off as the building would help to reduce leachate and contamination of rainwater. Therefore, the development would not increase the risk for individuals onsite nor would it increase the likelihood of flooding elsewhere therefore being acceptable in terms of Policy ENV13 of the Wyre Local Plan.

Conclusion

The National Planning Policy Framework (NPPF) and the Joint Minerals and Waste Local Plan (JMWLP) recognise that 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 and dust. More specifically, Policy DM2 of the Joint Minerals and Waste Local Plan (JMWLP) supports development for 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 site has been established as a biowaste composting facility for a number of years and the operations at the site have facilitated economic growth in a rural area utilising disused agricultural buildings. The proposal does include a new large building that would be visible from certain viewpoints within the landscape. However, the treatment of the external finish of the buildings, existing bunds and structures within the site and the submission of a further landscaping scheme could be developed to ensure the development would be integrated into the landscape such that there would be no significant landscape or visual impacts. On balance, the development is therefore considered acceptable in terms of policies in the local plan.

Overall it is considered that the development is an acceptable use of the site and it is unlikely that there would be any unacceptable impacts provided that any permission is subject to the recommended conditions. The site operations help in the re-use of waste which reduces reliance on landfill and moves the management of waste up the waste hierarchy. Subject to the imposition of conditions, as stated above, it is considered that the development accords with the requirements of the National Planning Policy Framework (NPPF), Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, and Policies National Planning Policy Framework (NPPF) 1, DM1, DM2 of Joint Lancashire Minerals and Waste Local Plan (JLMWLP).

In view of the location, 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, except where modified by the conditions to this permission, in accordance with the following:

a) The Planning Application received by the County Planning Authority on 26 October 2020.

b) Submitted Plans and documents

Drawing Number - GA3343-LP-01B / Location Plan

Drawing Number - GA3343-SP-01 / Existing Site Plan

Drawing Number - GA3343-001 / Proposed Plans and Elevations

Drawing Number - GA3343-PSP-01 / Proposed Site 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 Joint Lancashire Minerals and Waste Local Plan (JMWLP) and policies SP2 and CDMP3 of the Wyre Local Plan.

Hours of Working

3. No waste shall be imported or deposited on the site, sorted, screened or shredded, and no recycled materials shall be loaded or exported from the site outside the hours of:

08.30 to 18.00 hours, Mondays to Fridays (except Public Holidays)

08.30 to 12.00 hours, Saturdays.

Notwithstanding the above hours, the site shall also be open for the acceptance of green wastes between 12.00 to 17.00 hours on Saturdays and between

09.30 to 17.00 hours on Sundays and Public Holidays. No processing operations shall take place within these hours.

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

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 (LMWLP).

4. No works to construct the building shall take place outside the hours of:

07.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 14.00 hours on Saturday.

No construction works shall take place at any time on Sundays or Public Holidays.

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

Reason: To safeguard the amenity of local residents and adjacent properties and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) and policy SP1 of the Wyre Local Plan.

5. No waste other than green waste, waste timber and waste imported from other in vessel composting facilities shall be imported to the site. Green wastes shall only comprise of grass, tree and hedge cuttings, parks and garden wastes and green waste produced by householders. Any other wastes shall be removed from the site within 24 hours of receipt and taken to a licenced waste management site.

Reason: To protect the amenities of surrounding land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Materials

6. No external cladding or finishes to any building or structure shall be applied until details of the building materials to be used for the external elevations and the roof of the building have been submitted to and approved in writing by the County Planning Authority. Thereafter, only those materials approved by the County Planning Authority shall be used.

Reason: To safeguard the visual amenity of the area and to comply with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) and Policies SP4, SP5 and CDMP3 of the Wyre Local Plan.

Highway Matters

7. Measures shall be taken at all times during the operation of the site to ensure that no dust, mud or other deleterious materials are transferred onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies Development Plan Document (DPD).

8. The numbers of Heavy Goods Vehicles (HGVs) leaving the site associated with the importation of green waste or other waste materials for the purpose of producing compost shall not exceed the following levels:-

1st April to 30th November

a) Mondays to Fridays - not more than 580 Heavy Goods Vehicles (HGVs) per month with a maximum number of 30 Heavy Goods Vehicles (HGVs) per day

b) Saturdays and Sundays - 10 Heavy Goods Vehicles (HGVs) per day

1st December to 31st March

a) Mondays to Fridays - not more than 180 Heavy Goods Vehicles (HGVs) per month with a maximum number of 11 Heavy Goods Vehicles (HGVs) per day

b) Saturdays and Sundays - 5 Heavy Goods Vehicles (HGVs) per day.

A written record shall be maintained of all Heavy Goods Vehicles (HGVs) associated with the importation of waste materials to the site and the export of finished compost. The record shall contain details of the date and time of the movement, the vehicle registration number and the vehicle weight. The record shall be made available to the County Planning Authority on request.

Reason: In the interests of highway safety and the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

9. No more than 5 vehicles per day shall leave the site associated with the export of finished compost material. This condition shall apply to Heavy Goods Vehicles (HGVs) and tractors and trailers.

Reason: In the interests of highway safety and the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

10. All vehicles transporting compost 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 to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

11. All mobile plant used in connection with the operation of the site shall be fitted with and use white noise reversing alarms. No reversing beepers shall be used on such plant.

Reason: In the interests of highway safety and the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Landscaping

12. Within three months of the date of this planning permission, a landscaping scheme for the further screening of the Iron House Farm composting site shall be submitted to the County Planning Authority for approval in writing.

The scheme shall provide details of landscaping including tree and hedge planting including details of areas to be planted, layout and sizes of species to be planted, planting techniques, and protection measures.

The measures contained in the approved scheme shall be implemented in the first planting season following the completion of the development.

All planting works shall be maintained for a period of five years including the replacement of dead and dying plants, weed control and the maintenance of protection measures.

Reason: In the interests of biodiversity and to secure the proper landscaping of the site and to conform with policies EMP12, CDMP1 and CDMP4 of the Wyre Local Plan.

13. No stockpile of waste material, compost or shredded timber outside of the building shall exceed a height of five metres.

Reason: In the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policies SP2 and CDMP3 of the Wyre Local Plan 2011 – 2031.

Ecology

14. All construction works including site clearance and ground preparation for the building subject to this planning permission shall only take place during April to September inclusive, to avoid impacts on the Morecambe Bay and Duddon Estuary Special Protection Area bird species during the overwintering period.

Reason: To protect birds and to conform with Policies CDMP1 and CDMP4 of the Wyre Local Plan.

Drainage

15. No development shall commence until a scheme and programme for the management and attenuation of surface water from the building subject to this application has been submitted to and approved in writing by the County Planning Authority.

The measures for the management and attenuation of surface water from the development shall be implemented as part of the construction works and maintained in operational condition thereafter.

Reason: In the interests of surface water control and to prevent flooding and to conform with policy CDMP4 of the Wyre Local Plan.

Noise

16. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

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 and policy SP1 and SP2 of the Wyre Local Plan.

17. Noise from the site shall not exceed the background level by more than 10dB(A) LAEQ (1 hour) free field when measured from Moss Farm Cottage, Hornby's Lane (NGR 412 448) at a point closest to the noise source.

Reason: In the interests of the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Dust

18. Measures shall be taken at all times during the development to ensure that no dust or wind-blown material from the site is carried on to adjacent property.

Reason: To safeguard the amenity of the local area and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) and policies SP1, SP2 and CDMP4 of the Wyre Local Plan.

Definitions

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

Free field: At least 3.5 metres away from the facade of a property or building.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

Paper	Date	Contact/Directorate/Telephone
LCC/2020/0061	August 2021	Faiyaz Laly, Planning and Environment 01772 538810

Reason for Part II

N/A

Planning Application - LCC/2020/0061

Erection of new composting building and continuation of use of existing composting site subject to a condition restricting the export of compost to five HGV vehicles per day.

Iron House Farm, Lancaster Road, Out-Rawcliffe

Planning application LCC/2020/0061- Location



A588

A6

Garstang

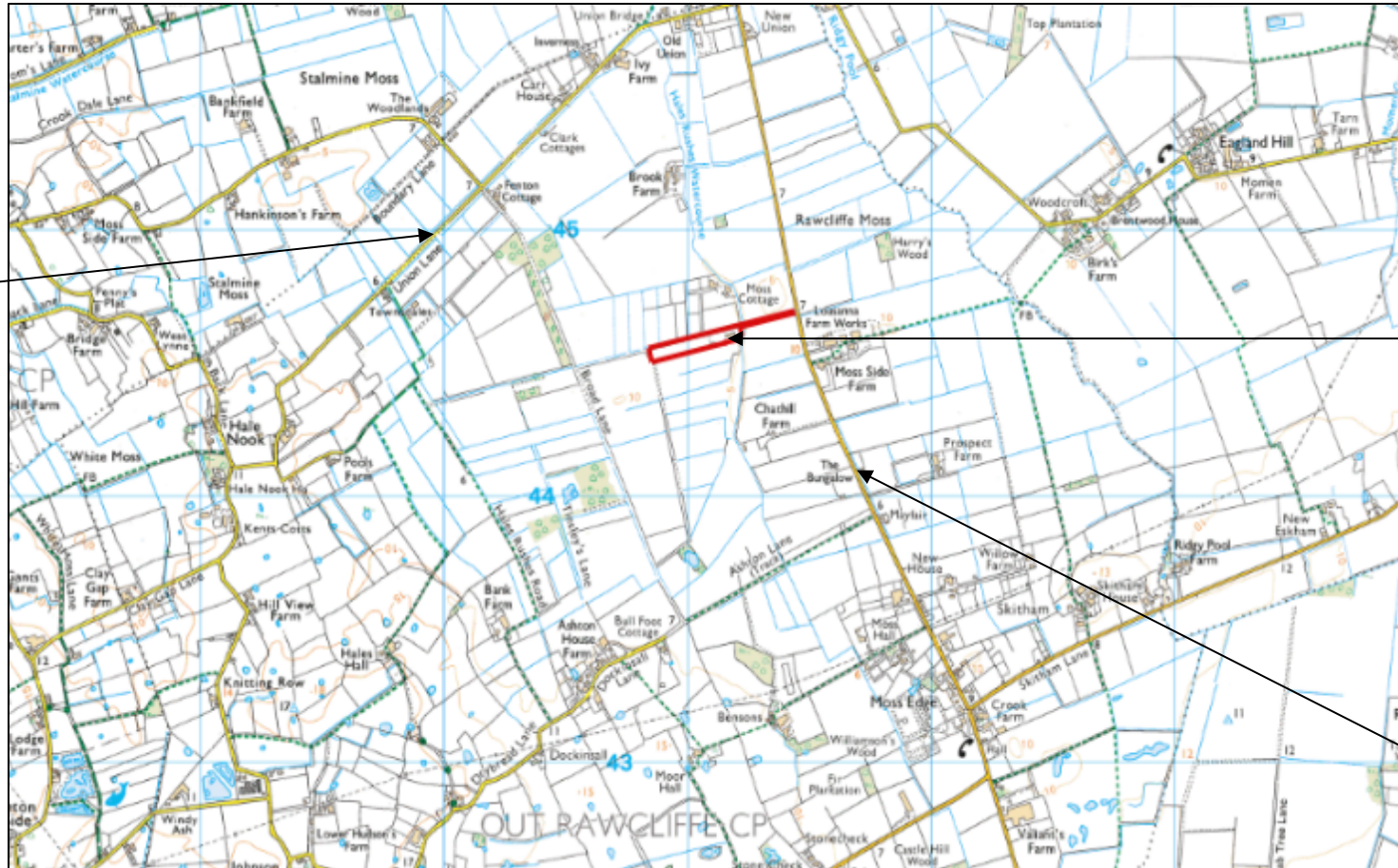
Iron House Farm

Skitham Lane

Lancaster Road

A586

LCC/2020/0061 – Location Plan



Union Lane

Application Site

Lancaster Road

LCC/2020/0061 - Image



Union Lane

Application Site

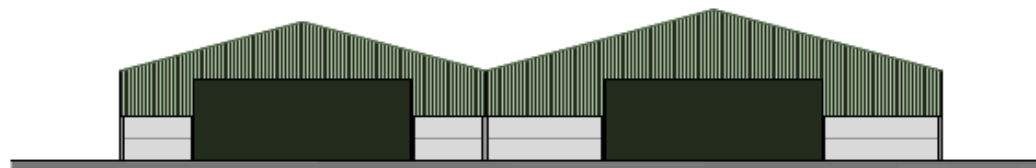
Lancaster Road

Page 38

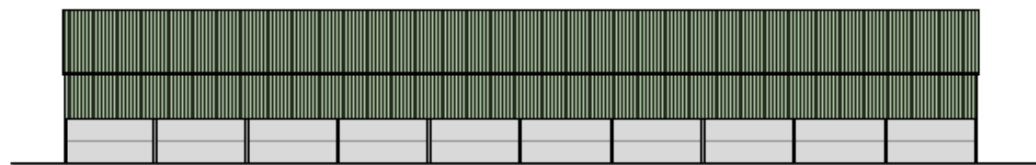
LCC/2020/0061 Location of Building



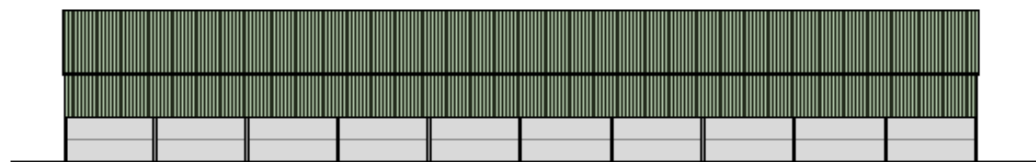
LCC/2020/0061 - Elevations



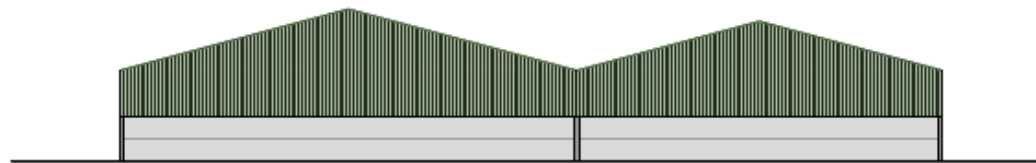
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



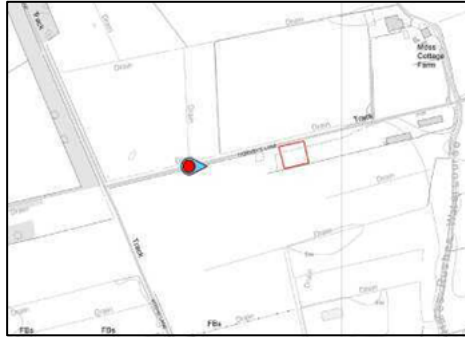
NORTH WEST ELEVATION



SOUTH WEST ELEVATION



Existing and proposed views from Hornby Lane



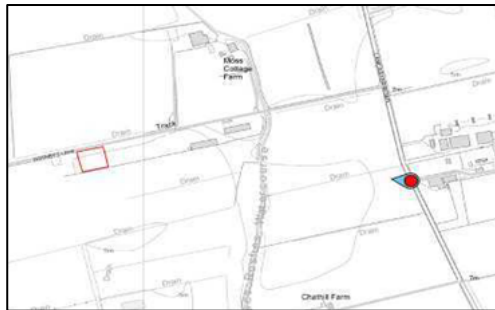
Proposed building



Existing and proposed Views from Lancaster Road



Proposed building



Photographs – Site access off Lancaster Road



Photographs – Site for proposed building



Agenda Item 6

Development Control Committee
Meeting to be held on 8 September 2021

Electoral Division affected: Skerton

Lancaster City Council: application number LCC/2021/0023
Proposed classroom extension including replacement and relocation of existing fencing and relocation of two car parking spaces, Loyne Specialist School, Sefton Drive, Lancaster.

Contact for further information:
Pauline Kelly, 01772 531929
DevCon@lancashire.gov.uk

Executive Summary

Application - Proposed classroom extension including replacement and relocation of existing fencing and relocation of two car parking spaces, Loyne Specialist School, Sefton Drive, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, landscaping, protection of trees and ecological mitigation.

Applicant's Proposal

The applicant is proposing an additional classroom with a floor space of approximately 64sqm measuring approximately 7.5m by 9.4m by 5m high. The external elevations of the extension would be constructed from facing brickwork to match the existing school buildings, with a brick 'on edge' soldier course around all elevations of the building directly above window and door head level. The pitched roof would be covered in grey concrete roof tiles which would continue the existing eaves and ridge lines from the adjacent classroom. Windows would all be light grey colour powder coated aluminium to match the existing school. The new classroom would include 3 No. full height windows to the front elevation which would be in the same style as the adjacent classroom. To the rear elevation there would be a full height combined window and door to match other rear facing classrooms. Fascia's will be rosewood UPVC to match existing fascias and rainwater goods would be black UPVC to match existing.

The extension would require the removal of a length of existing 2.4 metre high palisade fencing. This would be replaced with 107 metres of 1.8 m high mesh fencing on a different alignment further from the school buildings to create extra play provision and outside resources for the school.

Two car parking spaces would be lost due to the extension. These are to be replaced by extending the existing car parking area at the front of the school. The spaces would be surfaced with an interlocking cellular paving grid, infilled with gravel.

Description and Location of Site

The Loyne School is a specialist school off Sefton Drive, approximately 1.5km north of Lancaster city centre. The school is adjacent to another primary school to the north, playing fields to the east and residential properties to the south and west. The proposed extension would be to the northern elevation of the school building. The palisade fencing which is to be replaced by 1.8m high weld mesh fencing is at the rear (east side) of the school. The two replacement car parking spaces would be an extension of the existing car park fronting Sefton Drive.

Background

The site is an established educational facility.

Planning permission was granted at the school in April 2020 for the installation of an Eco lodge in the woodland area. (LCC/2020/0011)

Planning permission was granted at the school in June 2019 for the erection of 1.8m high weld mesh security fencing and gates as part of the boundary on Sefton Drive (LCC/2019/0022)

Planning permission was granted at the school in April 2016 for a single storey extension to provide a therapy room, therapy office and alterations to form dining table storage. (LCC/2016/0023)

Planning Policy

National Planning Policy Framework

Paragraphs 11 – 14, 95 and 126 - 130 are relevant with regards to the definition of sustainable development, the need to provide for school places and the requirement for good design.

Lancaster District Core Strategy

Policy SC1 - Sustainable Development

Policy SC5 - Quality in Design

Lancaster District Local Plan (Development Management DPD)

Policy NPPF1 - Presumption in favour of Sustainable Development

Policy DM29 - Key Design Principles

Policy DM33 – Development and flood risk

Policy DM45 – Protection of trees, hedgerows and woodland

Consultations

Lancaster City Council: No objection subject to conditions controlling external finishes, a landscaping scheme, and the development being carried out in accordance with the submitted Arboricultural Implications Assessment.

Lancashire County Council (LCC) Highways Development Control: No objection.

Lancashire County Council (LCC) Ecology Service: An assessment of bat roosting potential of the trees and areas of building to be impacted (directly and indirectly) should be submitted. If there is potential for use by roosting bats, then further surveys (dusk emergence/dawn re-entry surveys) to establish the presence/absence of bat roosts may be required prior to determination of the application. All assessments and surveys will need to be complete prior to determination of the application. If permission is granted, conditions relating to habitat creation/planting details and protection of existing vegetation would be required.

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 concerns:

1. The extension and additional pupils and staff will increase the problems with traffic and parking on Sefton Drive. The application does note the congestion on the street already and therefore with additional pupils and staff, additional parking is required
2. There is no enforcement of the existing parking and parents frequently park on the yellow lines on the corners. The buses that bring the children to the school struggle and the children coming out from Ryelands School or who are collected from the Loyne School are in danger from all the traffic and congestion.
3. Due to the coronavirus there are an increased number of buses with the buses on occasion having to reverse out of the Loyne School.
4. It would be safer if there was a one-way system around Bowland/Sefton Drive. This seriously needs looking at for the safety of everyone in the locality.

Advice

The Loyne Specialist School is a special needs school in Lancaster catering for children aged 2 – 19 years with 110 pupils currently on roll, all of which have special educational needs with some pupils also having sensory, mobility and medical impairments.

The Early Year Foundation Stage (EYFS) currently consists of 2 classes, accommodating 22 pupils. For several years, the school has come under increasing pressure to increase its intake. The school are constantly adapting the footprint of the building and have made internal alterations to try and meet the need. However, there

is an increasing number of very young children with special educational needs that require placement in a specialist school. The applicant states that it is critical, that once a child has received a formal Statement of Educational Needs, that they are placed within a school where their special needs can be catered for and the child can develop and flourish. Unfortunately, the school are currently unable to accommodate the large number of Early Year Foundation Stage (EYFS) children being put forward for placement due to the lack of classroom and outdoor space within the current EYFS. The children that are not placed often end up in mainstream provision in classes of up to 30 pupils where they struggle to progress. The proposed extension would allow more Early Year Foundation Stage children with special educational needs to learn in an environment that suits their needs.

Paragraph 95 of the National Planning Policy Framework (NPPF) states that it is important that there is a sufficient choice of school places available to meet the needs of existing and new communities and that great weight should be given to the need to create, expand and alter schools. The proposal would meet this objective.

Paragraph 130 of the National Planning Policy Framework (NPPF) requires that planning decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy DM29 of the Lancaster City Development Management Development Plan Document (DPD) states that the Council will expect development to contribute positively to the identity and character of the area through good design having regard to local distinctiveness, appropriate siting, layout, materials, separation distances and scale and that there will be no significant detrimental impact on local amenity.

The new extension would extend the existing school building to the north and would not bring the school any closer to the nearest residential properties on Sefton Drive. The separation distance would be around 44 metres. The roof line of the new building would match that of the existing school and the materials to be used for the external elevations would match that of the adjacent school buildings. The design, scale and location of the proposed extension is therefore considered acceptable and complies with paragraph 130 of the National Planning Policy Framework (NPPF) and Policy DM29 of the Lancaster City Development Management Development Plan Document (DPD).

The floor level of the extension would have the same floor level of the existing school ground floor level, enabling users of the building to have unrestricted access throughout the extension. An internal door into the adjacent classroom will enable disabled access into the remainder of the school building. External surfacing will be taken up to the new Entrance Door and Rear Door and the external surfacing will be ramped up to the door threshold to ensure level access, with an Aco Channel being installed around the perimeter.

The area where the proposed extension is to be constructed is currently tarmac which drains into the drainage system. Therefore any rainwater running from the building will not increase discharge rates to the drainage system. It is proposed to surface the areas around the side and rear of the proposed extension with porous tarmac to the side with wet pour to the rear, both of which are porous and would allow the water to percolate into the ground without adding additional inputs into the

existing drainage system complying with Policy DM33 of the Lancaster City Local Plan and Policy SC1 of the Lancaster District Core Strategy.

With the agreement of the neighbouring Ryelands Primary School, the existing palisade fencing to the rear of the school is to be replaced by 1.8m high weld mesh fencing with the fence line being moved to the east to give the Loyne School more outside resource area for play and education. Another length of 2.4 metre high palisade fencing at the front of the school between the proposed extension and the garages is to be replaced with 1.8m high weld mesh fencing and gate with security controls which would give a more aesthetically pleasing appearance complying with Policy DM29 of the Lancaster City Local Plan.

The 2 no. car parking spaces which would be lost due to the extension are to be reinstated by extending the car parking area at the front of the school. The extended area would be surfaced with interlocking cellular paving grid, infilled with gravel which would provide a sustainable urban drainage system.

A local resident has raised the issues of highway safety and car parking issues on Sefton Drive especially at the start and end of the school day. The new extension would allow an increase in pupil numbers. However, the majority of pupils at the school are transported by bus and therefore a significant increase in traffic is not expected. With regards to parking at the school, there are already yellow lines on Sefton Drive to the north of the school entrance and the school should be asked to request that parents are aware of the road markings and not to park on the yellow lines when they drop off and pick up pupils. In relation to the one-way system, this is a matter that would normally need to be the subject of a traffic regulation order. Such an order would impinge on the rights of local residents and it is therefore considered that it would not be desirable to introduce this as a legally enforceable measure. However, it is an issue that the school could investigate on a voluntary basis.

The proposed development would require the removal of a Larch tree which has outgrown its current location together with an area of goat willow and section of hedge. It is proposed to plant 6 no. other trees as replacements. These would be planted on a sloping grassed area at the rear of the school's cycle track and is an area where the newly planted trees would be able to thrive. All trees, shrubs and hedgerows being retained in or adjacent to the area of the proposed extension would be protected during the construction period. In addition to the replacement trees, the school propose to provide a number of bird boxes which would be fixed to mature trees.

In terms of ecology, the new extension would also affect the eaves and roof of the existing school building. Bat surveys of the building and trees to be impacted have been carried out in accordance with the recognised guidelines (Bat Conservation Trust published *Bat Surveys: Good Practice Guidelines*, 2016). No evidence of roosting bats was found. The report includes a number of best practice recommendations including careful removal of building features and installation of a bat box (which would replace the bat roost potential being lost as a result of the works).

A site compound would be established in the area immediately next to the extension and would be surrounded by lockable fencing. The area would be reinstated upon completion of the works and surfaced with porous tarmac. Construction deliveries and vehicle movements would only take place during normal working hours

from Monday to Friday, with vehicle movements prohibited between 08.30 to 09.30 and 14.30 to 15.30 during school term time. During school holidays this would not apply, although deliveries and vehicle movement would still be confined to normal working hours from Monday to Friday.

The proposed development is modest in scale and the design and the materials would be complementary to the existing school. Given the location of the proposed development within the school site and the distance to the nearest residential properties, the development would not have any unacceptable visual impact or result in any loss of amenities to the surrounding area or properties. The proposal is therefore acceptable in terms of the policies of the Development Plan.

In view of the scale, location and nature of the proposal 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 three 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 8 June 2021 as amended by the emails and additional/amended information dated 14 July 2021 and 11 August 2021.

- b) Submitted Plans and documents:

Plan LSS/SSSE21/JH/1 Rev C - Location of the Extension, New Boundary Fenceline, Tree Planting and Car Parking

Plan LSS/SSSE21/JH/2 Rev A - Existing Plan and elevations

Plan LSS/SSSE21/JH/3 - Proposed Plan

Plan LSS/SSSE21/JH/4 - Proposed Elevations

Plan LSS/SSSE21/JH/5 - Relocated Car Parking Spaces

Reason: To minimise the impact of the development on the amenities of the area and to conform with policies NPPF1, DM29 and DM35 of the Lancaster City Development Management Development Plan Document (DPD).

3. The development and bat mitigation measures shall be carried out in accordance with the recommendations and appendix 6 of the Bat Survey Report prepared by Ecology Services Ltd, dated August 2021.

Reason: In the interests of ecology and to conform with Policy DM29 of the Lancaster City Development Management Policies Development Plan Document (DPD).

4. No construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 13.00 hours on Saturdays.

No construction development, delivery or removal of materials 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 DM29 of the Lancaster City Development Management Policies Development Plan Document (DPD).

Building Materials

5. The building materials used for the external elevations and roof of the building shall comply with the details shown on drawing SSE/JH/4 - Proposed Elevations

Reason: In the interest of visual amenity of the area, the appearance and character of the building and to conform with Policies NPPF1 and DM35 Lancaster City Development Management Development Plan Document (DPD).

Landscaping and Ecology

6. The landscaping details as shown on Drawing. No. LSS/SSSE21/JH/1 Rev B shall be implemented in the first planting season following completion of the development.

Reason: In the interests of the amenity of the area and to conform with Policy DM29 of the Lancaster City Development Management Development Plan Document (DPD).

7. The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Implications Assessment. In particular, the approved tree protection measures shall be fully implemented prior to any equipment, machinery or materials being brought onto site and retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

Reason: In the interests of the amenity of the area and to conform to Policy DM29 of the Lancaster City Development Management Development Plan Document (DPD).

8. The nesting bird mitigation shall be undertaken in accordance with the amended supporting statement as modified by the email from Jeff Heskinen dated 11 August 2021. The mitigation measures shall be carried out with three months of the completion of the development.

Reason: In the interests of ecology and to conform with Policy DM35 of the Lancaster City Development Management Development Plan Document (DPD).

9. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy DM29 of the Lancaster City Development Management Development Plan Document (DPD).

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

Paper	Date	Contact/Directorate/Ext
LCC/2021/0023	August 2021	Pauline Kelly, Planning and Environment 01772 531929

Reason for Part II

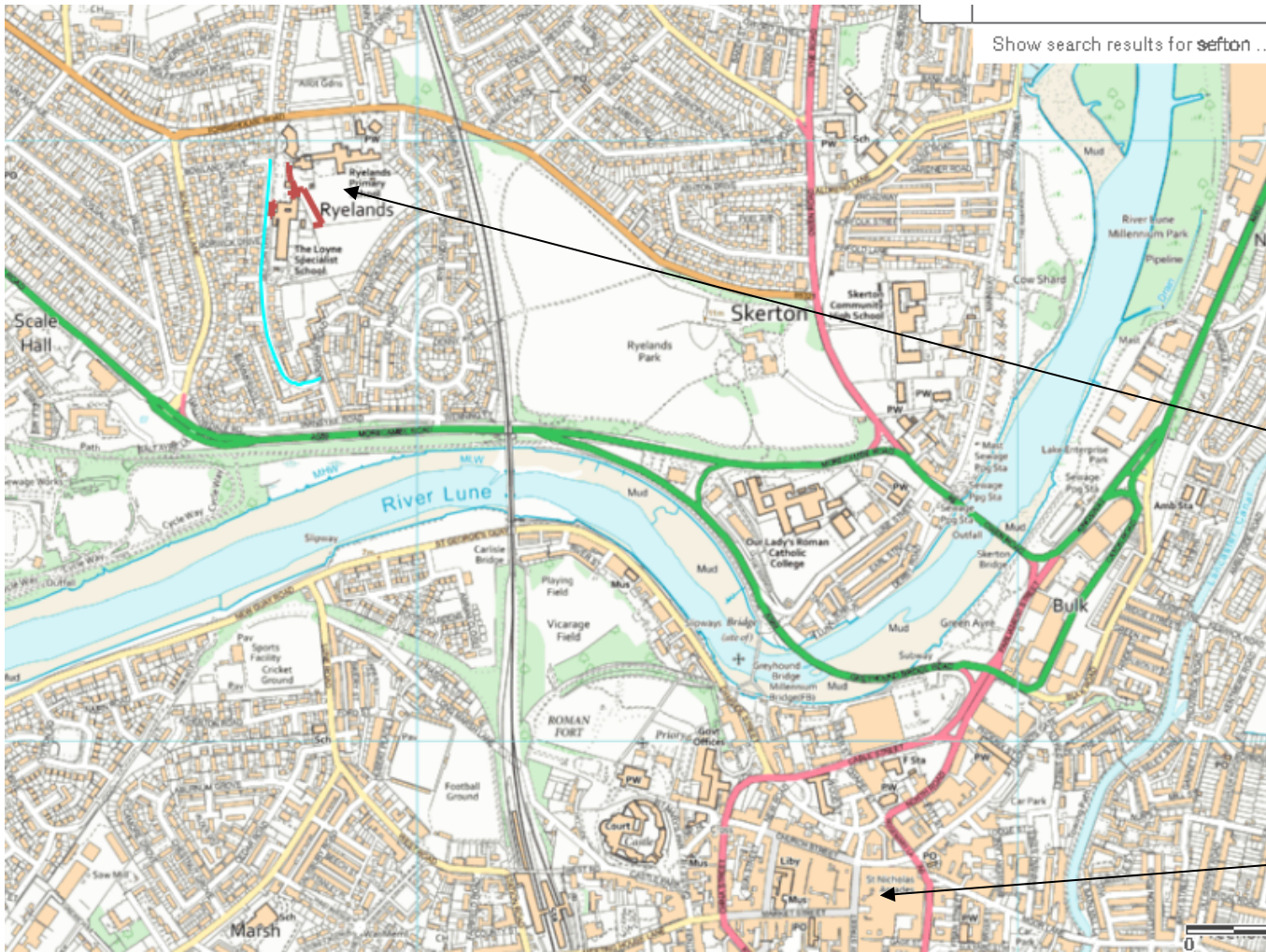
N/A

Planning Application LCC/2021/0023

Proposed classroom extension including
replacement and relocation of existing
fencing and relocation of two car parking
spaces

Loyne Specialist School, Sefton Drive,
Lancaster

Planning Application LCC/2021/0023

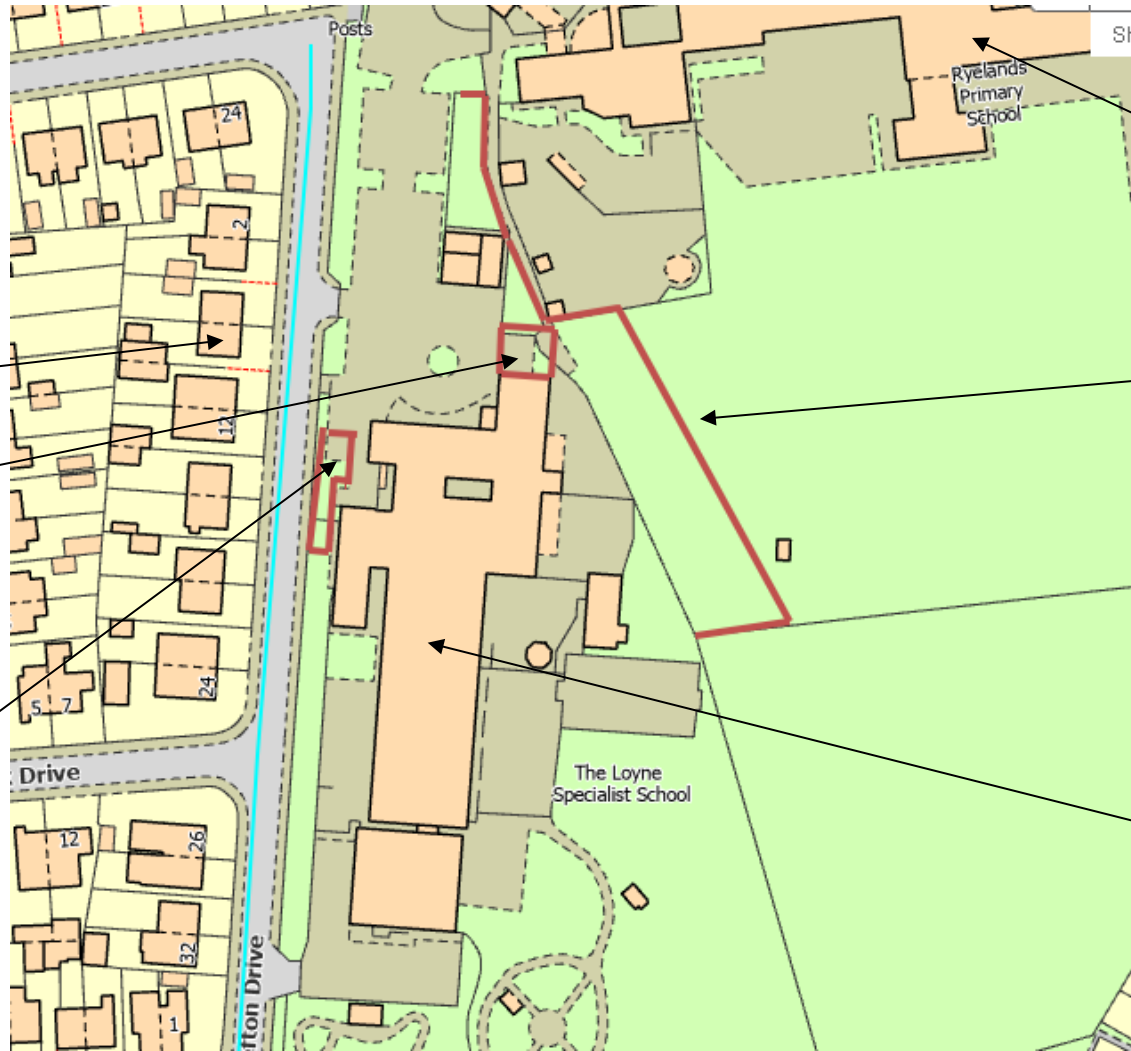


Site location

Lancaster city centre



Planning Application LCC/2021/0023



Ryelands Primary School

New and Realigned Fencing and Gates

The Loyne School

Nearest Properties (on Sefton Drive)

Proposed Classroom

Replacement Car Parking

Planning Application LCC/2021/00/0023



Ryelands
Primary School

New and
Replacement
Fencing and
Gates

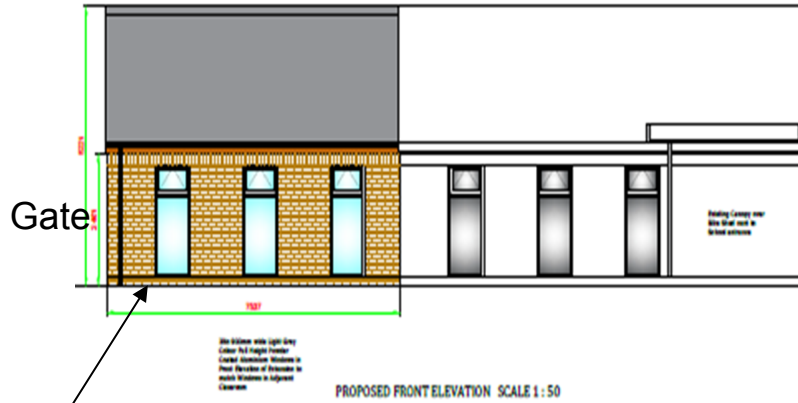
Proposed Classroom and
Replacement Car Parking Spaces

Sefton Drive

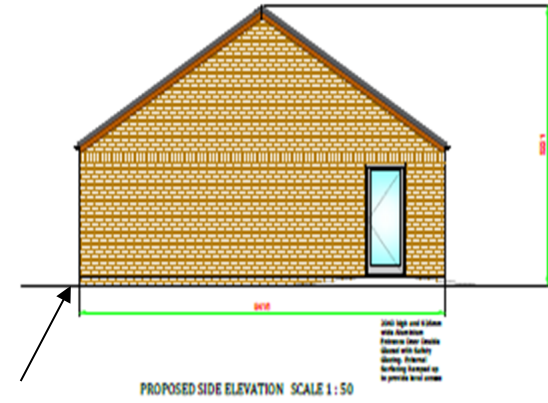
Page 56

Planning Application LCC/2021/0023

Proposed Path



Proposed Front Elevation



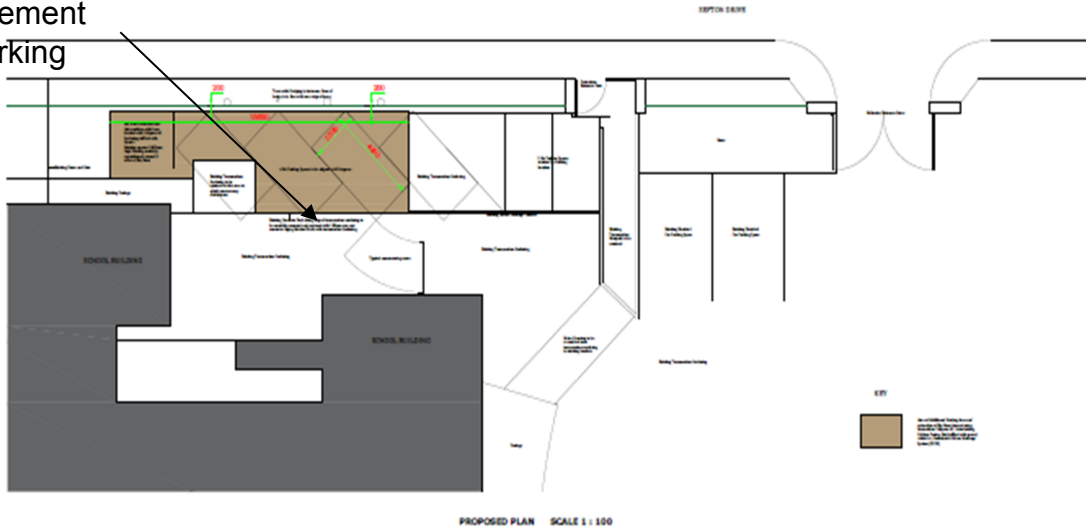
Proposed Side Elevation



Proposed Rear Elevation

Planning Application LCC/2021/0023

Replacement
Car Parking



Existing Car Parking
Spaces (on site of
extension)



Replacement Car Parking Spaces

Planning Application LCC/2021/0023 – View from nearest houses on Sefton Drive



Page 59

Location of
Proposed
Classroom

Location
of
Proposed
Car
Parking

Location of
Proposed
Classroom

Planning Application LCC/2021/0023



Palisade Fencing and Gates to be replaced and re-aligned

Green Weld Mesh replacement Fencing and Gates

Agenda Item 7

Development Control Committee

Meeting to be held on 8 September 2021

Electoral Division affected: Moss Side and Farington

South Ribble Borough: application number LCC/2021/0029 Creation of a new car park with 2.4m high security fencing and gates, Lever House County Primary School, Bristol Avenue, Farington

Contact for further information:

Pauline Kelly, 01772 531929

DevCon@lancashire.gov.uk

Executive Summary

Application – Creation of a new car park with security fencing and gates, Lever House County Primary School, Bristol Avenue, Farington.

Recommendation – Summary

That subject to the Secretary of State not calling in the application for his own determination, planning permission be **granted** subject to conditions controlling time limits, working programme, building materials and layout of car park.

Applicant's Proposal

Planning permission is sought for the creation of a new car park with security fencing and gates located on the school playing field at Lever House Primary School, Bristol Avenue, Farington, Leyland.

The new car park would measure approximately 552sqm and would create 26 car parking spaces one of which will be a disabled bay and would also include a designated area for cycles. The car park would be surfaced in tarmac with concrete edging. Around the perimeter of the car park would be 2.4m high weld mesh security fencing (measuring approximately 70 metres in length) coloured green to match the existing fencing at the school.

Description and Location of Site

Lever House County Primary School is located to the west of the M6 motorway, approximately 5km south of the centre of Preston on the eastern fringe of Farington and Leyland. Residential properties are located on St David's Road (to the south the school) which back onto the school grounds, whilst properties on Bristol Avenue border the grounds to the north and west. Access to the school is taken directly from Bristol Avenue to the west. The proposed development would be located on the northern edge of the school playing field adjacent to the main school building and

playground. The nearest residential properties are located approximately 16m away on Bristol Avenue.

Background

The site is an established educational facility.

Planning permission was granted in May 2017 for the siting of a storage container on the playing field (LCC/2017/0032).

Planning permission was granted in January 2017 for the erection of a canopy within the playground (LCC/2016/0086).

Planning permission was granted in May 2015 for a single storey extension to provide two classrooms, staff room, reception office, hall, ancillary space along with new pedestrian main entrance and larger staff/visitor car park and 2.4m high fencing (LCC/2015/0023).

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 8-12, 99 and 130 of the NPPF are relevant with regard to the definition of sustainable development, need for good design and the protection of existing open space and sports provision.

Central Lancashire Core Strategy
Policy 14 - Education

South Ribble Local Plan
Policy G7 - Green Infrastructure
Policy G17 - Design Criteria

Consultations

South Ribble Borough Council: No comments received.

Lancashire County Council (LCC) Highways Development Control: No objection.

Lead Local Flood Authority: No comments received.

Sport England: Object to the proposals as they consider that the proposal conflicts with their Playing Fields policy. Sport England state that where development would result in the loss of grass sports fields, it is essential that there are sufficient benefits from the proposal to the development of sport so as to outweigh the detriment resulting from the loss of the grass field. Sport England consider that the proposal does not meet exemption 3 and 4 of their policy as the development site has the potential to be used as a playing pitch and that the proposed hard play surface would not compensate for the loss of the grass pitch area.

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. United Utilities request a condition relating to a surface water drainage scheme.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received which does not object to the application but raises a number of issues regarding highways and parking impacts at the school. The resident considers that a one way system should apply to the parking area, that the parking area should be extended with angled parking spaces allowing easier manoeuvring and a dedicated pupil drop off and pick up area provided. The resident considers that these measures would improve highway safety and would reduce the impact of school traffic on the character of the area.

Advice

Lever House Primary School is situated in a residential area of Farington and was built some 50 years ago but has been extended and modified since to accommodate rising pupil numbers and new trends in education. The school intake is currently 291 pupils. The school also incorporates a large playing field between the school buildings and the M6 motorway.

The school consider that there is inadequate outdoor play space for key stage one and two children. This is a particular issue in the wintertime when the playing field tends to get waterlogged. Outdoor learning has taken an increased prevalence in the national curriculum.

The existing car park is directly adjacent to the playground and separates the existing playground from the playing fields. To provide a greater area of hard surfaced playground, it is proposed to convert the existing car park to playground which would create a single enlarged play area with a size suitable for the school intake. A new area of replacement car parking would then be constructed on the northern edge of the playing field.

Policy G17 of the South Ribble Local Plan states that planning permission will be granted for new development where the proposal does not have detrimental impacts on the existing building, neighbouring buildings or on the street scene. The new car park would be visible from the nearest properties on Bristol Avenue being approximately 15m from the frontage of the houses. However, the existing hedgerow and trees on the southern side of Bristol Avenue would be retained which would provide some screening and would ensure no unacceptable loss of visual amenity.

The main issue relates to the loss of part of the playing field. Paragraph 99 of the National Planning Policy Framework (NPPF) requires that existing playing fields should not be built upon unless an assessment has been undertaken which has clearly shown the land to be surplus to requirements or the loss would be replaced by equivalent or better provision or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current use.

Sport England object to the proposal as they do not consider the proposal meets with any of the exceptions to their playing fields policy or with the above paragraph of the National Planning Policy Framework (NPPF). Sport England considers that there is no evidence or benefits of the hard play area to sport and recreation that would outweigh the impacts on the existing playing field and that the issues relating to useability of the pitch could be resolved including by improved drainage.

There are Government standards for playground space at primary schools. Although the current total playground area would appear to meet the standards, these are minimum levels of provisions and the school consider that at present there is not enough provision for outdoor all year round play space for Key Stage One and Two children. Even if the pitch were subject to additional drainage measures, it would in all probability be too wet for regular usage during the winter months and an additional area of hard surfaced playground is justified. The school was expanded in 2015 but no further hard surfaced play areas were provided at that stage. The existing car park is located directly adjacent to the existing playground and therefore it is logical to convert the car park to playground to create a single enlarged area of play space. Even if another site was available, creating another play area on a different area of the school would introduce other complications such as increasing staff supervision requirements. It is therefore considered that there is a justified need for the additional outdoor play space by converting the current car park.

The new playground provision would not be marked out as any formal sports provision and therefore would not provide a direct replacement for the loss of playing field space. It is therefore acknowledged that the proposal is contrary to paragraph 99 of the National Planning Policy Framework (NPPF).

However, the car park would be located on the northern edge of the existing playing field and it is considered that the remaining area of playing field would still be large enough to accommodate a junior sized football pitch (measuring approximately 60 metres by 35 metres). Due to the shape of the playing field, it does not appear that the proposed car park would significantly reduce the useable space in any event.

There is no other location within the school that could be used for replacement car parking that would not affect other areas of the playing field. Other options have been considered including not replacing the car parking provision completely, but this was considered unfeasible as it would create increased pressure on the on-street parking in the area which is an issue that has been raised by a local resident.

The conflict with the playing fields policy impacts must be balanced against the benefits of providing the additional playground space and the need to provide some off-street car parking in order to avoid highway safety and amenity impacts for local residents. It is also important to consider that the remaining area of playing field could still be effectively used. On balance it is therefore considered that the harm to the playing fields policy is outweighed by other factors. However, in view of the objection from Sport England it will be necessary to refer the application to the Secretary of State before granting planning permission.

The playing fields are allocated as Green Infrastructure in Policy G7 of the South Ribble Local Plan. The policy states that development which would involve the loss

of Green Infrastructure will not be permitted unless it can be demonstrated that the retention of the site is not required to satisfy a recreational need in the local area and the development would not detrimentally affect the amenity value and the nature conservation value of the site. The footprint of the proposed car park is 552sqm, representing a small percentage of the school playing field and is needed to facilitate the creation of additional hard play area for use of outdoor activities at the school. Nearly the whole of the school site is designated as green infrastructure under this policy and therefore it would be very difficult to develop a replacement car park without affecting land subject to this policy

One letter has been received from a local resident raising a number of issues about highway impacts and car parking. The proposal is not intended to increase car parking at the school and is solely for the purpose of replacing the existing parking provision. Many of the issues raised by the resident are beyond the scope of this planning application. A designated pick up and drop off area within the car park area would put the pupils in conflict with moving cars and would present safeguarding issues whereas at present parents collect the children from the playground in a supervised environment. Lancashire County Council (LCC) Highways has no objection to the layout, access or egress of the car park as proposed. While the issues raised by the resident are noted, they are not matters that can be addressed through this application.

The proposed car park would be surfaced in permeable tarmac to allow water to soak back into the surrounding land and there would be no drainage into the existing sewer. The existing trees and shrubs on the northern boundary of the proposed site are to be retained.

In conclusion the proposed car park is required to enable the creation of a hard play area for Key Stage One and Two pupils. Although the school has an adequate car park, the proposal would allow the school greater outdoor play and educational opportunities. The development would have minimal visual amenity impact and there is sufficient distance from the site to the nearest properties on Bristol Avenue to result in negligible effects on residential amenity. The conflict with the policies protecting playing fields is considered to be outweighed by other factors. Overall the development complies with the policies of the National Policy Planning Framework (NPPF), South Ribble Local Plan and the Central Lancashire Core Strategy

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

Recommendation

That subject to the Secretary of State not calling in the application for his own determination, 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 6 July 2021.

- b) Submitted Plans and documents:

Plan 11976/RW/1 Rev B Location Plan

Plan 11976/RW/2 Proposed Layout of the Car Park

Plan 11976/RW3 Existing Layout

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies G7 and G17 South Ribble Borough Local Plan.

3. The fencing and gates shall be erected according to the design shown on drawing 11976/RW/2 - Proposed Layout for New Car Park. The fencing shall be coloured green (RAL colour code 6005).

Reason: In the interests of the visual amenities of the area and to conform with Policy G17 of the South Ribble Local Plan.

4. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawing 11976/RW/2 - Proposed Layout for new car park shall be protected from any damage and maintained throughout the development.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy G17 of the South Ribble Borough Local Plan.

5. Prior to the car park being brought into the uses, the car parking spaces including disabled parking shall be marked out on the surface of the car park in the positions shown on drawing 11976/RW/2 - Proposed layout for new car park.

Reason: To ensure that the car park is properly laid out and to conform with Policy G17 of the South Ribble Borough Local Plan.

6. No construction development shall take place outside the hours of:

07.30 to 18.00 hours Monday to Friday (except Public Holidays).

No construction development, delivery or removal of materials shall take place at any time on Saturdays, Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G17 of the South Ribble Borough Local Plan.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2021/0029	August 2021	Pauline Kelly, Planning and Environment 01772 531929

Reason for Inclusion in Part II, if appropriate

N/A

Planning Application LCC/2021/0029

Creation of a new car park with 2.4m high security fencing
and gates

Lever House County Primary School Bristol Avenue
Farington

Planning Application LCC/2021/0029



Lever House
Primary
School

M6
motorway

Leyland
Town centre

Page 70

Planning Application LCC/2021/0029



Planning Application LCC/2021/00/0029



Bristol Avenue

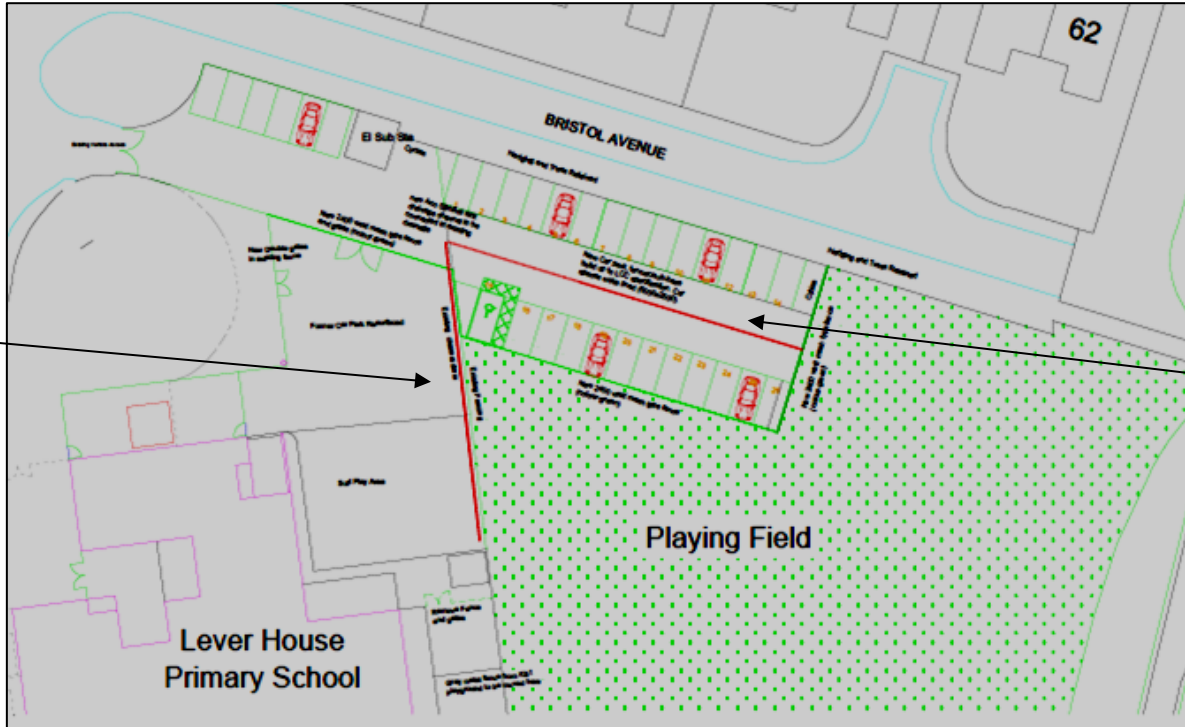
Existing Hard
Play Area

Existing
Car Park

Proposed Car
Park

Remainder of
school Playing
Field

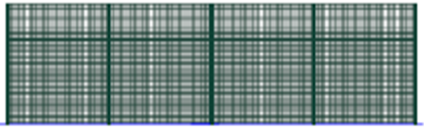
Planning Application LCC/2020/0029 – Car park layout



Existing car park converted to playground

Proposed car park

Proposed Fencing



Planning Application LCC/2021/0029



Parking spaces
to be retained



Existing car park (to
Become playground

Existing play
ground

Planning Application LCC/2021/0029 – View of proposed car parking area looking east

Page 75



View of Location of Proposed Car Parking from Bristol Avenue



View of Location of proposed Car Parking from the existing Car Park

Existing car park to become playground

Planning Application LCC/2021/0029

Page 76



Location of
Proposed
Car Parking



Rest of School
Playing Field

Planning Application LCC/2021/0029

Page 77



Play ground to be extended

Development Control Committee

Meeting to be held on 8 September 2021

Electoral Division Affected: All

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:

Pauline Kelly 01772 531929

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 21 July 2021, 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:

Ribble Valley

Application: No. LCC/2020/0075/1

Wilpshire Wastewater Treatment Works, Ribchester Road, Wilpshire

Compliance with conditions 9 and 11 of planning application - landscaping and ecological mitigation

South Ribble

Application: No. LCC/2021/0026

Erection of a replacement swimming pool building

Walton-Le-Dale Primary School Severn Drive Walton-Le-Dale

Hyndburn

Application: No. 11/12/0482NM1

Non material amendments to the design details of the leachate treatment plant with reduced number of large tanks required. Whinney Hill Quarry, Whinney Hill Road, Altham

Application: No. LCC/2021/0024

Canopy to front elevation of school, Mount Pleasant County Primary School, Earl Street, Clayton-Le-Moors

Pendle

Application: No. LCC/2021/0019

Construction of 2no. chemical dosing kiosks and a motor control centre kiosk. Barnoldswick Wastewater Treatment Works, Greenberfield Lane, Barnoldswick

Recommendation

That the report be noted.

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

LCC/2020/0075/1

LCC/2021/0026

11/12/482/NM1

LCC/2021/0024

LCC/2021/0019

LCC/2021/0017

Reason for part II

N/A